

1FEDERAL RAILROAD ADMINISTRATION
System Safety Program Plan
(Title 49 Code of Federal Regulations Part 270)
SUPPORTING JUSTIFICATION
OMB Control No. 2130-0599

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 June 5, 2020, which expires June 30, 2023.
- The Federal Railroad Administration (hereafter “FRA” or “the Agency”) published the required 60-day Notice in the Federal Register on March 24, 2023. See 88 FR 17917. FRA received no comments in response to this Notice.
- Overall, the adjustments decreased the burden by 388 hours and decreased responses by 9 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.

1. Circumstances that make collection of the information necessary.

On August 12, 2016, FRA published a final rule requiring each commuter and intercity passenger railroad¹ to develop and implement a System Safety Program (SSP). *See* 81 FR 53850 (Aug. 12, 2016). This final rule was required by section 103 of the Rail Safety Improvement Act of 2008 (RSIA) (Pub. L. 110-432, Div. A, 122 Stat. 4883 (Oct. 16, 2008), codified at 49 U.S.C. 20156). The Secretary of Transportation delegated the authority to conduct this rulemaking and implement the rule to the Administrator of the Federal Railroad Administration. *See* 49 CFR 1.89(b).

In October 2016, FRA received four petitions for reconsideration (Petitions) of the final rule. FRA issued a Notice of Proposed Rulemaking (NPRM) on June 11, 2019, responding to the Petitions and proposing certain amendments to the SSP final rule. *See* 84 FR 27215.

On March 4, 2020, FRA amended its regulations requiring each commuter and intercity passenger rail operation to develop and implement an SSP to improve the safety of their operations. *See* 85 FR 12826. The rule further clarified that each passenger rail operation has the responsibility for ensuring compliance with the SSP rule. FRA adjusted

¹ Throughout this document, FRA uses the term “railroad,” as it is defined in 49 CFR 270.5.

the rule's compliance dates to account for the prior stay of the rule's effect and amended the rule to apply its information protections to the C³RS program included in the passenger rail operation's SSP.

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

FRA uses the information collected under 49 CFR part 270 to help ensure that commuter and intercity passenger rail operations establish and implement SSPs to improve the safety of their operations and to confirm compliance with the rule. Each railroad operation should use its SSP to proactively identify and mitigate or eliminate hazards and the resulting risk on its system at an early stage to reduce the number of railroad accidents, incidents, and associated injuries, fatalities, and property damage. A passenger rail operation has the flexibility to tailor an SSP to its specific operations. An SSP must be implemented within 36 months from the date of FRA's approval of a passenger rail operation's submitted SSP plan. Under the SSP regulation, FRA will audit a passenger rail operation's compliance with its SSP plan and will use the information collected to ensure compliance with this regulation.

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

3. Extent of automated information collection.

Over the years, FRA has strongly supported and highly encouraged the use of advanced automated technology, particularly electronic recordkeeping, to reduce the burden on railroads and other entities that submit or retain information.

Accordingly, 49 CFR § 270.201(e), *Electronic submission* permits all documents required to be submitted under this Part to be submitted electronically. Thus, 100 percent of responses can be submitted electronically if passenger rail operations and labor organizations so choose.

Further, to provide guidance on electronic submission, FRA added Appendix C to Part 270, *Procedures for Submission of SSP Plans and Statements from Directly Affected Employees*.

4. Efforts to identify duplication.

The information collection requirements 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.

Commuter and intercity passenger rail operations would have to comply with all provisions of Part 270; however, the amount of effort to comply with the rule is commensurate with the size of the entity.

The U.S. Small Business Administration (SBA) stipulates “size standards” for small entities. It provides that the largest a for-profit railroad business firm may be (and remain classified as a “small entity”) is 1,500 employees for “Line-Haul Railroads” and 500 employees for “Short Line Railroads”.²

Pursuant to the authority provided to it by SBA, FRA has published a final policy, which formally establishes small entities as railroads that meet the line haulage revenue requirements of a Class III railroad.³ FRA used this definition for the SSP rulemaking along with the stipulation on government entities or agencies that serve small communities.

There are two intercity passenger railroads, the National Railroad Passenger Corporation (Amtrak) and Alaska Railroad, of which neither can be considered a small entity. Amtrak is a Class I railroad and Alaska Railroad is a Class II railroad. Alaska Railroad is owned by the State of Alaska, which has a population well above 50,000.

There are 34 commuter or other short-haul passenger railroad operations in the United States. Most of these commuter railroads are part of larger transit organizations that receive Federal funds and serve major metropolitan areas with populations greater than 50,000. All other passenger railroad operations in the United States are part of larger governmental entities, whose service jurisdictions exceed 50,000 in population. Based on the definition, they are not considered to be small entities.

6. Impact of less frequent collection of information.

If this collection of information were not conducted, or if it were conducted less frequently, rail safety in the United States might be diminished. Specifically, without this collection of information, FRA could not be assured that commuter and intercity passenger rail operations have established and implemented an SSP to improve their operations. Without SSPs, there would not be concerted efforts by passenger rail operations to proactively identify and mitigate or eliminate hazards throughout their systems at an early stage. Hazards would remain unnoticed and unaddressed, and they would likely increase the risk that they present to both rail employees and the general public. Greater numbers of rail accidents and incidents and corresponding increases in injuries, fatalities, and property damage would likely result without the risk-reduction efforts associated with SSPs and SSP Plans.

Without the required consultation statement, FRA would have no way to know whether

² See Small Business Size Standards by NAICS Industry, 13 CFR 121.201.

³ See 68 FR 24891, May 9, 2003.

commuter and intercity passenger rail operations (PROs) informed their employees of their SSP Plans. FRA would be unable to determine if PROs used good faith and made best efforts to reach an agreement with their directly affected employees on the contents of their SSP Plans. Employee input to the content of the SSP Plan is essential to have the best, most comprehensive SSP Plan. Without the required consultation statement, FRA would not know how many meetings the PRO held with its directly affected employees, what materials the PRO provided to its directly affected employees regarding the draft SSP Plan, or how input from directly affected employees was received and handled during the consultation process. Without the PRO consultation statements and corresponding employee statements, FRA would be working with incomplete and inadequate information regarding its approval decision of an SSP Plan.

Without the required risk-based hazard management program and risk-based hazard analysis provided in an SSP Plan, FRA would not be able to determine whether PROs have a structured program and set methodology to address the various hazards they discover after carefully examining their entire systems for potential dangers. These components of the SSP Plan provide important information that FRA will use in determining whether each PRO's articulated safety goals are realistic and achievable. Effective SSP Plans will meet all of the rule's requirements and promote a culture of safety to reduce the number of rail accidents/incidents that take place each year.

Without the required internal annual assessment of their approved SSP Plans, PROs would not have an accurate and informed view of the progress they are making in implementing their SSPs. This annual assessment will provide a yardstick at any given point in time for the PROs to see in which areas they are fully implementing their SSPs and in compliance with the various elements of their SSP Plans, as well as in achieving their stated system safety goals. Without this internal assessment of their approved SSP Plans, safety gains might be temporary and incomplete. Without extensive systematic and long-lasting safety gains through the complete implementation of each PRO's SSP Plan, increased numbers of accidents and incidents and corresponding injuries, fatalities, and property damage are bound to occur.

Finally, without the external audits conducted by agency staff of each PRO's SSP, FRA would be unable to determine the extent of each PRO's compliance with the rule's requirements and would be unable to convey to each PRO any areas in which it is not complying with its SSP, areas that need to be addressed by the SSP but are not, or other areas in which FRA believes the PRO and its SSP Plan are not in compliance with Part 270. Without these audits, rail safety will suffer from potential unexposed and unaddressed risks, and more rail accidents/incidents will likely ensue.

In summary, this collection aids FRA, and PROs in promoting and maintaining a safe rail environment. As such, it furthers FRA's main mission.

7. **Special circumstances.**

There are no special circumstances.

8. Compliance with Title 5 Code of Federal Regulations § 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 March 24, 2023,⁴ soliciting comment from the public, railroads, and other interested parties on these information collection requirements. FRA received no comments.

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 site inspections 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.

10. Assurance of confidentiality.

Section 109 of the RSIA specifies that certain risk reduction records obtained by the Secretary are exempt from the public disclosure requirements of the Freedom of Information Act (FOIA). This exemption is subject to two exceptions for disclosure (1) necessary to enforce or carry out any Federal law and (2) when a record is comprised of facts otherwise available to the public and FRA determines disclosure would be consistent with the confidentiality needed for RRP. See 49 U.S.C. 20118. Unless an RSIA exception applies, FRA would not disclose such records in response to a FOIA request. See 5 U.S.C. 552(b)(3) and 49 CFR § 7.23(c)(3). Therefore, FRA concludes SSP records in FRA's possession would be exempted from mandatory disclosure under FOIA unless one of the two exceptions applies.

The SSP rule protects certain information compiled or collected after August 14, 2017, solely for SSP purposes from discovery, admission into evidence, or use for any other purpose in a Federal or State court proceeding for damages involving personal injury, wrongful death, or property damage. See 49 CFR 270.105(a), *Protected information*. The rule also specifies certain categories of information that are not protected, including information compiled or collected on or before August 14, 2017, and that continues to be

⁴ 88 FR 17917.

compiled and collected, even if used to plan, implement, or evaluate an SSP. See 49 CFR 270.105(b), *Non-protected information*.⁵

11. Justification for any questions of a sensitive nature.

There are no questions, information, or data of a sensitive nature contained in this information collection.

⁵ See 77 FR 55373, 55378-79, 55390-92, and 55406, Sept. 7, 2012; 81 FR 53851, 53855-56, 53858-60, 53878-82, and 53900, Aug. 12, 2016.

12. Estimate of burden hours for information collected.

Based on the latest FRA data, the respondent universe is estimated to be 33 passenger rail operations and 1 new passenger rail operation. The estimates for the respondent universe, annual responses, and average time per responses are based on the experience and expertise of FRA’s Office of Program Management.

CFR Section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Wage rates (D) ⁶	Total cost equivalent in U.S. dollar (E = C * D)	PRA Analyses and Estimates
270.101—System safety program; general	The estimated paperwork burden for this regulatory requirement is covered under § 270.103.						
270.103—System safety program plan (SSP plan)—Comprehensive written SSP plan that meets all of this section’s requirements and approved by FRA under the process specified in § 270.201	1 new passenger rail operation	1.00 plan	40 hours	40.00 hours	\$109.74	\$4,389.60	Each passenger rail operation subject to this part shall adopt and fully implement a system safety program through a written SSP plan that, at a minimum, contains the elements in this section and in subpart E of this part. This SSP plan shall be approved by FRA under the process specified in § 270.201. FRA anticipates, after careful review, that it will take approximately 40 hours for each plan.
—(e)(6)(iii) Copies of passenger rail operation (PRO) designations to	1 new passenger rail operation	1.00 copy	2 minutes	.03 hour	\$77.91	\$2.34	A statement affirming that a copy of the designation has been provided to the primary point of contact for each non-profit employee labor organization

⁶ FRA derived the wage rates from the 2021 Surface Transportation Board Full Year Wage A&B data series using the appropriate employee group hourly wage rate that includes a 75-percent overhead charge. For Executives, Officials, and Staff Assistants, this cost amounts to \$109.74 per hour (\$62.71 * 1.75 overhead charge). For Professional and Administrative staff, this cost amounts to \$77.91 per hour (\$44.52 * 1.75 overhead charge).

non-profit employee labor organizations							representing directly affected employees for consultation purposes under § 270.107(a)(2); and (iv) A description of how directly affected employees not represented by a non-profit employee labor organization were notified of the designation for consultation purposes under § 270.107(a). FRA anticipates, after careful review, that it will take approximately 2 minutes for each copy.
—(e)(6) Designation notifications to employees not represented by non-profit employee labor organizations	1 new passenger rail operation	1.00 notice	5 minutes	.08 hour	\$77.91	\$6.23	If a passenger rail operation subject to this part designates a person as responsible for compliance with this part under § 270.7(c)(2), the following information must be included in the passenger rail operation's SSP plan and any notice of designation submitted under § 270.7(c)(2). FRA anticipates, after careful review, it will take 5 minutes for each notice.
—(i)(6) Records of system safety training for employees/contractors/others	33 passenger rail operations + 1 new passenger rail operation	510.00 records	15 seconds	2.13 hours	\$77.91	\$165.95	The passenger rail operation shall keep a record of all training conducted under this part and update that record as necessary. The system safety program training plan shall set forth the process used to maintain and update the necessary training records required by this part.

							FRA anticipates, after careful that it will take 15 seconds for each record.
—(q)(1) Risk-based hazard analysis— Performance of risk-based hazard analyses and furnishing of results of risk-based hazard analyses upon request of FRA/participating part 212 States	33 passenger rail operations + 1 new passenger rail operation	34.00 analyses results	20 hours	680.00 hours	\$77.91	\$52,978.80	Once FRA approves a passenger rail operation’s SSP plan pursuant to § 270.201(b), the risk-based hazard analysis methodology identified in paragraphs (p)(1)(i) through (iii) of this section shall be applied to identify and analyze hazards on the rail system and to determine the resulting risks. FRA anticipates, after careful review, that it will take approximately 20 hours for each analysis.
—(q)(2) Identification and implementation of risk mitigation methods and furnishing of descriptions of specific risk mitigation methods that address hazards upon request of FRA/participating part 212 States	33 passenger rail operations + 1 new passenger rail operation	34.00 mitigation methods descriptions	10 hours	340.00 hours	\$77.91	\$26,489.40	A risk-based hazard analysis shall identify specific actions that shall be implemented using the methods described in paragraph (p)(1)(iv) of this section that will mitigate or eliminate the hazards and resulting risks identified by paragraph (q)(1) of this section. FRA anticipates, after careful review, that it will take approximately 10 hours to provide the required information.
—(q)(3) Ad hoc risk-based hazard analysis pursuant to paragraphs (q) (1) and (q)(2) of this section when there are significant operational	33 passenger rail operations + 1 new passenger rail operation	3.00 analyses	10 hours	30.00 hours	\$77.91	\$2,337.30	A passenger rail operation shall also conduct a risk-based hazard analysis pursuant to paragraphs (q)(1) and (2) of this section when there are significant operational changes, system extensions, system modifications, or other circumstances that have a direct impact on railroad safety.

changes, system extensions, system modifications, or other circumstances that have direct impact on railroad safety							FRA anticipates, after careful review, that it will take approximately 10 hours for each analysis.
—(r)(1) Performance of technology analysis and furnishing of results of system’s technology analysis upon request of FRA/participating part 212 States	33 passenger rail operations + 1 new passenger rail operation	34.00 results of technology analysis	10 hours	340.00 hours	\$77.91	\$26,489.40	A passenger rail operation shall develop, and periodically update as necessary, a technology analysis and implementation plan as described by this paragraph. The passenger rail operation shall include this technology analysis and implementation plan in its SSP plan. FRA anticipates, after careful review, that it will take approximately 10 hours for each technology analysis.
270.107(a)— Consultation requirements— Consultation with directly affected employees on SSP plan	33 passenger rail operations + 1 new passenger rail operation	6.00 consults (w/labor union reps.)	1 hour	6.00 hours	\$77.91	\$467.46	Each passenger rail operation required to establish a system safety program under this part shall in good faith consult with, and use its best efforts to reach agreement with, all of its directly affected employees, including any non-profit labor organization representing a class or craft of directly affected employees, on the contents of the SSP plan. FRA anticipates, after careful review, that it will take 1 hour for each consultation.
—(a)(3)(ii) Notification to directly affected employees of	33 passenger rail operations + 1 new	6.00 notices	30 minutes	3.00 hours	\$77.91	\$233.73	A passenger rail operation must notify the directly affected employees of the preliminary meeting no less than 60 days

preliminary meeting at least 60 days before being held	passenger rail operation						before it is held. FRA anticipates, after careful review, that it will take approximately 30 minutes for each notice.
—(b) Consultation statements that include service list with name & contact information for labor organization chairpersons & non-union employees who participated in process	33 passenger rail operations + 1 new passenger rail operation	6.00 statements	1 hour	6.00 hours	\$77.91	\$467.46	A passenger rail operation required to submit an SSP plan under § 270.201 must also submit, together with the plan, a consultation statement that includes the information listed in § 270.107 (b)(1) through (b)(3). FRA anticipates, after careful review, that it will take approximately 1 hour for each statement.
—(b)(3) Copies of consultation statements to service list individuals	33 passenger rail operations + 1 new passenger rail operation	6.00 copies	1 minute	.10 hour	\$77.91	\$7.79	When a passenger rail operation submits its SSP plan and consultation statement to FRA pursuant to § 270.201, it must also simultaneously send a copy of these documents to all individuals identified in the service list. FRA anticipates, after careful review, that it will take 1 minute for each copy.
—(c) Statements from directly affected employees	FRA anticipates zero submissions during this 3-year ICR period.						
—(d) Consultation requirements for SSP plan amendments	The estimated paperwork burden for this regulatory requirement is covered under § 270.103.						
270.201(b)— Filing and approval SSP plan	33 passenger rail operations +	5.00 amended plans	30 hours	150.00 hours	\$77.91	\$11,686.50	Within 90 days of receipt of an SSP plan, FRA will review the SSP plan to determine if the

—Amended or corrected SSP plan	1 new passenger rail operation						elements prescribed in this part are sufficiently addressed. This review will also consider any statement submitted by directly affected employees pursuant to § 270.107(c). FRA anticipates, after careful review, that it will take approximately 30 hours for each amended plan.
—(c) Review of amended SSP Plan found deficient and requiring further amendment	33 passenger rail operations + 1 new passenger rail operation	1.00 further amended plan	20 hours	20.00 hours	\$77.91	\$1,558.20	A passenger rail operation shall submit any amendment(s) to the SSP plan to FRA not less than 60 days before the proposed effective date of the amendment(s). The passenger rail operation shall file the amended SSP plan with a cover letter outlining the changes made to the original approved SSP plan by the proposed amendment(s). FRA anticipates, after careful review, that it will take approximately 20 hours to further amend each plan.
—(d) Reopened review of initial SSP plan approval for cause stated	33 passenger rail operations + 1 new passenger rail operation	1.00 amended plan	30 hours	30.00 hours	\$77.91	\$2,337.30	Following initial approval of a plan, or amendment, FRA may reopen consideration of the plan or amendment for cause stated. FRA anticipates, after careful review, that it will take approximately 30 hours to review each amended plan.
270.203—Retention of SSP plan—Retained copies of SSP plans	33 passenger rail operations + 1 new passenger rail	34.00 copies	10 minutes	5.67 hours	\$77.91	\$441.75	Each passenger rail operation to which this part applies shall retain at its system headquarters, and at any division headquarters, one copy of the SSP plan required

	operation						by this part and one copy of each subsequent amendment to that plan. These records shall be made available to representatives of FRA and States participating under part 212 of this chapter for inspection and copying during normal business hours. FRA anticipates, after careful review, that it will take approximately 10 minutes for each record.
270.303—Annual internal SSP assessments	33 passenger rail operations + 1 new passenger rail operation	34.00 evaluations/reports	2 hours	68.00 hours	\$77.91	\$5,297.88	Following FRA's initial approval of the passenger rail operation's SSP plan pursuant to § 270.201, the passenger rail operation shall annually conduct an assessment of the extent to which: (1) The system safety program is fully implemented; (2) The passenger rail operation is in compliance with the implemented elements of the approved system safety program; and (3) The passenger rail operation has achieved the goals set forth in § 270.103(c). FRA anticipates, after careful review, that it will take approximately 2 hours for each evaluation/report.
—(c) Certification of results of internal assessment by chief safety official	33 passenger rail operations + 1 new passenger rail operation	34.00 certification statements	2 hours	68.00 hours	\$109.74	\$7,462.32	Within 60 days of completing its internal SSP plan assessment pursuant to paragraph (a) of this section, the passenger rail operation shall submit to FRA a copy of the passenger rail

							<p>operation’s internal assessment report that includes a system safety program assessment, and the status of internal assessment findings and improvement plans to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer, Mail Stop 25, 1200 New Jersey Avenue SE, Washington, DC 20590. The passenger rail operation’s chief official responsible for safety shall certify the results of the internal SSP plan assessment.</p> <p>FRA anticipates, after careful review, that it will take approximately 2 hours for each certification.</p>
270.305(b)(1)— External safety audit—Submission of improvement plans in response to results of FRA audit	33 passenger rail operations + 1 new passenger rail operation	6.00 plans	12 hours	72.00 hours	\$109.74	\$7,901.28	<p>Within 60 days of FRA’s written notification of the results of the audit, the passenger rail operation shall submit to FRA for approval an improvement plan to address the audit findings that require corrective action. At a minimum, the improvement plan shall identify who is responsible for carrying out the necessary tasks to address audit findings and specify target dates and milestones to implement the improvements that address the audit findings.</p> <p>FRA anticipates, after careful review, that it will take approximately 12 hours for each plan.</p>

—(b)(2) Improvement plans found deficient by FRA and requiring amendment	33 passenger rail operations + 1 new passenger rail operation	2.00 amended plans	10 hours	20.00 hours	\$77.91	\$1,558.20	<p>If FRA does not approve the passenger rail operation's improvement plan, FRA will notify the passenger rail operation of the specific deficiencies in the improvement plan. The affected passenger rail operation shall amend the proposed plan to correct the deficiencies identified by FRA and provide FRA with a corrected copy of the improvement plan no later than 30 days following its receipt of FRA's written notice that the proposed plan was not approved.</p> <p>FRA anticipates, after careful review, that it will take approximately 10 hours for each amended plan.</p>
—(b)(3) Status report to FRA of implementation of improvements set forth in the improvement plan	33 passenger rail operations + 1 new passenger rail operation	2.00 reports	4 hours	8.00 hours	\$77.91	\$623.28	<p>Upon request, the passenger rail operation shall provide to FRA and States participating under part 212 of this chapter for review a report upon request regarding the status of the implementation of the improvements set forth in the improvement plan established pursuant to paragraph (b)(1) of this section.</p> <p>FRA anticipates, after careful review, that it will take approximately 4 hours for each status report.</p>
Subpart E— Fatigue Risk Management Programs	The estimated paperwork burden for this regulatory requirement is covered under OMB Control Number 2130-0633.						
Appendix B—	33 passenger	4.00	15	1.00	\$77.91	\$77.91	FRA will determine on a case-by-

Additional documents provided to FRA upon request	rail operations + 1 new passenger rail operation	documents	minutes	hour			<p>case basis whether a passenger rail operation has met its § 270.107 good faith and best-efforts obligations. This determination will be based upon the consultation statement submitted by the passenger rail operation pursuant to § 270.107(b) and any statements submitted by employees pursuant to § 270.107(c). If FRA finds that these statements do not provide sufficient information to determine whether a passenger rail operation used good faith and best efforts to reach agreement, FRA may investigate further and contact the passenger rail operation or its employees to request additional information.</p> <p>FRA anticipates, after careful review, that it will take approximately 15 minutes for each document.</p>
Appendix C— Written requests to file required submissions electronically	33 passenger rail operations + 1 new passenger rail operation	2.00 written requests	15 minutes	.50 hour	\$77.91	\$38.96	<p>A request for electronic submission or FRA review of written materials shall be addressed to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer, Mail Stop 25, 1200 New Jersey Avenue SE, Washington, DC 20590. Upon receipt of a request for electronic submission that contains the information listed above, FRA will then contact the requestor with instructions for electronically submitting its program or statement.</p>

							FRA anticipates, after careful review, that it will take approximately 15 minutes for each written request.
Totals ⁷	33 passenger rail operations + 1 new passenger rail operation	767 responses	N/A	1,891 hours	N/A	\$153,019	

13. Estimate of total annual costs to respondents.

There are no other costs to respondents other than the ones reflected in the response to question 12 above.

14. Estimate of cost to Federal Government.

To calculate the government administrative cost, the 2023 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. The following table shows the estimated average annual cost to the Federal government to review all the required documents and conduct the external audits.

Pay Grade	Annual-Average Wage Rate	No. of Employees	Percent Share of Time Use	Total Wages (Wages * 1.75 of Overhead Cost)
Year 1				
GS-15	\$176,458	2	0.125	\$77,200
GS-14	\$150,016	2	0.50	\$262,528
Year 2				
GS-15	\$176,458	2	0.125	\$77,200
GS-14	\$150,016	2	0.50	\$262,528
Year 3				

⁷ Totals may not add due to rounding.

GS-13	\$126,949	2	0.25	\$111,080
GS-14	\$150,016	2	0.75	\$393,792
GS-15	\$176,458	2	0.125	\$77,200
Total of Year 1 through Year 3				\$1,261,530
Estimated Average Annual Cost of Year 1 to Year 3				\$420,510

15. Explanation of program changes and adjustments.

This is an extension without change (with changes in estimates to a current information collection request (ICR)). Currently, the OMB inventory for this collection of information shows a total burden of 2,279 hours and 776 responses, while the requesting inventory reflects an estimate of a total burden of 1,891 hours and 767 responses. Overall, the adjustments for this submission has decreased the burden by 388 hours and by 9 responses.

The primary reason for the reduction in the estimated paperwork burden is the expected decrease in the number of responses. Specifically, all passenger rail operations currently subject to the regulation have already submitted their SSP plans, leading to a decrease in the overall PRA burden. This reduction in submissions, reduced by 388 hours, has significantly contributed to the overall decrease in the estimated paperwork burden hours in the requested inventory.

The tables below provide specific information on the review of any of the estimates that have changed.

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	
270.103—System safety program plan (SSP Plan)—Comprehensive written SSP Plan that meets all of this section’s requirements and approved by FRA under the process specified in §	11.67 plan (40 hours)	1.00 plan (40 hours)	-10.67 plan	467.00 hours	40.00 hours	-427.00 hours	The primary reason for the reduction in the estimated paperwork burden is that existing passenger railroads have already

270.201							submitted their plans, leading to a decrease in the overall burden. Additionally, FRA anticipates that a new passenger railroad will commence operations and will submit a plan. FRA anticipates, after careful review, that the number of expected submissions will decrease during this 3-year ICR period.
—(e)(6)(iii) Copies of passenger rail operation (PRO) designations to non-profit employee labor organizations	11.67 copy (2 minutes)	1.00 copy (2 minutes)	-10.67 copy	.39 hour	.03 hour	-.36 hour	FRA anticipates, after careful review, that the number of expected submissions will decrease during this 3-year ICR period.
—(e)(6) Designation notifications to employees not represented by non-profit employee labor organizations	11.67 notice (5 minutes)	1.00 notice (5 minutes)	-10.67 notice	1.00 hour	.08 hour	-.92 hour	FRA anticipates, after careful review, that the number of expected submissions will decrease during this 3-year ICR period.
—(i)(6) Records of system safety training for employees/contractors/others	495.00 records (15 seconds)	510.00 records (15 seconds)	15.00 records	2.06 hours	2.13 hours	.07 hours	FRA anticipates, after careful review, that the number of expected

							submissions will increase during this 3-year ICR period.
—(q)(1) Risk-based hazard analysis—Performance of risk-based hazard analyses and furnishing of results of risk-based hazard analyses upon request of FRA/participating part 212 States	35.00 analyses results (20 hours)	34.00 analyses results (20 hours)	-1.00 analyses results	700.00 hours	680.00 hours	-20.00 hours	FRA anticipates, after careful review, that the number of expected submissions will decrease during this 3-year ICR period.
—(q)(2) Identification and implementation of risk mitigation methods and furnishing of descriptions of specific risk mitigation methods that address hazards upon request of FRA/participating part 212 States	35.00 mitigation methods descriptions (10 hours)	34.00 mitigation methods descriptions (10 hours)	-1.00 mitigation methods descriptions	350.00 hours	340.00 hours	-10.00 hours	FRA anticipates, after careful review, that the number of expected submissions will decrease during this 3-year ICR period.
—(q)(3) Ad hoc risk-based hazard analysis pursuant to paragraphs (q)(1) and (q)(2) of this section when there are significant operational changes, system extensions, system modifications, or other circumstances that have direct impact on railroad safety	0	3.00 analyses (10hours)	3.00 analyses	0	30.00 hours	30.00 hours	FRA anticipates, after careful review, that the number of expected submissions will increase during this 3-year ICR period.
—(r)(1) Performance of technology analysis and furnishing of results of system’s technology analysis upon request of FRA/participating part 212 States	35.00 results of technology analysis (10 hours)	34.00 results of technology analysis (10 hours)	-1.00 results of technology analysis	350.00 hours	340.00 hours	-10.00 hours	FRA anticipates, after careful review, that the number of expected submissions will decrease during this 3-year ICR period.
270.107(a)—Consultation requirements—Consultation	11.67 consults (w/labor union)	6.00 consults (w/labor)	-5.67 consults	12.00 hours	6.00 hours	-6.00 hours	FRA anticipates, after careful

with directly affected employees on SSP Plan	reps.) (1 hour)	union reps.) (1 hour)	(w/labor union reps.)				review, that the number of expected submissions will decrease during this 3-year ICR period.
—(a)(3)(ii) Notification to directly affected employees of preliminary meeting at least 60 days before being held	11.67 notices (30 minutes)	6.00 notices (30 minutes)	-5.67 notices	6.00 hours	3.00 hours	-3.00 hours	FRA anticipates, after careful review, that the number of expected submissions will decrease during this 3-year ICR period.
—(b) Consultation statements that includes service list with name & contact information for labor organization chairpersons & non-union employees who participated in process	11.67 statements (1 hour)	6.00 statements (1 hour)	-5.67 statements	12.00 hours	6.00 hours	-6.00 hours	FRA anticipates, after careful review, that the number of expected submissions will decrease during this 3-year ICR period.
—(b)(3) Copies of consultations statements to service list individuals	11.67 copies (1 minute)	6.00 copies (1 minute)	-5.67 copies	.20 hour	.10 hour	-.10 hour	FRA anticipates, after careful review, that the number of expected submissions will decrease during this 3-year ICR period.
270.201(b)—Filing and approval SSP Plan— Amended or corrected SSP plan	4.00 amended plans (30 hours)	5.00 amended plans (30 hours)	1.00 amended plans	120.00 hours	150.00 hours	30.00 hours	FRA anticipates, after careful review, that the number of expected submissions will increase during this 3-year ICR period.
270.203—Retention of SSP Plan—Retained copies of SSP Plans	16.00 copies (10 minutes)	34.00 copies (10 minutes)	18.00 copies	3.00 hours	5.67 hours	2.67 hours	FRA anticipates, after careful review, that the

							number of expected submissions will increase during this 3-year ICR period.
270.303—Annual internal SSP assessments	16.00 evaluations/reports (2 hours)	34.00 evaluations/reports (2 hours)	18.00 evaluations/reports	32.00 hours	68.00 hours	36.00 hours	FRA anticipates, after careful review, that the number of expected submissions will increase during this 3-year ICR period.
—(c) Certification of results of internal assessment by chief safety official	35.00 certification statements (2 hours)	34.00 certification statements (2 hours)	-1.00 certification statements	70.00 hours	68.00 hours	-2.00 hours	FRA anticipates, after careful review, that the number of expected submissions will decrease during this 3-year ICR period.
Appendix C—Written requests to file required submissions electronically	7.00 written requests (15 minutes)	2.00 written requests (15 minutes)	-5.00 written requests	2.00 hours	.50 hours	-1.50 hours	FRA anticipates, after careful review, that the number of expected submissions will decrease during this 3-year ICR period.
Totals	776 responses	767 responses	-9 responses	2279.00 hours	1891 hours	-388 hours	

16. Publication of results of data collection.

FRA does not plan to tabulate or publish the responses.

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.