

11 FEDERAL RAILROAD ADMINISTRATION
Training, Qualification, and Oversight for
Safety-Related Railroad Employees
(49 CFR Part 243)
SUPPORTING JUSTIFICATION
OMB No. 2130-0597

Summary of Submission

- This submission is a revision to the last approved submission pertaining to Part 243 that was approved by OMB on March 9, 2021, and which expires March 31, 2024.
- The Federal Railroad Administration (FRA) is publishing a Notice of Proposed Rulemaking (NPRM) revising Part 243 titled Training, Qualification, and Oversight for Safety-Related Railroad Employees in the Federal Register on October 3, 2022. See 87 FR 59749. FRA plans to respond to any comments received in response to the NPRM in the final rule.
- Program change increased the burden by 2 hours and increased responses by 10.
- The adjustments (excluding program change) decreased the burden by 59,497 hours and decreased responses by 232.
- The answer to question number 12 itemizes all information collection requirements.
- The answer to question number 15 itemizes all adjustments.

1. Circumstances that make collection of the information necessary.

Section 20162 of 49 U.S.C. requires the Secretary of Transportation (Secretary) to establish minimum training standards for safety-related railroad employees and the submission of training plans from railroad carriers, contractors, and subcontractors for the Secretary's approval. The Secretary delegated this authority to the Federal Railroad Administrator.¹

In response to the mandate of section 401(a) of the Rail Safety Improvement Act of 2008 (RSIA), on November 7, 2014, FRA published a final rule (2014 Final Rule) establishing minimum training standards for safety-related railroad employees and requiring railroad carriers, contractors, and subcontractors to develop and submit certain training programs to FRA for approval.²

¹ Pub. L. 110-432, 122 Stat. 4883 (Oct. 16, 2008), codified at 49 U.S.C. 20162. The Secretary of Transportation delegated the authority to carry out this mandate to the Federal Railroad Administrator. 49 CFR 1.89(b).

² 79 FR 66459.

On May 3, 2017, FRA published a final rule which delayed implementation dates in the 2014 Final Rule by one year.³ The delay was necessary to help model training program developers and other regulated entities comply with the rule.⁴ On April 27, 2018, FRA published a final rule in response to a petition for reconsideration of that May 2017 rule by granting the American Short Line and Regional Railroad Association’s (ASLRRA) request to delay the implementation dates by an additional year.⁵ FRA determined that the delay was necessary to improve compliance, reduce significant cost impacts associated with the rule, and prevent complicating the approval process.⁶

On June 27 and July 31, 2019, FRA received joint petitions for rulemaking filed by ASLRRA and the National Railroad Construction and Maintenance Association, Inc. (NRC) (collectively, “Associations”) requesting additional implementation delays and other changes to the 2014 Final Rule; these petitions were docketed in DOT’s Docket Management System as FRA-2019-0050. On January 2, 2020, FRA responded to the Associations’ petitions for rulemaking by issuing a final rule delaying the regulation’s implementation dates for all contractors, and those Class II and III railroads that are not intercity or commuter passenger railroads with 400,000 total employee work hours annually or more.⁷ Regarding the Associations’ remaining requests in the petitions for rulemaking, FRA’s January 2, 2020, final rule stated that FRA was considering addressing the Associations’ remaining requests in a separate rulemaking. This proposed rulemaking would address the remaining requests in the Associations’ 2019 petitions for rulemaking, clarify current requirements, and remove regulatory provisions that are obsolete.

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

The information collected will be used by FRA to ensure that each employer – railroad or contractor – conducting operations subject to Part 243 develops, adopts, submits, and complies with a training program for each category and subcategory of safety-related railroad employee.

This proposed rule, FRA proposes amending its regulation on Training, Qualification, and Oversight for Safety-Related Railroad Employees to codify agency guidance and clarify existing requirements.

For the existing requirements, FRA will continue to review and approve training programs filed by training organizations or learning institutions. If FRA has already approved the training organization or learning institution’s program, an employer could

³ 82 FR 20549.

⁴ 82 FR 20550.

⁵ 83 FR 18455.

⁶ 83 FR at 18456.

⁷ 85 FR 10 (Jan. 2, 2020).

reference the approved program in its submission, avoid lengthy duplication, and likely expect a quick review and approval by FRA.

Additionally, railroads are required to serve simultaneously to the president of each labor organization that represents the railroad's employees a copy of any training program submission, resubmission, or informational filing and to send a statement to FRA affirming that this service has been completed and the details of who has been served. The information will be used by FRA to ensure that necessary labor organizations are informed in a timely way regarding required training program so that they have an adequate opportunity to provide comment to FRA and can thereby participate in FRA's review and approval process of training program filings.

Furthermore, FRA will review the information collected to verify that railroads conduct annual reviews of their training programs. Such reviews will be used by railroads – and FRA – to determine any performance gaps and to ensure that such performance gaps are closed to prevent accidents/incidents from occurring and the corresponding injuries, fatalities, and property damage that accompany them.

Finally, FRA will review the required railroad maintained list of contractors utilized in order to have basic information about each contractor engaged by a railroad so that it can determine each contractor's identity and qualifications and have current and accurate information of the employees that work for it. This is critical from an enforcement perspective so that FRA is able to identify which employees work for railroads and which for contractors.

In sum, the information collected will further FRA's comprehensive national regulatory safety program that seeks to promote and enhance rail safety throughout the country.

3. Extent of automated information collection.

FRA has strongly encouraged the use of advanced information technology to reduce burden on respondents, wherever possible. Section 243.113 mandates that employers with 400,000 total employee work hours or more file by electronic means any program submissions required under this Part in accordance with the requirements of this section. Also, each organization, business, or association that develops an optional model program in accordance with § 243.105 of this Part is required to electronically file the program in accordance with the requirements of this section.

FRA expects that there are few, if any, employers who do not have internet access and an e-mail address, or who cannot otherwise meet the minimum requirements for electronic submission. To reduce any possible cost burden on smaller entities, employers with less than 400,000 total employee work hours annually are exempt from the electronic submission requirement of § 243.113(a). However, they do have the electronic option for the various submissions required by this Part, if they so choose.

Records required under § 243.203 may be kept electronically. FRA anticipates that most employers that are not small entities will want to maintain these records electronically.

FRA estimates that approximately 95 percent of all responses of this rule's requirements are submitted electronically.

4. Efforts to identify duplication.

The information collection requirements are new and to our knowledge are not duplicated anywhere. Similar data are not available from any other source.

5. Efforts to minimize the burden on small businesses.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) and Executive Order 13272, "Proper Consideration of Small Entities in Agency Rulemaking," (67 FR 53461 (Aug. 16, 2002)) require agency review of proposed and final rules to assess their impacts on small entities. An agency must prepare an Initial Regulatory Flexibility Analysis (IRFA) unless it certifies that a rule, if promulgated, 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 includes a for-profit "line-haul railroad" that has fewer than 1,500 employees and a "short line railroad" with fewer than 500 employees.

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 final 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; and commuter railroads or small governmental jurisdictions that serve populations of 50,000 or less. The \$20 million limit is based on the Surface Transportation Board's revenue threshold for a Class III railroad carrier. Railroad revenue is adjusted for inflation by applying a revenue deflator formula in accordance with 49 CFR 1201.1-1. The current threshold is \$40.4 million.

This proposed rule directly affects all railroads, of which there are approximately 754. FRA estimates that approximately 93 percent of these railroads are small entities. This proposed rule also affects approximately 300 contractors of railroads and approximately 109 training organizations or learning institutions, most of which, by definition, are

considered small entities. Therefore, FRA has determined that this proposed rule will have an impact on a substantial number of small entities.

The requirements of this proposed rule would apply to employers of safety-related railroad employees, whether the employers are railroads, contractors, or subcontractors. Although a substantial number of small entities would be subject to this proposed rule, the proposed rule would codify agency guidance, reduce submissions to FRA, and clarify existing requirements. Accordingly, the FRA Administrator hereby certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities. FRA invites comment from members of the public who believe there will be a significant impact on small railroads.

6. Impact of less frequent collection of information.

If FRA did not collect this information or collected it less frequently, railroad safety would be directly and adversely impacted. Without the information collected, FRA would have no way of knowing that railroads and contractors are properly and adequately training safety-related employees regarding Federal rail safety laws, regulations, and orders. Without approved and effective training programs, safety-related employees would not receive essential training to do their important jobs safely and effectively. The scientific literature on training in general and FRA's own experience with training in the railroad industry show a clear link between the quality of training programs – including whether training is engaging or “hands-on” – and safety. Even though rail transportation in the United States is generally an extremely safe mode of transportation, and rail safety has been improving, well-designed training programs have the potential to further reduce risk in the railroad environment. FRA believes that better designed training can reduce the number of accidents/incidents caused by human factors.

Without the information collected, FRA would not have an opportunity to carefully review and comment on the training provided by railroads, contractors, and learning institutions. Without review of required training program submissions, resubmissions, and informational filings, FRA staff could not determine whether essential Federal safety laws, regulations, and orders were being addressed in a thorough and systematic way as they relate to the daily tasks of safety-related employees. Without the required training program submissions and the opportunity to closely scrutinize them, FRA would have no way to verify that railroads, contractors, and training/learning institutions are providing necessary and critical on the job training (OJT) and hands-on training for their employees. Without the benefit of such training, employees would not be able to do their jobs as effectively, and it is highly likely that there would be increased numbers of accidents/incidents and injuries, fatalities, and property damage that accompany them.

Without the information collected, FRA would not have access to lists of designated safety-related employees by occupational category or subcategory. Without this information and the required records under this rule, FRA would not know whether

employees in a given category or subcategory have undergone formal and informal training and thus have been properly and adequately trained and are thereby qualified to do their jobs. FRA would have no way of knowing whether these employees have passed or failed tests and what actions were taken by railroad, contractors, and learning/training institutions to address any deficiencies found from such testing. Unqualified employees performing critical safety-related tasks could cause major accidents/incidents leading to public/railroad worker injuries, and fatalities as well as damage to railroad equipment likely resulting in substantial dollar losses for their employers.

In sum, the collection of information assists both DOT and FRA in fulfilling their top goals and primary mission, which is to promote and enhance national safe transportation throughout the United States.

7. **Special circumstances.**

Under § 243.203, the requirement stipulates that each employer must keep records for former safety-related railroad employees for a six-year period after the employment relationship ends. Those records must be accessible at the employer's system headquarters. By requiring employers to keep former employee records, FRA will have adequate time to obtain records even when an audit and investigation takes place several years after the employment relationship has terminated. This recordkeeping requirement is also intended to aid former employees who want to access their records to prove to a prospective employer that they received prior training. This record retention requirement may be especially helpful to any former employees that may leave the railroading industry for several years, but want to return to safety-related railroad work within the six-year time frame.

Also, under § 243.205 (Periodic Oversight) and § 243.207 (Annual Review), FRA stipulates a three-year record retention requirement for any records that are not employee records. The three-year window for retention would actually be a bit longer than three years because it would be measured as three calendar years after the end of the calendar year to which the event relates. Thus, if a test occurred on March 1, 2015, the record would need to be maintained through December 31, 2018. Having information for the full third calendar year will help FRA in its audits and investigations to determine patterns regarding non-compliance related to Federal safety laws, regulations and orders, and aid railroads/FRA in modifying deficient training programs accordingly.

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

8. **Compliance with 5 CFR 1320.8.**

FRA is publishing a Notice of Proposed Rulemaking (NPRM) revising Part 243 titled Training, Qualification, and Oversight for Safety-Related Railroad Employees in the

Federal Register on October 3, 2022. See 87 FR 59749. FRA plans to respond to any comments received in response to the NPRM in the final rule.

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.

10. Assurance of confidentiality.

FRA does not expect the information in a training program submission to be of a confidential or proprietary nature. For instance, each railroad is expected to share the program submission, resubmission, or informational filing with the president of each labor organization that represents the railroad's employees subject to this part.⁸ It would be expected that information that needed to be kept private would need to be removed prior to sharing that programmatic material with the labor organization. FRA suggests that entities consider this concern when drafting any programmatic material to be submitted to FRA and that each entity takes its own steps not to share such private material with FRA. In that way, FRA may make such programmatic material available to the general public upon request.

FRA promises no confidentiality to any respondent. Any entity submitting information to FRA that is believed to be confidential must request confidential treatment under FRA's requirements in 49 CFR 209.11.

11. Justification for any questions of a sensitive nature.

There are no questions of a sensitive or private nature involving this regulation.

12. Estimate of burden hours for information collected.

The estimates for the respondent universe, annual responses, and average time per responses are based on the experience and expertise of FRA's Railroad Safety Technical Training Standard Division. FRA is including the dollar equivalent cost for each of the itemized hours below using the Surface Transportation Board's (STB) Full-Year Wage A&B data series as the basis for each cost calculation. For railroad executives, officials, and staff assistants, the hourly wage rate is \$120 per hour (\$68.81 times 75 percent overhead cost). For professional and administrative staff, the hourly wage rate is \$77 per hour (\$44.27 times 75 percent overhead cost).

⁸ See 243.109(d).

CFR Section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A*B)	Total cost equivalent (D = C * wage rate)	Wage rates	PRA Estimates and Analyses
243.3(c)—Application and responsibility for compliance—A parent or holding company that submits a training program on behalf of one or more subsidiaries must initially and continually maintain in its written submission a list of the legal name of each subsidiary <i>(New requirement)</i>	<i>The estimated paperwork burden for this requirement is covered under 49 CFR 243.101(b).</i>						
243.101(a)(2)—Training program required for each employer not covered by (a)(1) and subject to this part by May 1, 2021 <i>(includes burden associated with the usage of FRA’s part 243 web portal and compliance guide.)</i>	1,046 railroads/contractors	60 training programs	250 hours	15,000 hours	\$1,155,000	\$77	Effective May 1, 2021, each employer conducting operations subject to this Part with less than 400,000 total employee work hours annually shall submit, adopt, and comply with a training program for its safety-related railroad employees. FRA estimates that it will take approximately 250 hours to create each training program.
—(b) Submission by new employers commencing operations after Jan. 1, 2020, not covered by (a)(2)	10 new railroads/contractors	10 training programs	20 hours	200 hours	\$24,000	\$120	Except for an employer subject to the requirement in paragraph (a)(2) of this section, an employer commencing operations subject to this Part after January 1, 2020, shall submit a training program for its safety-related railroad employees prior to commencing

							operations. Upon commencing operations, the employer shall adopt and comply with the training program. FRA estimates that it will take approximately 20 hours to create each training program.
—(c) and (d) Employer’s classification of its safety-related railroad employees and OJT training requirements	<i>The burden for this requirement is included under § 243.101(a)-(b).</i>						
—(e) Contractor’s duty to validate approved program to a railroad (<i>Revised requirement text, no impact on burden</i>)	400 railroads/contractors	50 documents	15 minutes	12.5 hours	\$963	\$77	A contractor that chooses to train its own safety-related railroad employees shall provide each railroad that utilizes it with a document indicating that the contractor’s program of training was approved by FRA. FRA estimates that it will take approximately 15 minutes to provide each railroad with the validation document.
—(f) Railroad’s duty to retain copies of contractor’s validation document (<i>Revised requirement text, no impact on burden</i>)	10 new railroads	10 copies	2 minutes	.3 hours	\$23	\$77	A railroad that chooses to utilize contractor employees to perform safety-related duties and relies on contractor-provided training as the basis for those employees’ qualification to perform those duties shall retain a document from the contractor indicating that the contractor’s program was approved by FRA. A copy of the document required in paragraph (e) of this section satisfies this requirement. FRA estimates that it will take approximately two (2) minutes for the contractor to copy the validation document.
243.103(a) and (c)— Training components identified in program	The burden requirements for paragraphs (a) and (c) are included under § 243.101(a) and (b). Regarding the burden for paragraph (b), FRA estimates that it will receive zero (0) supplementary document.						

<i>(Revised requirement text, no impact on burden)</i>							
—(d) Training components identified in program; modifications to components of the training programs <i>(Revised requirement text, no impact on burden)</i>	1,155 railroads/ contractors	70 modified training programs	5 hours	350 hours	\$26,950	\$77	FRA may require modifications to any programs, including those programs referenced in paragraph (b) of this section, if it determines essential program components, such as OJT, or arranged practice and feedback, are missing or inadequate. FRA estimates that it will take approximately five (5) hours to modify each training program and send it to FRA.
243.105(a) and (b)—Optional model program development <i>(Revised requirement text, no impact on burden)</i>	The burden requirement for paragraph (a) has been fulfilled. The burden for paragraph (b) is included under § 243.101(a) and (b).						
—(c) Optional model program development; model program revisions: notice of FRA-approved changes to authorized users <i>(New requirement)</i>	30 model programs	10 notifications	10 minutes	1.7 hours	\$154	\$77	A model program developer is required to provide notice of any model program revisions by engaging in any form of communication that positively affirms the developer provided notice to employers likely to be impacted by the changes to the program, including posting the information at the organization’s website, writing letters to the employers, and including information in periodic newsletters. FRA estimates that it will take approximately 10 minutes for each notification.
243.107(a)—Training program submission, introductory information required <i>(Revised requirement text, no impact on burden)</i>	The burden requirement for paragraph (a) has been fulfilled.						

<i>text, no impact on burden)</i>							
243.109(b)— Previously approved programs requiring an informational filing when modified <i>(Revised requirement text, no impact on burden)</i>	1,155 railroads/ contractors/ learning institutions	10 informational filings	8 hours	80 hours	\$6,160	\$77	An employer’s initial program, as required by § 243.101(a) or § 243.101(b), must be submitted to FRA and is considered approved, and may be implemented immediately upon submission. If FRA determines that all or part of the program does not conform, FRA will inform the employer of the specific deficiencies. An employer shall resubmit the portion of its program, as revised to address specific deficiencies, within 90 days after the date of any notice of deficiencies from FRA. FRA estimates that it will take each employer/railroad approximately eight (8) hours to revise its training program and send the updated document to FRA.
—(c) New portions or substantial revisions to an approved training program	10 railroads/ contractors	10 revised training programs	16 hours	160 hours	\$12,320	\$77	Substantial additions or revisions to a previously approved program, that are not described as informational filings in accordance with paragraph (b) of this section, shall be considered approved and may be implemented immediately upon submission. FRA estimates that it will take approximately 16 hours for the employer to revise its training program and send the updated document to FRA.
—(c) New portions or substantial revisions to an approved training program found non-conforming to this part by FRA—revisions required	5 railroads/ contractors	5 revised training programs	8 hours	40 hours	\$3,080	\$77	Any training program found to be non-conforming may require new portions or substantial revisions. FRA estimates that it will take approximately eight (8) hours to complete the revision and resubmission to FRA.
—(d)(1)(i) Copy of	10 railroads/	25 copies	10	4.2	\$323	\$77	Simultaneous with its filing with the FRA, a

additional submissions, resubmissions, and informational filings to labor organization presidents	contractors		minutes	hours			<p>railroad must serve a copy of any submission, resubmission, or informational filing required pursuant to this section, to the president of each labor organization that represents the railroad's employees subject to this Part.</p> <p>FRA estimates that it will take each railroad approximately 10 minutes to complete each copy and send it to the presidents of the relevant labor organizations.</p>
—(d)(1)(ii) Railroad statement affirming that a copy of submissions, resubmissions, or informational filings has been served to labor organization presidents	228 railroads/contractors	76 affirming statements	10 minutes	12.7 hours	\$978	\$77	<p>The railroad must include a statement affirming that the railroad has served a copy to the president of each labor organization that represents the railroad's employees subject to this Part, together with a list of the names and addresses of persons served.</p> <p>FRA estimates that it will take each railroad approximately 10 minutes to complete each copy and send it to the presidents of the relevant labor organizations.</p>
—(d)(2) Labor comments on railroad training program submissions, resubmissions, or informational filings	228 railroads' labor organizations	1 comment	30 minutes	0.5 hours	\$39	\$77	<p>Not later than 90 days from the date a railroad files its submission, resubmission, or informational filing required pursuant to this section, a representative designated by the president of each labor organization that represents railroad employees subject to this part, may file a comment on the submission, resubmission, or informational filing to FRA.</p> <p>FRA estimates that it will take each labor organization approximately 30 minutes to complete its comment and send it to FRA.</p>
243.111(a) through (f) —Approval of programs filed by training organizations	The burden requirements for paragraphs (a) and (c) are included under § 243.101(a) and (b). The burden requirement for paragraphs (b) and (d) are covered under § 243.103(d). The burden requirement for paragraphs (e) and (f) are covered under § 243.109(b).						

or learning institutions (TO/LI) (<i>Revised requirement text, no impact on burden</i>)							
—(g) Safety-related railroad employees instructed by TO/LI — Recordkeeping	109 TO/LI	5,450 records	5 minutes	454.2 hours	\$34,973	\$77	<p>Training organizations and learning institutions subject to this Part are required to maintain records for each safety-related railroad employee that attends the training, in accordance with the recordkeeping requirements of this Part.</p> <p>FRA estimates that it will take approximately five (5) minutes to complete each record.</p>
—(h) TO/LI to provide student’s training transcript or training record to any employer upon request by the student	109 TO/LI	545 records	5 minutes	45.4 hours	\$3,496	\$77	<p>Training organizations and learning institutions subject to this Part shall provide a student’s training transcript or training record to any employer upon request by the student.</p> <p>FRA estimates that it will take each training organization/learning institution approximately five (5) minutes to provide each record.</p>
243.113—Electronic and written program submission requirements (<i>Revised requirement text, no impact on burden</i>)	The burden requirement for paragraph (a) has been fulfilled. The burden for paragraph (b) is included under § 243.101(a)-(b).						
243.201(a)(2)— Designation of existing safety-related railroad employees by job category (for employers not covered by (a)(1) and subject to this part by January 1, 2022) (<i>Revised</i>	1,039 railroads/contractors	346 designation lists	15 minutes	86.5 hours	\$6,661	\$77	Each employer with less than 400,000 total employee work hours annually in operation as of January 1, 2022, shall declare the designation of each of its existing safety-related railroad employees by occupational category or subcategory, and only permit designated employees to perform safety-related service in that occupational category or subcategory.

<i>requirement text, no impact on burden)</i>							FRA estimates that it will take each employer/railroad approximately 15 minutes to complete its designation list and send it to FRA.
—(b) New employers operating after January 1, 2020, not covered by (a)(2), designation of safety-related employees by job category—Lists	10 new railroads/contractors	10 designation lists	15 minutes	2.5 hours	\$193	\$77	<p>Except for an employer subject to the requirement in paragraph (a)(2) of this section, an employer commencing operations after January 1, 2020, shall declare the designation of each of its existing safety-related railroad employees by occupational category or subcategory prior to beginning operations, and only permit designated employees to perform safety-related service in that category or subcategory.</p> <p>FRA estimates that it will take each employer/railroad approximately 15 minutes to complete its designation list and send it to FRA.</p>
—(c) Training records of newly hired employees or those assigned new safety-related duties (<i>Revised requirement text, no impact on burden</i>)	4,800 employees	4,800 records	15 minutes	1,200 hours	\$92,400	\$77	<p>Prior to an employee becoming a qualified member of an occupational category or subcategory, the employer shall require a safety-related railroad employee who is newly hired or is to engage in safety-related duties not associated with the employee's previous training to successfully complete the formal training curriculum for that category or subcategory of safety-related railroad employee.</p> <p>FRA estimates that it will take approximately 15 minutes to complete each record.</p>
—(d)(1)(i) Requests for relevant qualification or training record from an	4,800 employees	960 record requests	5 minutes	80 hours	\$6,160	\$77	If an employee has received relevant qualification or training for a particular occupational category or subcategory through participation in an FRA-approved training

entity other than current employer <i>(Revised requirement text, no impact on burden)</i>							program submitted by an entity other than the employee's current employer, that training shall satisfy the requirements of this Part provided that a current record of training is obtained from that other entity. FRA estimates that it will take approximately five (5) minutes to complete each record request to the current employer provide the necessary record.
243.203(a) through (e) Recordkeeping— Systems set up to meet FRA requirements <i>(Revised requirement text, no impact on burden)</i>	1,155 railroads/ contractors/ TOLI	1,046 recordkeeping systems	30 minutes	523 hours	\$40,271	\$77	Each employer shall maintain records to demonstrate the qualification status of each safety-related railroad employee whom it employs. FRA estimates that it will take approximately 30 minutes to set up each system to meet FRA requirements.
—(f) Transfer of records to successor employer	1,155 railroads/ contractors/ TOLI	3 records	30 minutes	1.5 hours	\$116	\$77	If an employer ceases to do business and its assets will be transferred to a successor employer, it shall transfer to the successor employer all records required to be maintained under this Part, and the successor employer shall retain them for the remainder of the period prescribed in this Part. FRA estimates that it will take approximately 30 minutes to transfer each record to the new employer.
243.205(a), (b), (e) and (g) —Periodic oversight <i>(Revised requirement text, no impact on burden)</i>	The burden for adopting and complying with a program of periodic oversight under paragraph (a) is included above under the training program requirements in §§ 243.101(a)(2) and 243.109. Furthermore, FRA estimates that zero (0) training programs will be changed as the result of the assessments under parts 240 and 242.						
—(c) Railroad identification of supervisory employees	300 contractors	100 identifications	5 minutes	8.3 hours	\$639	\$77	Each railroad shall identify supervisory employees, by category or subcategory, responsible for conducting periodic oversight

who conduct periodic oversight tests by category/subcategory <i>(Revised requirement text, no impact on burden)</i>							tests and inspections for the safety-related railroad employees that it authorizes to perform safety-related duties on its property. FRA estimates that it will take approximately five (5) minutes to record each supervisory employee.
—(f) Notification by RR of contractor employee non-compliance with Federal laws/regulations/orders to employee and employee’s employer	300 contractors	90 employee notices	10 minutes	15 hours	\$1,155	\$77	A railroad that finds evidence of contractor employee non-compliance with Federal railroad safety laws, regulations, and orders particular to FRA-regulated personal and work group safety during the periodic oversight shall provide that employee with details of the non-compliance. FRA estimates that it will take approximately 10 minutes to complete each employee notification.
—(f) Notification by RR of contractor employee non-compliance with Federal laws/regulations/orders to employee and employee’s employer	300 contractors	270 employer notices	10 minutes	45 hours	\$3,465	\$77	A railroad that finds evidence of contractor employee non-compliance with Federal railroad safety laws, regulations, and orders particular to FRA-regulated personal and work group safety during the periodic oversight shall provide that employee’s employer with details of the non-compliance. FRA estimates that it will take approximately 10 minutes to complete each employer notification.
—(i) and (j) Employer records of periodic oversight <i>(Revised requirement text under paragraph (i), no impact on burden)</i>	1,046 railroads/contractors	150,000 records	5 minutes	12,500 hours	\$962,500	\$77	Each employer that conducts periodic oversight in accordance with this section must keep a record of the date, time, place, and result of each test or inspection. The records shall specify each person administering tests and inspections, and each person tested. The record shall also provide a method to record whether the employee complied with

							the monitored duties, and any interventions used to remediate non-compliance. FRA estimates that it will take approximately five (5) minutes to complete each record.
243.207(a)—Written annual review of safety data (Railroads with 400,000 annual employee work hours or more)	22 railroads	22 reviews	16 hours	352 hours	\$27,104	\$77	Each railroad that is required to conduct periodic oversight in accordance with §243.205 is also required to conduct an annual review, as provided in this section. FRA estimates that it will take approximately 16 hours to complete each annual review.
—(b) Railroad copy of written annual review at system headquarters	22 railroads	22 review copies	5 minutes	1.8 hours	\$139	\$77	Each railroad required to conduct an annual review shall retain, at its system headquarters, one copy of the written annual review. FRA estimates that it will take approximately five (5) minutes to complete each record.
—(e) Railroad notification to contractor of relevant training program adjustments	22 railroads	2 notifications	15 minutes	.5 hours	\$39	\$77	If a railroad utilizes a contractor that directly trains its own safety-related railroad employees, the railroad shall notify the contractor of the relevant training program adjustments made to the railroad’s program in accordance with paragraph (d) of this section. FRA estimates that each notification will take approximately 15 minutes.
—(c), (d), (f), and (g) Railroad designation and adjustments to training	<i>The burden for these requirements are covered under §§ 243.109 and 243.207(a).</i>						
243.209(a) and (b)—Railroad maintained list of contractors utilized	754 railroads	754 lists	30 minutes	377 hours	\$29,029	\$77	Each railroad utilizing contractors to supply the railroad with safety-related railroad employees shall maintain a list, at its system headquarters, with information regarding each contractor utilized.

							FRA estimates that it will take approximately 30 minutes to complete each list.
—(c) Railroad duty to update list of contractors utilized and retain record for at least 3 years showing if a contractor was utilized in last 3 years	754 railroads	75 updated lists	15 minutes	18.8 hours	\$1,444	\$77	The information required by this section shall be continuously updated as additional contractors are utilized, and no contractor information shall be deleted from the list unless the contractor has not been utilized for at least three (3) years from the end of the calendar year the contractor was last utilized. FRA estimates that it will take approximately 15 minutes to update each list.
Total	1,155 railroads/ contractors/ training organizations/ learning institutions	164,832 responses	N/A	31,574 hours	\$2,439,774	N/A	N/A

13. Estimate of total annual costs to respondents.

Besides the costs fully itemize in answer to question number 12, there are no other costs to respondents associated with this collection of information.

14. Estimate of Cost to Federal Government.

To calculate the government administrative cost, the 2022 Office of Personnel Management wage rates were used. The average wage of step 5 was used as a midpoint. Wages were considered at the burdened wage rate by multiplying the actual wage rate by an overhead cost of 75 percent (or times 1.75).

FRA Staff Review Cost	Number of FRA Employees	FRA employee compensation rate (\$)	Hours	Number of Entities	Total (\$)
Processing of Training Program Submissions/Resubmissions/Informational Filings					

GS-15 employee	1	\$141.10	32	130	\$586,976
GS-14 employee	2	\$119.96	32	130	\$998,067
Processing of Model Programs (Revised Requirement)					
GS-15 employee	1	\$141.10	1	3	\$423
GS-14 employee	2	\$119.96	1	3	\$720
Audits					
GS-15 employee	1	\$141.10	160	6	\$135,456
GS-14 employee	2	\$119.96	170	6	\$244,718
GS-12 employees	6	\$85.82	16	6	\$49,432
Sub Total					\$2,015,793
Part 243 Contract Support					\$168,000
Total, Governmental Cost					\$2,183,793

15. Explanation of program changes and adjustments.

This is a revision to a current collection of information. The current OMB inventory for this information collection shows a total burden of 91,069 hours and 165,054 responses while the requesting inventory estimates a total burden of 31,574 hours and 164,832 responses. Overall, the burden for this submission has decreased by 59,495 hours and decreased by 222 responses. The tables below provide specific information on any burden estimates that have changed from the previous submission.

Program Change

CFR Section	Total Annual Responses			Total Annual Burden Hours			PRA Estimates and Analyses
	Previous Submission	Current Submission	Difference	Previous Submission	Current Submission	Difference	
243.105(c)—Optional model program development; model program revisions: notice of FRA-approved changes to authorized users (New requirement)	0	10 notifications (10 minutes)	+10 responses	0	2 hours	2 hours	<i>The increase is due to program change.</i>

- The program change increased the burden by 2 hours and increased responses by 10.

Adjustments

CFR Section	Total Annual Responses			Total Annual Burden Hours			PRA Estimates and Analyses
	Previous Submission	Current Submission	Difference	Previous Submission	Current Submission	Difference	
243.101(a)(2)—Training program required for each employer not covered by (a)(1) and subject to this Part by May 1, 2021	298 training programs (250 hours)	60 training programs (250 hours)	-238 training programs	74,500 hours	15,000 hours	-59,500 hours	The reduction is due to review of estimated number of submissions expected to be received
—(d)(2) Labor comments on railroad training program submissions, resubmissions, or informational filings	3 comments (30 minutes)	1 comment (30 minutes)	-2 comments	1.5 hours	0.5 hours	-1 hour	The reduction is due to review of estimated number of submissions expected to be received.
243.209(a) and (b)—Railroad maintained list of contractors utilized	746 lists (30 minutes)	754 lists (30 minutes)	8 lists	373 hours	377 hours	4 hours	This requirement applies to all railroads. This increase is more accurate in terms of number of responses to be expected.

- The adjustments decreased the burden by 59,497 and decreased responses by 232.

16. Publication of results of data collection.

FRA has no plans to publish this information.

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.