

**Department of Transportation
Office of the Chief Information Officer
Supporting Statement**

Flammable Hazardous Materials by Rail Transportation
OMB Control No. 2137-0628

(Expiration Date: May 31, 2022)

Introduction

The U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA) requests the Office of Management and Budget (OMB) 3-year renewal without change of the information collection titled, “Flammable Hazardous Materials by Rail Transportation.” This information collection originated from the May 8, 2015, final rule titled, “Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains (HHFTs)” under Docket No. PHMSA-2012-0082.

Part A. Justification

1. Circumstances that make collection of information necessary.

This is a request for a 3-year renewal without change for reporting and recordkeeping requirements pertaining to the creation of oil spill response plans and notification requirements for the movement of flammable liquids by rail.

Expansion in United States energy production has led to significant challenges in the transportation system. Specifically, the expansion in oil production has led to increased volumes of product being transported to refineries. With a growing domestic supply, rail transportation has emerged as a flexible alternative to transportation by pipeline or vessel. However, the increase in shipments of large quantities of flammable liquids by rail has led to an increase in the number of train accidents, which poses a significant safety and environmental concern. This increase in the number of shipments transporting oil by rail—and the corresponding increase in train accidents—makes it necessary for PHMSA to adopt regulations that collect specific information about shipments of oil by rail to ensure public safety.

These regulations are promulgated under the Federal hazardous materials transportation law, 49 U.S.C. 5101–5127.

2. How, by whom, and for what purpose the information is to be used.

Rail carriers, shippers, PHMSA’s Office of Hazardous Materials Safety (OHMS), the Federal Railroad Association (FRA), and the Association of American Railroads (AAR) may use this information to ensure rail tank cars transporting flammable liquids are properly classed, ensure trains are routed appropriately, and ensure all relevant incident data is collected.

49 CFR Part 130 Subpart C: Comprehensive Oil Spill Response Plans

This subpart details the requirements for a comprehensive oil spill response plan (COSRP). This is required for railroads that transport any liquid petroleum oil or other non-petroleum oil subject to part 130 in a quantity greater than 42,000 gallons (1,000 barrels) per packaging, a single train carrying 20 or more loaded tank cars of liquid petroleum oil in a continuous block, or a single train carrying 35 or more loaded tank cars of liquid petroleum oil throughout the train consist.

The COSRP, as specified in § 130.105, must include resources and procedures for responding, to the maximum extent practicable, a worst-case discharge, and a substantial threat of such a discharge of oil. The plan must use and be consistent with the core principle of the National Incident Management System (NIMS) including the utilization of the Incident Command System (ICS).

If a plan has more than one response zone, the COSRP must include a core plan with an information summary and information that does not change between response zones. Section 173.120 requires the core plan include:

- The name and mailing address of the railroad;
- A listing and description of each response zone, including county(ies) and state(s); and
- The name or title of the qualified individual(s) and alternate(s) for each response zone, with telephone numbers at which they can be contacted on a 24-hour basis.

For each response zone included in the response plan, a response zone appendix must be included that provides the information summary and any additional information that differs between response zones or is not included in the core plan. Section 173.120 requires the response zone appendix or appendices include:

- The name and mailing address of the railroad;
- A description of the response zone, including county(ies) and state(s);
- The name or title of the qualified individual(s) and alternate(s) for the response zone, with telephone numbers at which they can be contacted on a 24-hour basis;
- The type(s) of oil expected to be carried; and
- Determination of the worst-case discharge and supporting calculations.

Furthermore, each response zone appendix must identify the following:

- A description of the response zone, including county(ies) and state(s);
- A list of route sections contained in the response zone, identified by railroad milepost or other identifier;
- Identification of environmentally sensitive or significant areas per route section as determined by § 130.115; and
- The location from which the Oil Spill Removal Organization will deploy, and the location and description of the response equipment required by § 130.130(c)(6).

The COSRP must comply with state law or regulation as well as including a list of the names or titles and 24-hour telephone numbers of the qualified individual(s) and at least one alternate qualified individual(s) and a certification and documentation that the railroad has identified and secured, through contract or other approved means, the private personnel and equipment necessary to respond to a worst-case discharge or a substantial threat of such a discharge.

Lastly, in accordance with § 130.145, each railroad must maintain its COSRP either in a hardcopy or electronic format at its principal place of business, a copy with each qualified individual and alternate, and with each dispatcher in response zones identified in the plan. The plan must be updated to address new or different conditions or information and review its plan in full at least every 5 years from the date of the last approval. PHMSA requires submission and approval of the COSRP as outlined in § 173.150.

49 CFR 171.16: Incident reporting

The HMR currently require incident reports to be submitted in accordance with § 171.16, which includes requiring carriers of HHFTs to file an incident report for a release of product during transportation.

49 CFR Part 173.41: Sampling and testing program for unrefined petroleum-based products

Section 173.41 requires a sampling and testing program for mined gases and liquids, including crude oil. A sampling and testing program is used to ensure that shipments of mined gases and liquids, including crude oil, are shipped in the appropriate rail car. This section requires a sampling and testing program that specifies the following, at a minimum:

- A frequency of sampling and testing that accounts for any appreciable variability of the material (*e.g.*, history, temperature, method of extraction [including chemical use], location of extraction, time of year, length of time between shipments);
- Sampling prior to the initial offering of the material for transportation and when changes that may affect the properties of the material occur (*i.e.*, mixing of the material from multiple sources, or further processing and then subsequent transportation);
- Sampling methods that ensure a representative sample of the entire mixture, as offered, is collected;
- Testing methods that enable classification of the material under the HMR;
- Quality control measures for sample frequencies;
- Duplicate sampling methods or equivalent measures for quality assurance;
- Criteria for modifying the sampling and testing program; and
- Testing or other appropriate methods used to identify properties of the mixture relevant to packaging requirements (*e.g.*, compatibility with packaging, identifying specific gravity for filling packages).

49 CFR Part 174.310(a)(1): Requirements for the operation of high-hazard flammable trains - Routing

Section 174.310(a)(1) requires rail carriers to conduct a routing and safety security analysis for HHFTs related to crude oil transportation in accordance with part 172, subpart I. Specifically, PHMSA requires rail carriers to compile annual data on specified shipments of hazardous materials, use the data to analyze safety and security risks along rail routes where those materials are transported, assess alternative routing options, and make routing decisions based on those assessments. This data will in turn be used by states and/or regional Fusion Centers that: (1) have been established to coordinate with state, local, and tribal officials on security issues; and (2) are located within the area encompassed by the rail carriers rail system.

49 CFR Part 173.310(a)(5): Requirements for the operation of high-hazard flammable trains – Retrofitting Progress

The HM-251 Final Rule [80 FR 71952] published on November 18, 2015, established a January 1, 2017, deadline for retrofitting non-jacketed DOT-111 tank cars in Packing Group (PG) I service. Owners of non-jacketed DOT-111 tank cars in PG I service in an HHFT who are unable to meet the January 1, 2017, deadline are required to submit a report to DOT with the following information regarding the retrofitting progress:

- The total number of tank cars retrofitted to meet the DOT-117R specification;
- The total number of tank cars built or retrofitted to meet the DOT-117P specification;
- The total number of DOT-111 tank cars (including those built to CPC-1232 industry standard) that have not been modified; and
- The total number of tank cars built to meet the DOT-117 specification.

PHMSA uses this information to ensure that the transition of tank cars to the new specification occurs in a timely manner. These reports are compiled by the AAR and submitted to the FRA and PHMSA.

49 CFR Part 174.312: HHFT information sharing notification for emergency response planning

Section 174.312 requires railroads operating HHFT to notify each State Emergency Response Commission (SERC), Tribal Emergency Response Commission (TERC), or other appropriate state-delegated agency with the following information:

- A reasonable estimate of the number of HHFTs that the railroad expects to operate each week, through each county within the state or through each tribal jurisdiction;
- The routes over which the HHFTs will operate;
- A description of the hazardous materials being transported and all applicable emergency response information required by subparts C and G of part 172 of the HMR;
- An HHFT point of contact: At least one point of contact at the railroad (including name or email address, title, phone number and address) who has knowledge of the railroad's transportation of affected trains and who is responsible for serving as the point of contact for the SERC, TERC, or other State or tribal agency responsible for receiving the information; and
- If a route identified in paragraph (b)(2) of § 174.412 is additionally subject to the comprehensive spill plan requirements in subpart C of part 130 of the HMR, the

information must include a description of the response zones (including counties and states) and the contact information for the qualified individual and alternate as specified under § 130.120(c).

The HHFT notification must be maintained and transmitted in accordance with the following:

- Railroads must update the notifications for changes in volume greater than 25%.
- Notifications and updates may be transmitted electronically or by hard copy.
- If the disclosure includes information that a railroad believes is security sensitive or proprietary information and exempt from public disclosure, the railroad should indicate that in the notification.
- Each point of contact must be clearly identified by name or title, and contact role (e.g., qualified individual, HHFT point of contact) in association with the telephone number. One point of contact may fulfill multiple roles.
- Copies of the railroad's notifications made under § 174.412 must be made available to the Department of Transportation upon request.

3. Extent of automated information collection.

PHMSA has made this burden as simple as possible and requests information that is necessary to ensure safe operation. Specifically, this information is considered critical in ensuring that rail cars containing crude oil are transported safely. The Government Paperwork Elimination Act directs agencies to allow the option of electronic filing and recordkeeping by October 2003, when practicable. PHMSA and the FRA authorize electronic filing and recordkeeping although these records must be made available upon request.

4. Efforts to identify duplication.

There is no duplication as the information is unique to specific situations. Each response is unique, and information derived from one may not be inferred to another. PHMSA has attempted to avoid duplication, while still ensuring that all requirements comply with applicable state requirements.

5. Efforts to minimize the burden on small businesses.

PHMSA periodically reviews the collection of this information to ensure that the amount of information needed is kept to a minimum.

6. Impact of less frequent collection of information.

Those most affected (i.e., the offerors and shippers of crude oil by rail) determine the frequency of the collection of information. It is not possible to conduct the collection less frequently and

still ensure the necessary level of safety to life and property inherent in transporting hazardous materials. The information collected is essential for both PHMSA and the FRA to ensure the safe transportation of crude oil by rail. Without adequate data, PHMSA and the FRA cannot ensure that crude oil is properly classed and packaged in accordance with the HMR. In addition, without proper routing analysis, states and local emergency responders may not have the adequate information to respond to a major incident involving crude oil transportation.

7. Special circumstances.

This collection of information is generally conducted in a manner consistent with the guidelines in 5 CFR 11320.5(d)(2).

8. Compliance with 5 CFR 1320.8.

PHMSA published a 60-Day Notice and Request for Comments [87 FR 2238] on the renewal of this information collection in the Federal Register January 13, 2022, under Docket No. PHMSA-2021-0117 (Notice No. 2022-01). The comment period closed on March 16, 2022. No comments pertaining to this information collection were received.

PHMSA published a 30-Day Notice and Request for Comments [87 FR 19734] in the Federal Register on April 5, 2022, also under Docket No. PHMSA-2022-0117 (Notice No. 2022-05). No comments pertaining to this information collection were received.

9. Payments or gift to respondents.

This collection of information provides no payment or gift to respondents.

10. Assurance of confidentiality.

None of the data collected contains personally identifiable information (PII) or business confidential information. Therefore, PHMSA provides no guarantees of confidentiality to applicants.

11. Justification for collection of sensitive information.

Not applicable. This collection of information requires no sensitive information.

12. Estimate of burden hours for information requested.

<u>Total Annual Responses</u>	<u>Total Burden Hours</u>	<u>Total Burden Cost</u>	<u>Total Salary Cost</u>
-------------------------------	---------------------------	--------------------------	--------------------------

4,773	34,758	\$0	\$3,076,087
-------	--------	-----	-------------

Part 130, Subpart C – Comprehensive Oil Spill Response Plans (COSRP)

Section 130.120 details requirements for the COSRP. Railroads that have already developed a COSRP will only be required to maintain and periodically review their plan. PHMSA estimates that currently there are 7 Class I railroads, 11 Class II railroads, and 55 Class III railroads subject to the COSRP requirements.¹

Maintenance

PHMSA estimates, after consultation with various stakeholders, that Class I railroads spend 162 hours per year on maintenance for a total of 1,134 burden hours (7 Class I railroads x 162 hours). PHMSA estimates that Class II railroads spend 54 hours per year on maintenance for a total of 594 burden hours (11 Class II railroads x 54 hours). Class III railroads spend an estimated 36 hours per year on maintenance for a total of 1,980 burden hours (55 Class III railroads x 36 hours). PHMSA does not estimate any out-of-pocket expenses. A Senior Management salary of \$88.51² per hour, costs a total of \$100,370 for all Class I railroads (1,134 burden hours x \$88.51). For Class II railroads, PHMSA estimates \$52,575 in salary cost (594 burden hours x \$88.51) and \$175,250 for class III railroads (1,980 burden hours x \$88.51).

<u>OSRP Maintenance – Part 130 Subpart C</u>	<u>Respondents</u>	<u>Annual Responses per Respondent</u>	<u>Annual Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Burden Cost</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>
Class I Railroads	7	1	7	162	1,134	\$0	\$88.51	\$100,370
Class II Railroads	11	1	11	54	594	\$0	\$88.51	\$52,575
Class III Railroads	55	1	55	36	1,980	\$0	\$88.51	\$175,250

Submission

Sections 173.145 and 173.150 require the electronic submission of each plan following development, as any major changes are made, and at least every five years from the date of approval. For purposes of information collection, PHMSA averages the burden over 5 years. PHMSA estimates there are 73 railroads (7 Class I + 11 Class II + 55 Class III) submitting 0.2

¹ PHMSA narrowed the affected entities to only include railroads that transport crude oil and, in consultation with FRA, revised the estimated number of Class III carriers that are subject to the rulemaking. FRA provided PHMSA with this estimate based on 2013 STB confidential waybill sample and FRA inspector observations of High Hazard Flammable Train (HHFT) crude oil train movements. PHMSA believes the estimated number of Class III impacted railroads is a conservative estimate and subject to uncertainty as not all Class III railroads submit their carload waybills for inclusion in the STB waybill sample report. Based on this assessment, PHMSA estimates there are 73 railroads (7 Class I, 11 Class II, and 55 Class III) that would be subject to this information collection burden.

² Occupation labor rates based on 2020 Occupational and Employment Statistics Survey (OES) for “General and Operations Managers (11-1021).” <https://www.bls.gov/oes/current/oes111021.htm> The hourly mean wage for this occupation (\$60.45) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

COSRPs each year (1 response / 5 years) for a total of 14.6 annual response (73 railroads x 0.2 response). Each submission is estimated to take 0.5 hours, for a total of 7 burden hours (14.6 response x 0.5 hours). PHMSA does not estimate any out-of-pocket expenses. To complete the submission, Administrative Support with a salary of \$45.92³ per hour, costs a total of \$335 for the submission of COSRPs (7 burden hours x \$45.92).

<u>Submission – Part 130, Subpart C</u>	<u>Respondents</u>	<u>Frequency of Submission (Years)</u>	<u>Annual Responses per Respondent</u>	<u>Annual Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Burden Cost</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>
Reporting	73	5	0.2	14.6	0.5	7.3	\$0	\$45.92	\$335

Section 171.16 – Incident reporting

From 2018 to 2021, PHMSA identified 51 incidents, for an average of 17 incidents per year, involving the derailment and release of crude oil/ethanol. Each report is submitted by a single respondent and, based on stakeholder feedback, takes approximately 2 hours to submit for a total of 34 burden hour (17 responses x 2 hours). PHMSA does not estimate any out-of-pocket expenses. For the salary of a Senior Management employee of \$88.51⁴ per hour, PHMSA estimates a total salary cost of \$2,655 (34 burden hours x \$88.51).

<u>Incident Reporting for Flammable Liquids by Rail – § 171.16</u>	<u>Respondents</u>	<u>Annual Responses per Respondent</u>	<u>Annual Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Burden Cost</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>
Reporting	17	1	17	2	34	\$0	\$88.51	\$3,009

Section 173.41 – Sampling and testing plans

Section 173.41 requires companies that offer mined liquids and gases for transportation update their sampling and testing program as necessary to account for changing circumstances. Based on data from the PHMSA Data Mart, PHMSA estimates there are 1,804 entities that offer mined gases and liquids for transportation to which sampling and testing requirements would apply. PHMSA assumes that companies will review and update their sampling and testing programs once a year. Based on stakeholder feedback, it is estimated that it takes 10 hours to review and update a sampling and testing plan, for a total of 18,040 burden hours (1,804 responses x 10 hours). PHMSA does not estimate any out-of-pocket expenses. For the salary of a Senior Management employee of \$88.51⁵ per hour, PHMSA estimates a total salary cost of \$1,594,065 (18,010 burden hours x \$88.51).

<u>Sampling and Testing</u>	<u>Respondents</u>	<u>Annual</u>	<u>Annual</u>	<u>Hours</u>	<u>Total</u>	<u>Burden</u>	<u>Salary</u>	<u>Total</u>
-----------------------------	--------------------	---------------	---------------	--------------	--------------	---------------	---------------	--------------

³. Occupation labor rates based on 2020 Occupational and Employment Statistics Survey (OES) for “Executive Secretaries and Administrative Assistants (43-6011).” <https://www.bls.gov/oes/current/oes436011.htm> The hourly mean wage for this occupation (\$31.36) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

⁴ Ibid.

⁵ Ibid.

<u>Plan – § 173.41</u>		<u>Responses per Respondent</u>	<u>Responses</u>	<u>per Response</u>	<u>Burden Hours</u>	<u>Cost</u>	<u>Cost per Hour</u>	<u>Salary Cost</u>
Reporting	1,801	1	1,801	10	18,010	\$0	\$88.51	\$1,594,065

Section 174.310(a)(1): Requirements for the operation of high-hazard flammable trains – Routing analysis

Collection by Line Segment

Section 174.310(a)(1) requires a rail carrier transporting HHFTs to use the data it compiles annually to analyze the safety and security risks for the transportation route(s) used by its trains. In performing this analysis, the rail carrier must consult with state, local, and tribal officials, as appropriate, regarding security risks to high-consequence targets, countermeasures already in place, and the community emergency response capability along, or in proximity to, the route(s) utilized. This analysis will be conducted by both Class II and Class III railroads. Based on historical data, PHMSA expects 10 Class II and 160 Class III railroads to conduct assessments of their line segments. It is estimated that each response takes 40 hours to complete, for a total of 400 burden hours for Class II Railroads (10 responses x 40 hours) and 6,400 burden hours for Class III Railroads (160 responses x 40 hours). PHMSA does not estimate any out-of-pocket expenses. For the salary of a Senior Management employee of \$88.51⁶ per hour, PHMSA estimates a total salary cost of \$35,404 for Class II Railroads (400 burden hours x \$88.51) and \$566,464 for Class III Railroads (6,400 burden hours x \$88.51).

<u>Collection by Line Segment - § 174.310(a)(1): Part 172, Subpart I</u>	<u>Respondents</u>	<u>Annual Responses per Respondent</u>	<u>Annual Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Burden Cost</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>
Class II Railroads	10	1	10	40	400	\$0	\$88.51	\$35,404
Class III Railroads	160	1	160	40	6,400	\$0	\$88.51	\$566,464

Routing – Security Analysis

Section 174.310(a)(1) requires a rail carrier transporting HHFTs to conduct a primary route security analysis. This analysis will be conducted by both Class II and Class III railroads. Based on historical data, PHMSA expects 10 Class II and 160 Class III railroads to conduct a security analysis. It is estimated that a Class II railroad completes 5 responses per year, each taking 16 hours to complete, for a total of 800 burden hours (50 responses x 16 hours) and a Class III railroad completes 2 responses per year, each taking 8 hours to complete, for a total of 2,560 burden hours (320 responses x 8 hours). PHMSA does not estimate any out-of-pocket expenses. For the salary of a Senior Management employee of \$88.51⁷ per hour, PHMSA estimates a total salary cost of \$70,808 for Class II Railroads (800 burden hours x \$88.51) and \$226,586 for Class III Railroads (2,560 burden hours x \$88.51).

⁶ Ibid.

⁷ Ibid.

<u>Security Analysis - § 174.310(a)(1): Part 172, Subpart I</u>	<u>Respondents</u>	<u>Annual Responses per Respondent</u>	<u>Annual Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Burden Cost</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>
Class II Railroads	10	5	50	16	800	\$0	\$88.51	\$70,808
Class III Railroads	160	2	320	8	2,560	\$0	\$88.51	\$226,586

Alternate Security Analysis

Section 174.310(a)(1) requires a rail carrier transporting HHFTs to conduct an alternate route security analysis. This analysis will be conducted by both Class II and Class III railroads. Based on historical data, PHMSA expects 10 Class II and 64 Class III railroads to conduct an alternate security analysis. It is estimated that a Class II railroad completes 4 responses per year, each taking 12 hours to complete, for a total of 480 burden hours (40 responses x 12 hours) and a Class III railroad conducts 0.5 responses per year, each taking 4 hours to complete, for a total of 128 burden hours (32 responses x 4 hours). PHMSA does not estimate any out-of-pocket expenses. For the salary of a Senior Management employee of \$88.51⁸ per hour, PHMSA estimates a total salary cost of \$42,485 for Class II Railroads (480 burden hours x \$88.51) and \$11,329 for Class III Railroads (128 burden hours x \$88.51).

<u>Alternative Routing Security Analysis - § 174.310(a)(1): Part 172, Subpart I</u>	<u>Respondents</u>	<u>Annual Responses per Respondent</u>	<u>Annual Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Burden Cost</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>
Class II Railroads	10	4	40	12	480	\$0	\$88.51	\$42,485
Class III Railroads	64	0.5	32	4	128	\$0	\$88.51	\$11,329

Section 174.310(a)(1): Requirements for the operation of high-hazard flammable trains – Tank car retrofitting

Section 174.310(a)(1) requires owners of DOT-111 tank cars in PG I service in an HHFT who are unable to meet the January 1, 2017, retrofit deadline specified in § 173.243(a)(1) to provide details on retrofitting progress. PHMSA identified 50 respondents who submit one response per year. PHMSA expects each report to take approximately 30 minutes to complete, for a total of 25 burden hours (50 responses x 30 minutes). PHMSA does not estimate any out-of-pocket expenses. For the salary of a Senior Management employee of \$88.51⁹ per hour, PHMSA estimates a total salary cost of \$2,213 for submission of the retrofitting progress (25 burden hours x \$88.51).

<u>Retrofitting Progress - § 174.310(a)(5)</u>	<u>Respondents</u>	<u>Annual Responses per Respondent</u>	<u>Annual Responses</u>	<u>Minutes per Response</u>	<u>Total Burden Hours</u>	<u>Burden Cost</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>
Reporting	50	1	50	30	25	\$0	\$88.51	\$2,213

⁸ Ibid.

⁹ Ibid.

Section 174.312: HHFT information sharing notification for emergency response planning

Notification Plans – Maintenance

Sections 174.312 requires the HHFT notification for SERC, TERC, and other appropriate state-delegated agencies. All railroads subject to the COSRP are subject to maintenance of their reporting. PHMSA estimates there are currently 73 railroads subject to this requirement. PHMSA’s historical estimate and economic analysis supports that there are approximately 2.5 notifications per railroad per month, for a total of 2,190 annual responses (73 respondents x 2.5 responses x 12 months). Furthermore, PHMSA estimates it takes 1 hour for the notification for a total of 2,190 burden hours (2,190 response x 1 hour). PHMSA does not estimate any out-of-pocket expenses. For the salary of a Senior Management employee of \$88.51¹⁰ per hour, PHMSA estimates a total salary cost of \$193,837 (2,190 burden hours x \$88.51).

<u>Maintenance - § 174.312</u>	<u>Respondents</u>	<u>Monthly Responses per Respondent</u>	<u>Annual Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Burden Cost</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>
Reporting	73	2.5	2,190	1	2,190	\$0	\$88.51	\$193,837

Notification Plans – DOT Request

Sections 174.312 requires that copies of the HHFT notification for SERC, TERC, and other appropriate state-delegated agencies be made available to the Department of Transportation upon request. PHMSA estimates there are currently 73 railroads subject to this requirement. PHMSA’s historical estimate and economic analysis supports that there are approximately 0.21 notification per railroad per year for this request (8.33 percent x 2.5 notifications) for a total 15.33 annual responses (73 respondents x 0.21 annual responses). Furthermore, PHMSA estimates it takes 1 hour for the notification for approximately 15 burden hours (15.33 responses x 1 hour). PHMSA does not estimate any out-of-pocket expenses. For the salary of a Senior Management employee of \$88.51¹¹ per hour, PHMSA estimates a total salary cost of \$1,357 (15.33 burden hours x \$88.51).

<u>DOT Request - § 174.312</u>	<u>Respondents</u>	<u>Annual Responses per Respondent</u>	<u>Annual Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Burden Cost</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>
Recordkeeping	73	0.21	15.33	1	15	\$0	\$88.51	\$1,357

13. Estimate of total annual costs to respondents.

PHMSA does not estimate any out-of-pocket expenses as identified above.

14. Estimate of cost to the Federal Government.

¹⁰ Ibid.

¹¹ Ibid.

PHMSA estimates a total of \$195,392 in cost to the Federal Government.

Enforcement

Various information collections under this burden may be reviewed by enforcement personnel at a reasonable time. PHMSA expects enforcement personnel to spend up to 416 hours per year reviewing this data. At a salary of \$67.79 per hour¹², it is estimated this burden costs the Federal Government \$28,200.

<u>Total Enforcement Hours</u>	<u>Salary + Fringe and Overhead Per Hour</u>	<u>Total Salary Cost</u>
416	\$67.79	\$28,200

Costs to Review COSRPs

It is estimated that for COSRP review, the Federal Government will need 1 fulltime employee (FTE) devoted to reviewing COSRPs. At an annual salary of \$167,192.19¹³, the total cost to the Federal Government is estimated at \$167,192.

<u>Number of FTE</u>	<u>Salary + Fringe and Overhead</u>	<u>Total Salary Cost</u>
1	\$167,192.10	167,192

15. Explanation of program changes or adjustments.

The notifications pertaining to COSRPs and HFFTs under this OMB control number have transitioned from the initial development stage to the maintenance stage. This evolution results in a reduction in burden hours due to less time needed to maintain already developed plans. Additionally, other burdens under this OMB control number are being adjusted because of updated estimates which have recently become available. As such, these revisions account for a decrease in this information collection burden request.

16. Publication of results of data collection.

There is no publication for statistical use, and no statistical techniques are involved.

¹² Cost to enforcement, PHMSA used hourly wage data from the Office of Personnel Management (OPM) to estimate wages for its staff at the 2021 General Schedule (GS) level 13, step 1, wage class for the Washington-Baltimore-Northern Virginia metropolitan area. In accordance with the OMB Circular No. A-76 (M-07-02; 2006), PHMSA included a load factor of 36.45 percent for the Federal wage to account for fringe benefits.

¹³ Cost to review and approve OSRPs, PHMSA used annual wage data from the Office of Personnel Management (OPM) to estimate wages for its staff at the 2021 General Schedule (GS) level 14, step 1, wage class for the Washington-Baltimore-Northern Virginia metropolitan area. In accordance with the OMB Circular No. A-76 (M-07-02; 2006), PHMSA included a load factor of 36.45 percent for the Federal wage to account for fringe benefits.

17. Approval for not displaying the expiration date of OMB approval.

OMB Control number 2137-0628 is listed under § 171.6 “Control Numbers under the Paperwork Reduction Act” of the HMR.

18. Exceptions to certification statement.

There is no exception to the certification of this request for information collection approval.