

1111FEDERAL RAILROAD ADMINISTRATION
Emergency Notification System Standards
(Title 49 Code of Federal Regulations (CFR) Part 234)
SUPPORTING JUSTIFICATION
OMB Control No. 2130-0591

Summary of Submission

- This submission is a request for an extension without change (with changes in estimates) of the last three-year approval granted by the Office of Management and Budget (OMB) on September 6, 2019, which expires September 30, 2022.
- The Federal Railroad Administration (FRA) published the required 60-day Federal Register Notice on April 28, 2022. See 87 FR 25342. FRA received no comments in response to this Notice.
- Overall, the adjustments decreased the burden by 1,668 hours and decreased responses by 134,296 after a thorough review of the data.
- The answer to question number 12 itemizes all information collection requirements.
- The answer to question number 15 itemizes all adjustments.

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1. Circumstances that make collection of the information necessary.

Section 205 of the Rail Safety Improvement Act of 2008 (RSIA)¹ mandates that the Secretary of Transportation (Secretary) require certain railroad carriers (railroads) to take a series of specified actions related to setting up and using systems by which the public is able to notify the railroad by toll-free telephone number of unsafe conditions at its highway-rail and pathway grade crossings. Such systems are commonly known as Emergency Notification Systems (ENS).

The Secretary has delegated the responsibility to carry out both Sec. 205 of the RSIA and 49 U.S.C. 20103 to the Administrator of FRA. In particular, under Sec. 205 of the RSIA, FRA is to require each railroad to “establish and maintain a toll-free telephone service for rights-of-way over which it dispatches trains, to directly receive calls reporting” unsafe conditions at grade crossings or other safety-related information involving grade crossings. Under that section, reportable unsafe conditions include: (1) malfunctions of warning signals, crossing gates, and other devices intended to promote safety at the grade crossing; (2) disabled vehicles or other obstructions blocking railroad tracks at the grade crossing; and (3) obstructions to the view of a pedestrian or a vehicle operator for a reasonable distance in either direction of a train’s approach to the grade crossing.

¹ Public Law 110-432 (October 16, 2008).

On March 4, 2011, FRA issued a notice of proposed rulemaking (NPRM) that would require railroads to implement an ENS, through which they receive reports of unsafe conditions at crossings. See 76 FR 11992. On June 12, 2012, following consideration of written comments received in response to the NPRM, FRA published a final rule. See 77 FR 35164.

On March 15, 2013, FRA published a response to a petition for reconsideration of FRA's final rule published on June 12, 2012, mandating that certain railroads establish and maintain systems that allow members of the public to call the railroads, using a toll-free telephone number, and report an emergency or other unsafe condition at highway-rail and pathway grade crossings.

49 CFR part 234 implements Section 205 of the RSIA. The collection of information is used by FRA to ensure that railroads establish and maintain a toll-free telephone service to report emergencies or other unsafe conditions at highway-rail and pathway grade crossings.

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

The collection of information set forth under 49 CFR part 234, subpart E (§§ 234.303 and 234.311) is used by FRA to ensure that the Congressional mandate to require railroads to establish and maintain a toll-free telephone service to report unsafe conditions at highway-rail and pathway grade crossings is carried out. This information is used by railroads to investigate and respond to unsafe conditions and thereby reduce the risk of accidents/incidents and corresponding casualties and property damage at such crossings. Additionally, law enforcement authorities use the information to direct vehicular traffic or carry out other activities to maintain safety at the highway-rail grade crossing or pathway grade crossing.

The details of each paperwork requirement are covered under question 12 of this document.

3. Extent of automated information collection.

FRA strongly encourages the use of advanced information technology, wherever possible, to reduce burden on respondents. Specifically, under §§ 234.313 and 234.315, records can be kept in electronic form if railroads choose to do so. For this information collection, about 66 percent of responses are completed electronically.

4. Efforts to identify duplication.

The information collected to FRA's knowledge is not duplicated anywhere.

5. **Efforts to minimize the burden on small businesses.**

The Regulatory Flexibility Act of 1980 requires a review of proposed and final rules to assess their impact on small entities, unless the Secretary certifies that the rule would not have a significant economic impact on a substantial number of small entities. “Small entity” is defined in 5 U.S.C. 601 as a small business concern that is independently owned and operated and is not dominant in its field of operation. The U.S. Small Business Administration (SBA) has authority to regulate issues related to small businesses, and stipulates in its size standards that a “small entity” in the railroad industry is a for profit “line-haul railroad” that has fewer than 1,500 employees, a “short line railroad” with fewer than 1,500 employees, a “commuter rail system” with annual receipts of less than \$16.5 million dollars, or a contractor that performs support activities for railroads with annual receipts of less than \$16.5 million.²

Federal agencies may adopt their own size standards for small entities in consultation with SBA and in conjunction with public comment. Under that authority, FRA has published a proposed statement of agency policy that formally establishes “small entities” or “small businesses” as railroads, contractors, and hazardous materials shippers that meet the revenue requirements of a Class III railroad as set forth in 49 CFR 1201.1-1, which is \$20 million or less in inflation-adjusted annual revenues,³ and commuter railroads or small Governmental jurisdictions that serve populations of 50,000 or less.⁴

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 605(b)), FRA certified that this regulation will not have a significant economic impact on a substantial number of small entities. Although a substantial number of small railroads will be affected by the final rule, none of these entities will be significantly impacted.⁵

6. **Impact of less frequent collection of information.**

Without this collection of information or if it was collected less frequently, public safety at highway-rail and pathway grade crossings throughout the country would likely be considerably more dangerous. For instance, without this information collection:

- dispatching railroads may not establish and maintain a toll-free telephone service

² U.S. Small Business Administration, “Table of Small Business Size Standards Matched to North American Industry Classification System Codes, August 19, 2019. https://www.sba.gov/sites/default/files/2019-08/SBA%20Table%20of%20Size%20Standards_Effective%20Aug%202019,%202019.pdf.

³ The Class III railroad revenue threshold is \$39,194,876 or less, for 2018. (The Class II railroad threshold is between \$39,194,876 and \$489,935,956; and the Class I railroad threshold is \$489,935,956 or more.) See Surface Transportation Board (STB), available at

<https://www.stb.gov/econdata.nsf/d03c0c2161a050278525720a0044a825/1acf737531cf98ce8525841e0055e02e>.

⁴ See 68 FR 24891 (May 9, 2003) (codified at Appendix C to 49 CFR part 209).

⁵ See 77 FR 35164 (June 12, 2012).

by which the railroad can directly receive calls from the public and others reporting unsafe conditions with respect to highway-rail and pathway grade crossings through which the railroad dispatches trains.

- dispatching railroads that are not the maintaining railroad may be unable to immediately contact the railroad that has maintenance responsibility for the warning system and inform it of a reported malfunction of the grade crossing warning system.
- maintaining railroads may be unable to promptly investigate unsafe conditions reported to the dispatching railroad and take remedial actions, where necessary.
- FRA may not know if railroads have engaged a third-party service to directly receive reports of unsafe conditions.
- FRA may not have essential records to track and verify compliance with the various requirements of this rule.

In sum, without this information collection, it would be difficult for FRA to monitor compliance with this rule.

7. Special circumstances.

All other information collection requirements are in compliance with this section.

8. Compliance with 5 CFR 1320.8.

As required by the Paperwork Reduction Act of 1995 (PRA) and 5 CFR 1320, FRA published a notice in the Federal Register on April 28, 2022, soliciting comments from the public, railroads, and other interested parties on these information collection requirements.⁶ FRA received no comments in response to this notice.

Consultations with representatives of the affected population:

As a part of FRA's oversight and enforcement, individuals from the railroad industry are generally in direct contact with FRA's inspectors at the time of the site inspection and can provide any comments or concerns to them.

9. Payments or gifts to respondents.

There are no monetary payments or gifts made to respondents associated with the information collection requirements contained in this regulation.

⁶ 87 FR 25342.

10. Assurance of confidentiality.

The information collected is not of a confidential nature, and FRA pledges no confidentiality.

11. Justification for any questions of a sensitive nature.

There are no sensitive questions, and no sensitive information is requested.

12. Estimate of burden hours for information collected.

The estimates for the respondent universe, annual responses, and average time per response are based on the experience and expertise of FRA’s Office of Safety.

Section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C) = A * B	Wage rates (D) ⁷	Total cost equivalent (E) = C * D	PRA Analyses and Estimates
234.303(a)-(c) and (e)—Emergency notification systems for telephonic reporting of unsafe conditions at highway-rail and pathway grade crossings—Receipt by dispatching railroad (RR) of report of unsafe condition at highway-rail grade crossing	621 railroads	64,000 call reports	1 minute	1,066.67 hours	\$27.00	\$28,800.09	Section 234.303 requires each railroad that dispatches a train, or otherwise provides the authority for the movement of a train, through a highway-rail or pathway grade crossing, to set up a system to directly and promptly receive telephonic notification of

⁷ For public respondents, FRA used an hourly rate of \$27 per hour for the value of the public's time. FRA obtained this data from the Department of Labor, Bureau of Labor Statistics. Additionally, for railroad respondents, the dollar equivalent cost is derived from the Surface Transportation Board’s 2020 Full Year Wage A&B data series for railroad workers plus a 75-percent overhead charge. FRA calculates the average hourly wage rate for professional/administrative staff at \$77.44 per hour, for maintenance of way/structures employees at \$59.68 per hour, and for transportation employees (other than train and engine) at \$71.89 per hour.

							<p>certain unsafe conditions at the crossing. Additionally, this section requires that the railroad either have a live person answer the calls directly and promptly, or else use an automated answering system or a third-party telephone service for answering the calls.</p> <p>FRA estimates that it will take about one (1) minute to complete each report of unsafe condition at highway-rail grade crossing.</p>
—(d) Receipt by dispatching RR of report of unsafe condition at pathway grade crossing	621 railroads	1,860 call reports	1 minute	31.00 hours	\$77.44	\$2,400.64	FRA estimates that it will take approximately one (1) minute to complete each report of unsafe condition at pathway grade crossing.
234.305(a)(2)—Remedial actions in response to reports of unsafe conditions at highway-rail and pathway grade crossings—General rule on response to credible report of warning system malfunction at a highway-rail grade crossing—Prompt contact by the dispatching RR not having maintenance responsibility for all trains that are authorized to operate through the highway-rail grade crossing of the reported malfunction prior to each train's arrival at the crossing	621 railroads	465 contacts	1 minute	7.75 hours	\$71.89	\$557.15	<p>Section 234.305 of the rule specifies what actions the railroad must take upon receipt of reports of unsafe conditions.</p> <p>Dispatching railroads receiving such reports must promptly contact all trains that are authorized to operate through the highway-rail grade or pathway crossing and notify the train crews of the reported unsafe condition. The dispatching railroad must then notify the railroad having maintenance responsibility for the warning system to which the</p>

							<p>report pertains. The dispatching railroad must also contact the law enforcement authority having jurisdiction over the highway-rail or pathway grade crossing and provide the necessary information.</p> <p>FRA estimates that it will take approximately one (1) minute to report a malfunction.</p>
—(a)(2) General rule on response to credible report of warning system malfunction at a highway-rail grade crossing—Dispatching RR to promptly contact the maintaining RR and inform it of the reported malfunction	621 railroads	465 contacts	1 minute	7.75 hours	\$77.44	\$600.16	FRA estimates that it will take approximately one (1) minute to report a malfunction.
—(b)(1) General rule on response to public report of warning system malfunction at a highway-rail grade crossing—Prompt contact by the dispatching RR to all trains that are authorized to operate through the highway-rail grade crossing in an effort to notify the train crews of the reported malfunction prior to each train's arrival at the crossing	621 railroads	925 contacts	1 minute	15.42 hours	\$71.89	\$1,108.54	FRA estimates that it will take approximately one (1) minute to report a malfunction.
—(b)(1) General rule on response to public report of warning system malfunction at a highway-rail grade crossing—Prompt contact by the dispatching RR to law enforcement agency having jurisdiction over the	621 railroads	925 contacts	1 minute	15.42 hours	\$77.44	\$1,194.12	FRA estimates that it will take approximately one (1) minute to report a malfunction.

highway-rail grade crossing to provide the necessary information for the law enforcement agency to direct traffic or carry out other activities to maintain safety at the highway-rail grade crossing							
—(b)(2) General rule on response to public report of warning system malfunction at a highway-rail grade crossing—Dispatching RR that does not have maintenance responsibility for the warning system at the highway-rail grade crossing shall promptly contact all trains that are authorized to operate through the highway-rail grade crossing in an effort to notify the train crews of the reported malfunction prior to each train's arrival at the crossing	621 railroads	925 contacts	1 minute	15.42 hours	\$77.44	\$1,194.12	FRA estimates that it will take approximately one (1) minute to report a malfunction.
—(b)(2) General rule on response to report of warning system failure at a pathway grade crossing—Dispatching RR to promptly contact the law enforcement agency having jurisdiction over the highway-rail grade crossing and provide the necessary information for the law enforcement agency to direct traffic or carry out other activities to maintain safety at the highway-rail grade crossing	621 railroads	925 contacts	1 minute	15.42 hours	\$77.44	\$1,194.12	FRA estimates that it will take approximately one (1) minute to report a malfunction.
—(b)(2) General rule on response to public report of warning system malfunction at a highway-rail grade	621 railroads	925 contacts	1 minute	15.42 hours	\$77.44	\$1,194.12	FRA estimates that it will take approximately one (1) minute to report a malfunction.

crossing—Dispatching RR to promptly contact the maintaining RR and inform it of the reported malfunction and maintaining RR to promptly investigate the report, determine the nature of the malfunction, and take the appropriate action required by § 234.207							
—(c)(1) General rule on response to report of warning system failure at a pathway grade crossing—Dispatching RR to promptly contact all trains that are authorized to operate through the pathway grade crossing in an effort to notify the train crews of the reported failure prior to each train's arrival at the crossing	621 railroads	12 contacts	1 minute	.20 hours	\$77.44	\$15.49	FRA estimates that it will take approximately one (1) minute to report a malfunction.
—(c)(1) General rule on response to report of warning system failure at a pathway grade crossing—Dispatching RR shall then promptly contact the law enforcement agency having jurisdiction over the pathway grade crossing and provide the necessary information for the law enforcement agency to direct traffic or carry out other activities to maintain safety at the pathway grade crossing	621 railroads	12 contacts	1 minute	.20 hour	\$77.44	\$15.49	FRA estimates that it will take approximately one (1) minute to report a malfunction.
—(c)(2) General rule on response to report of warning system failure at a pathway grade crossing—Dispatching RR that does not have maintenance responsibility for the warning system at the pathway grade crossing shall	465 railroads	2 contacts	1 minute	.03 hour	\$77.44	\$2.32	FRA estimates that it will take approximately one (1) minute to report a malfunction.

promptly contact all trains that are authorized to operate through the pathway grade crossing in an effort to notify the train crews of the reported failure prior to each train's arrival at the crossing							
—(c)(2) General rule on response to report of warning system failure at a pathway grade crossing—Dispatching RR to promptly contact the law enforcement agency having jurisdiction over the pathway grade crossing and provide the necessary information for the law enforcement agency to direct traffic or carry out other activities to maintain safety at the pathway grade crossing	465 railroads	2 contacts	1 minute	.03 hour	\$77.44	\$2.32	FRA estimates that it will take approximately one (1) minute to report a malfunction.
—(c)(2) General rule on response to report of warning system failure at a pathway grade crossing—Dispatching RR to promptly contact the maintaining railroad and inform it of the reported failure	465 railroads	2 contacts	1 minute	.03 hour	\$77.44	\$2.32	FRA estimates that it will take approximately one (1) minute to report a malfunction.
—(d)(1) General rule on response to report of a disabled vehicle or other obstruction blocking a railroad track at a highway-rail or pathway grade crossing—Dispatching RR having maintenance responsibility for the crossing to notify all trains that are authorized to operate through the highway-rail or pathway grade crossing in an effort to notify the train crews of the report of disabled	621 railroads	7,440 contacts	1 minute	124.00 hours	\$77.44	\$9,602.56	FRA estimates that it will take approximately one (1) minute to report a malfunction.

vehicle/other obstruction prior to each train's arrival at the crossing							
—(d)(1) General rule on response to report of a disabled vehicle or other obstruction blocking a railroad track at a highway-rail or pathway grade crossing—Dispatching RR having maintenance responsibility for the crossing to contact the law enforcement agency having jurisdiction over the crossing and provide information about report of disabled vehicle/other obstruction	621 railroads	7,440 contacts	1 minute	124.00 hours	\$77.44	\$9,602.56	FRA estimates that it will take approximately one (1) minute to report a malfunction.
—(d)(2) General rule on response to report of a disabled vehicle or other obstruction blocking a railroad track at a highway-rail or pathway grade crossing—Dispatching RR not having maintenance responsibility to contact all trains authorized to operate through highway rail or pathway grade crossing in an effort to notify the train crews of the report of disabled vehicle/other obstruction prior to each train's arrival at the crossing	621 railroads	2,560 contacts	1 minute	42.67 hours	\$71.89	\$3,067.55	FRA estimates that it will take approximately one (1) minute to report a malfunction.
—(d)(2) General rule on response to report of a disabled vehicle or other obstruction blocking a railroad track at a highway-rail or pathway grade crossing—Dispatching RR not having maintenance responsibility to contact the law enforcement agency having jurisdiction over the crossing and	621 railroads	2,560 contacts	1 minute	42.67 hours	\$77.44	\$3,304.36	FRA estimates that it will take approximately one (1) minute to report disabled vehicle or other obstruction.

provide information about report of disabled vehicle/other obstruction							
—(d)(2) General rule on response to report of a disabled vehicle or other obstruction blocking a railroad track at a highway-rail or pathway grade crossing—Dispatching RR contact of maintaining RR regarding report of disabled vehicle/other obstruction and maintaining RR prompt investigation of the report, determination of the nature of the obstruction, and taking necessary action to have reported obstruction removed	621 railroads	2,560 contacts	1 minute	42.67 hours	\$77.44	\$3,304.36	FRA estimates that it will take approximately one (1) minute to report disabled vehicle or other obstruction.
—(e) Special rule on contacting a train that is not required to have communication equipment	621 railroads	2 contacts	1 minute	.03 hour	\$77.44	\$2.32	FRA estimates that it will take approximately one (1) minute to make a contact.
—(f) General rule on response to report of an obstruction of view at a highway-rail or pathway grade crossing	The estimated paperwork burden for this requirement is covered under § 234.305(a), (b), (c), and (d). Consequently, there is no additional burden associated with this requirement.						
—(g) General rule on response to report of other unsafe condition at a highway-rail or pathway grade crossing	The estimated paperwork burden for this requirement is covered under § 234.305(a), (b), (c), and (d). Consequently, there is no additional burden associated with this requirement.						
—(h)(1) General rule on a maintaining railroad’s responsibilities for receiving reports of unsafe conditions at highway-rail and pathway grade crossings—In general—Provision of contact information by maintaining RR to dispatching RR for reports of unsafe conditions at highway rail and pathway grade	621 railroads	12 contacts	1 minute	.20 hours	\$71.89	\$14.38	FRA estimates that it will take approximately one (1) minute to make a contact.

crossings							
—(h)(2) General rule on a maintaining railroad’s responsibilities for receiving reports of unsafe conditions at highway-rail and pathway grade crossings—Exceptions for use of a third-party telephone service and answering machine by a maintaining railroad	The estimated paperwork burden for this requirement is covered under § 234.307. Consequently, there is no additional burden associated with this requirement.						
234.306(a)—Multiple dispatching or maintaining railroads with respect to the same highway-rail or pathway grade crossing; appointment of responsible railroad—Duty of multiple dispatching railroads to appoint a primary dispatching railroad for the crossing	465 railroads	50 appointment discussions	60 minutes	50.00 hours	\$77.44	\$3,872.00	Section 234.306 requires that where multiple railroads dispatch trains through the same crossing, the railroads must appoint one of their number to be the primary dispatching railroad for the crossing and, as such, to receive reports of unsafe conditions pursuant to § 234.303. FRA estimates that it will take approximately an hour to complete each appointment discussion.
—(b) Duty of multiple maintaining railroads to appoint a railroad responsible for the placement and maintenance of the Emergency Notification Systems (ENS) sign(s)	465 railroads	50 appointment discussions	60 minutes	50.00 hours	\$77.44	\$3,872.00	FRA estimates that it will take approximately an hour to complete each appointment discussion.
—(c) Duty of multiple maintaining railroads with respect to remedial action at the crossing	The estimated paperwork burden for this requirement is covered under § 234.305(a)(2), (b)(2), (c)(2), and (d)(2). Consequently, there is no additional burden associated with this requirement.						
234.307(a)—Use of third-party telephone service by dispatching and maintaining railroads—General use of	The burden for information (tel. no., etc.) placed on the sign pursuant to § 234.309 is included under § 234.309 below. Consequently, there is no additional burden associated with this requirement.						

a third-party telephone service by a dispatching railroad							
—(b) General use of a third-party telephone service by a maintaining railroad	The estimated paperwork burden for this requirement has been fulfilled. Consequently, there is no additional burden associated with this requirement.						
—(c) Duties of third-party telephone service in contacting dispatching and maintaining railroads	The estimated paperwork burden for this requirement is covered under § 234.303 or § 234.305. Consequently, there is no additional burden associated with this requirement.						
—(d)(1) Duties of railroad using third-party telephone service— Providing third-party telephone service with contact information	621 railroads	2 contact calls	15 minutes	.50 hour	\$77.44	\$38.72	Section 234.307 addresses the option for a dispatching railroad to use a third-party telephone service to receive reports concerning an unsafe condition at a highway-rail or pathway grade crossing pursuant to § 234.303. FRA estimates that it will take about 15 minutes to provide the necessary contact information.
—(d)(2) Duties of railroad using third-party telephone service— Written notice to FRA of intent to use third-party service	621 railroads	2 letters	60 minutes	2.00 hours	\$77.44	\$154.88	FRA estimates that it will take about an hour to complete each written notice.
—(d)(3) Duties of railroad using third-party telephone service— Informing FRA of any changes in use or discontinuance of third-party service	621 railroads	1 letter	60 minutes	1.00 hour	\$77.44	\$77.44	FRA estimates that it will take about an hour to complete each letter.
—(e) Third-party telephone service and railroad responsibilities	The estimated paperwork burden for recordkeeping is covered under §§ 234.313 and 234.315. Consequently, there is no additional burden associated with this requirement.						
234.309(a)—ENS Signs in general— Provision of information— Dispatching railroad for a highway-rail or pathway grade crossing to	621 railroads	12 contacts	10 minutes	2.00 hours	\$77.44	\$154.88	Section 234.309 specifies the color, minimum content and size requirements, and other aspects of the signs that § 234.311 requires

provide the maintaining railroad the telephone number that is to be displayed on the ENS sign at the crossing, not later than 180 calendar days before the date that implementation of an ENS is required.							to be placed and maintained at highway-rail and pathway grade crossings as part of an ENS. A minimum amount of information must be displayed on the sign so that the unsafe condition may be properly reported and remedied. FRA estimates that it will take about 10 minutes to complete each communication.
234.311(c)—ENS sign placement and maintenance—Repair or replacement of ENS sign after discovery by responsible railroad of missing, damaged, or otherwise unusable/illegible sign to vehicular/pedestrian traffic	621 railroads	4,000 replacement of missing or damaged signs	15 minutes	1,000.00 hours	\$59.68	\$59,680.00	If an ENS sign required by this subpart is discovered by the responsible railroad to be missing, damaged, or in any other way unusable to vehicular and pedestrian traffic, the responsible railroad shall repair or replace the sign no later than 30 calendar days from the time of detection. FRA estimates that it will take about 15 minutes to repair or replace each sign.
234.313(a)-(d)—Recordkeeping	621 railroads	65,860 records of calls	10 minutes	10,976.67 hours	\$77.44	\$850,033.32	Section 234.313 sets forth the recordkeeping requirements for this subpart that apply to each railroad subject to this subpart. FRA estimates that it will take about 10 minutes to complete each record.
234.315—Electronic recordkeeping	The estimated paperwork burden for this requirement is covered under § 234.313. Consequently, there is no additional burden associated with this requirement.						

Total	621 railroads	163,996 responses	N/A	13,649 hours	N/A	\$985,062	N/A
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13. Estimate of total annual costs to respondents.

There are additional costs to respondents related to this collection of information besides those detailed in the answer to question number 12 above. One of the costs involves establishing a toll-free service to accept emergency calls at crossings. Class I railroads have established such service and thus will not incur any additional costs with this rule requirement. When considering Class II and III entities, additional phone lines are required. FRA estimates that a monthly toll-free service charge of \$25 (or \$300 annually) will incur in order to maintain additional incoming telephone lines (in addition to their existing telephone service).

Railroads	Affected Railroads	Annual Toll Service Rate per Railroad	Percentage of Railroads Impacted	Annual Toll-Free Cost for Entire Railroad Category
Class I	7	n/a	0%	\$0
Class II	11	\$300	100%	\$3,300
Class III ⁸	582	\$300	100%	\$174,600
Commuter and Passenger	25	\$300	100%	\$7,500
	625	n/a	n/a	\$185,400

Another cost pertains to signs. As noted in the discussion of § 234.311(c), FRA estimates that 4,000 signs per year would need to be replaced annually.

Calculation = 4,000 signs x \$41 per sign x 10% compliance rate = \$16,400.

Total cost = \$185,400 + \$16,400 = \$201,800

14. Estimate of Cost to Federal Government.

There is no additional cost to the Federal Government in connection with these information collection requirements. Railroad records are examined by FRA inspectors on a routine basis as part of their regular enforcement activities that monitor railroad compliance with Federal rail safety regulations.

15. Explanation of program changes and adjustments.

This is an extension without change (with changes in estimates) to a current collection of information. The current OMB inventory for this information collection shows a total burden of 15,317 hours and 298,292 responses, while the requesting inventory estimates a total burden of 13,649 hours and 163,996 responses. Overall, the burden for this submission has

⁸ Class III railroad totals reflect only those with at least one at-grade crossing.

decreased by 1,668 hours and decreased by 134,296 responses. Also, the outdated previous cost to respondents under question 13 increased by \$43,350 from \$158,450 to \$201,800. There is no change in the method of the collection.

As detailed below, FRA determined some of the previous estimates were initial estimates, outdated, or duplicative.

CFR Section	Total Annual Responses			Total Annual Burden Hours			PRA Analyses and Estimates
	Previous Submission (Average time per response)	Current Submission (Average time per response)	Difference	Previous Submission	Current Submission	Difference	
234.303(a)-(c) and (e)—Emergency notification systems for telephonic reporting of unsafe conditions at highway-rail and pathway grade crossings—Reporting by railroads	63,891 reports (1 minute)	64,000 call reports (1 minute)	109 call reports	1,065.00 hours	1,066.67 hours	1.67 hours	The increase in burden is due to review of estimated number of submissions expected to be received.
—(d) Reportable unsafe conditions at pathway grade crossings	1,860 reports + 1,860 records (1 minute)	1,860 call reports (1 minute)	-1,860 call reports	62.00 hours	31.00 hours	-31.00 hours	The estimated paperwork burden for recordkeeping is covered under § 234.313.
234.305(a)(2)—Remedial actions in response to reports of unsafe conditions at highway-rail and pathway grade crossings—General rule on response to credible report of warning system malfunction at a highway-rail grade crossing—Prompt contact by the dispatching railroad not having maintenance responsibility to all trains that are authorized to operate through the highway-rail grade crossing of the reported malfunction prior to each train's arrival at the crossing	465 contacts (1 minute)	465 contacts (1 minute)	0	8.00 hours	7.75 hours	-.25 hours	An adjustment is made due to rounding.
—(a)(2) General rule on response to	465 contacts	465 contacts	-465	16.00 hours	7.75 hours	-8.25	The estimated paperwork

credible report of warning system malfunction at a highway-rail grade crossing—Dispatching railroad to promptly contact the maintaining railroad and inform it of the reported malfunction	+ 465 records (1 minute)	(1 minute)	records			hours	burden for recordkeeping is covered under § 234.313.
—(b)(1) General rule on response to public report of warning system malfunction at a highway-rail grade crossing—Prompt contact by the dispatching railroad to all trains that are authorized to operate through the highway-rail grade crossing in an effort to notify the train crews of the reported malfunction prior to each train's arrival at the crossing	925 contacts + 925 records (1 minute)	925 contacts (1 minute)	-925 records	31.00 hours	15.42 hours	-15.58 hours	The estimated paperwork burden for recordkeeping is covered under § 234.313.
—(b)(1) General rule on response to public report of warning system malfunction at a highway-rail grade crossing—Prompt contact by the dispatching railroad to law enforcement agency having jurisdiction over the highway-rail grade crossing and provide the necessary information for the law enforcement agency to direct traffic or carry out other activities to maintain safety at the highway-rail grade crossing	925 contacts or records (1 minute)	925 contacts (1 minute)	0	15.00 hours	15.42 hours	.42 hours	An adjustment is made due to rounding.

—(b)(2) General rule on response to public report of warning system malfunction at a highway-rail grade crossing—Railroad that does not have maintenance responsibility for the warning system at the highway-rail grade crossing shall promptly contact all trains that are authorized to operate through the highway-rail grade crossing prior to each train's arrival at the crossing	920 contacts (1 minute)	925 contacts (1 minute)	5 contacts	15.00 hours	15.42 hours	.42 hours	The increase in burden is due to review of estimated number of submissions expected to be received.
—(b)(2) General rule on response to report of warning system failure at a pathway grade crossing— Dispatching railroad to promptly contact the law enforcement agency having jurisdiction over the highway-rail grade crossing and provide the necessary information for the law enforcement agency to direct traffic or carry out other activities to maintain safety at the highway-rail grade crossing	920 contacts (1 minute)	925 contacts (1 minute)	5 contacts	15.00 hours	15.42 hours	.42 hours	The increase in burden is due to review of estimated number of submissions expected to be received.
—(b)(2) General rule on response to public report of warning system malfunction at a highway-rail grade crossing—Dispatching railroad to promptly contact the maintaining railroad and inform it of the reported malfunction anthem maintaining railroad shall then promptly investigate the report, determine the nature of the malfunction, and take the appropriate action required by § 234.207	920 contacts + 920 records (1 minute)	925 contacts (1 minute)	5 contacts -920 records	31.00 hours	15.42 hours	-15.58 hours	The increase in number of contacts is due to review of estimated number of submissions expected to be received. Additionally, the estimated paperwork burden for recordkeeping is covered under § 234.313.

—(c)(1) General rule on response to report of warning system failure at a pathway grade crossing— Dispatching railroad to promptly contact all trains that are authorized to operate through the pathway grade crossing	2 contacts + 2 records (1 minute)	12 contacts (1 minute)	8 contacts	.07 hours	.20 hours	.13 hours	The increase in number of contacts is due to review of estimated number of submissions expected to be received. Additionally, the estimated paperwork burden for recordkeeping is covered under § 234.313.
—(c)(1) General rule on response to report of warning system failure at a pathway grade crossing— Dispatching railroad shall then promptly contact the law enforcement agency having jurisdiction over the pathway grade crossing and provide the necessary information for the law enforcement agency to direct traffic or carry out other activities to maintain safety at the pathway grade crossing	2 contacts (1 minute)	12 contacts (1 minute)	10 contacts	.03 hours	.20 hours	.17 hours	The increase in number of contacts is due to review of estimated number of submissions expected to be received.
—(c)(2) General rule on response to report of warning system failure at a pathway grade crossing— Dispatching railroad receives a report of warning system failure at a pathway grade crossing pursuant to § 234.303(d)(1), but does not have maintenance responsibility for the warning system to which the report pertains, the dispatching railroad shall promptly contact all trains that are authorized to operate through the pathway grade crossing to which the report pertains in an effort to	0	2 contacts (1 minute)	2 contacts	0	.03 hours	.03 hours	The increase in burden is due to review of estimated number of submissions expected to be received.

notify the train crews of the reported failure prior to each train's arrival at the crossing							
—(c)(2) General rule on response to report of warning system failure at a pathway grade crossing— Dispatching RR to promptly contact the law enforcement agency having jurisdiction over the pathway grade crossing and provide the necessary information for the law enforcement agency to direct traffic or carry out other activities to maintain safety at the pathway grade crossing	0	2 contacts (1 minute)	2 contacts	0	.03 hours	.03 hours	The increase in burden is due to review of estimated number of submissions expected to be received.
—(c)(2) General rule on response to report of warning system failure at a pathway grade crossing— Dispatching RR to promptly contact the maintaining railroad and inform it of the reported failure	0	2 contacts (1 minute)	2 contacts	0	.03 hours	.03 hours	The increase in burden is due to review of estimated number of submissions expected to be received.
—(d)(1) General rule on response to report of a disabled vehicle or other obstruction blocking a railroad track at a highway-rail or pathway grade crossing—Dispatching RR having maintenance authority contact of all trains operating through highway-rail or pathway grade crossing after report of disabled vehicle/other obstruction.	7,440 contacts + 7,440 unsafe condition records (1 minute)	7,440 contacts (1 minute)	-7,440 records	248.00 hours	124.00 hours	-124.00 hours	The estimated paperwork burden for recordkeeping is covered under § 234.313.
—(d)(2) General rule on response to report of a disabled vehicle or other obstruction blocking a railroad track at a highway-rail or pathway grade crossing—Dispatching RR not having maintenance authority	2,556 contacts (1 minute)	2,560 contacts (1 minute)	4 contacts	43.00 hours	42.67 hours	-.33 hours	An adjustment is made due to rounding.

contact of all trains operating through highway rail or pathway grade crossing after report of disabled vehicle/ other obstruction							
—(d)(2) General rule on response to report of a disabled vehicle or other obstruction blocking a railroad track at a highway-rail or pathway grade crossing—Dispatching RR not having main tenancy authority contact of law enforcement authority after report of disabled vehicle/other obstruction	2,556 contacts (1 minute)	2,560 contacts (1 minute)	4 contacts	43.00 hours	42.67 hours	-.33 hours	An adjustment is made due to rounding.
—(d)(2) General rule on response to report of a disabled vehicle or other obstruction blocking a railroad track at a highway-rail or pathway grade crossing—Dispatching RR contact of maintaining RR regarding report of disabled vehicle/other obstruction and maintaining record of reported obstruction	2,556 contacts + 2,556 records (1 minute)	2,560 contacts (1 minute)	4 contacts -2,556 records	86.00 hours	42.67 hours	-43.33 hours	The increase in number of contacts is due to review of estimated number of submissions expected to be received. Additionally, the estimated paperwork burden for recordkeeping is covered under § 234.313.
—(f) Special rule on contacting a train that is not required to have communication equipment	0	2 contacts (1 minute)	2 contacts	0	.03 hours	.03 hours	The increase in burden is due to review of estimated number of submissions expected to be received.
—(h)(1) General rule on a maintaining railroad's responsibilities for receiving reports of unsafe conditions at highway-rail and pathway grade crossings—In general—Provision of contact information by maintaining RR to dispatching RR for reports of unsafe conditions at highway rail and	10 contacts (1 minute)	12 contacts (1 minute)	2 contacts	.17 hours	.20 hours	.03 hours	The increase in burden is due to review of estimated number of submissions expected to be received.

pathway grade crossings.							
234.307(b)—General use of a third-party telephone service by a maintaining railroad	50 reports + 50 records (1 minute)	0	-50 reports -50 records	2.00 hours	0	-2.00 hours	The burden for this requirement has been fulfilled. Consequently, there is no additional burden associated with this requirement.
—(c) Duties of third-party telephone service in contacting dispatching and maintaining railroads	50 reports (1 minute)	0	-50 reports	1.00 hour	0	-1.00 hour	The burden for this requirement is included under that of § 234.303 or § 234.305. Consequently, there is no additional burden associated with this requirement.
—(d)(1) Duties of railroad using third-party telephone service— Provide third-party telephone service with contact information	5 contact calls (15 minutes)	2 contact calls (15 minutes)	-3 contact calls	1.00 hour	.50 hours	-.50 hours	The reduction in burden is due to review of estimated number of submissions expected to be received.
—(d)(2) Duties of railroad using third-party telephone service— Written notice to FRA of intent to use third-party service	5 letters (60 minutes)	2 letters (60 minutes)	-3 letters	5.00 hours	2.00 hours	-3.00 hours	The reduction in burden is due to review of estimated number of submissions expected to be received.
234.309(a)—ENS Signs in general— Provision of information— Dispatching railroad for a highway-rail or pathway grade crossing to provide the maintaining railroad the telephone number that is to be displayed on the ENS sign at the crossing, not later than 180 calendar days before the date that implementation of an ENS is required.	10 contacts (30 minutes)	12 contacts (10 minutes)	2 contacts	5.00 hours	2.00 hours	-3.00 hours	The increase in burden is due to review of estimated number of submissions expected to be received. Additionally, the amount of time per recordkeeping decreased to 10 minutes which is more accurate.
234.313(a)-(d)—Recordkeeping	186,000 signs	65,860 records of	-120,140 records of	12,400.00 hours	10,976.67 hours	-1,423.33 hours	The reduction in burden is due to review of estimated number

	(4 minutes)	calls (10 minutes)	calls				of records expected to be retained. Additionally, the amount of time per recordkeeping increased to 10 minutes which is more accurate.
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16. Publication of results of data collection.

FRA does not plan to publish the information collected.

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

FRA is not seeking approval to not display the expiration date.

18. Exception to certification statement.

No exceptions are taken at this time.