

**11FEDERAL RAILROAD ADMINISTRATION**  
**Risk Reduction Program**  
**(Title 49 Code of Federal Regulations (CFR) Part 271)**  
**SUPPORTING JUSTIFICATION**  
**OMB No. 2130-0610**

**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 17919. FRA received one comment in response to this Notice. See question number 8 for response to the comment.
- Overall, the adjustments decreased the burden by 1,131 hours and decreased responses by 774 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.**

In 2020, FRA issued a Risk Reduction Program (RRP) final rule<sup>1</sup> that added regulations at 49 CFR part 271 requiring each Class I freight railroad and each freight railroad with inadequate safety performance (ISP) to develop and implement a RRP to improve the safety of its operations. The rule also provides that railroads may voluntarily develop and implement an RRP that meets the regulatory requirements. 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).<sup>2</sup>

An RRP is a comprehensive, system-oriented approach to safety that determines a railroad operation’s level of risk by identifying and analyzing applicable hazards, and it involves developing plans to mitigate, if not eliminate, that risk. Generally, railroads subject to the RRP rule must assess and manage risk and to develop proactive hazard management methods to promote safety improvement. Each railroad subject to the rule must implement its RRP under a written RRP plan that FRA has reviewed and approved.

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<sup>1</sup> 85 FR 9262 (Feb. 18, 2020).

<sup>2</sup> 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).

The rule also requires railroads to consult in good faith, and use their best efforts to reach agreement with, directly affected employees on the RRP plan contents and any substantive amendments to the plan.

The main components of an RRP are the risk-based hazard management program and risk-based hazard analysis. A properly implemented risk-based hazard management program and risk-based hazard analysis will identify the hazards and resulting risks on the railroad's system, develop methods to mitigate or eliminate (if practicable) these hazards and risks, and set forth a plan to implement these methods. As part of its RRP, a railroad will also consider various technologies that may mitigate or eliminate the identified hazards and risks.

The implementation of an RRP must be supported by a written RRP plan submitted to and approved by FRA. The RRP rule sets forth various elements that a railroad's RRP plan must contain to properly implement an RRP. These elements would include, but would not be limited to, procedures and processes for the following RRP components: risk-based hazard management program; safety performance evaluation; safety outreach; technology implementation plan; RRP employee/contractor training; railroad employee involvement; and internal assessment.

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

FRA will use the information collected under 49 CFR part 271 to help ensure that each Class I freight railroad and each freight railroad with ISP establishes and implements an RRP to improve the safety of its operations through structured, proactive processes that systematically evaluate railroad safety hazards on its system and manage the risks associated with those hazards to reduce the number and rates of railroad accidents/incidents, injuries, and fatalities. Each railroad has the flexibility to tailor an RRP to its specific railroad operations. Additionally, each railroad must implement its RRP under a written RRP plan that FRA has reviewed and approved and must fully implement its RRP within 36 months from the date of FRA's approval of its RRP plan. Under the RRP rule, each railroad must conduct an annual internal assessment of its RRP. FRA will also audit each railroad's compliance with its RRP plan and will use the information collected to ensure compliance with Part 271.

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 feasible, to reduce the burden on respondents. FRA estimates that at least 85 percent of responses will be completed electronically. Further, to provide guidance on electronic submission, FRA added Appendix B to Part 271, *Procedures for Submission of RRP 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.**

The U.S. Small Business Administration (SBA) stipulates in its size standards that the largest a “for-profit” railroad business firm may be, and still be classified as a small entity, is 1,500 employees for “Line-Haul Railroads” and 500 employees for “Short Line Railroads”<sup>3</sup> Pursuant to the authority provided to it by the SBA, FRA has published a final Statement of Agency Policy that formally establishes small entities or small businesses as being 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. See 68 FR 24891 (May 9, 2003) (codified as appendix C to 49 CFR part 209). The \$20 million limit is based on the Surface Transportation Board’s revenue threshold for a Class III railroad. Railroad revenue is adjusted for inflation by applying a revenue deflator formula in accordance with 49 CFR 1201.1-1. This definition is what FRA is using for the RRP rule.

Class I freight railroads and railroads with ISP have to comply with all of the provisions of Part 271. However, the amount of effort to comply with the rule is commensurate with the size of the entity. In the universe of railroads for potential compliance under this rule, there are 6 Class I railroads (1 of which, the National Railroad Passenger Corporation (Amtrak), is classified as a passenger railroad that would be excepted from the rule), 11 Class II railroads (1 of which, Alaska Railroad, is classified as a passenger railroad that would be excepted from the rule), and 734 Class III freight railroads.

To identify the non-Class I railroads that must comply with this rule, FRA will annually conduct a two-phase analysis to determine which railroads have ISP. This is accomplished by the following: (1) a statistically-based quantitative analysis of fatalities, FRA-reportable injuries/illnesses, FRA-reportable accidents/incidents, and FRA safety

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<sup>3</sup> See Small Business Size Standards by NAICS Industry, 13 CFR 121.201.

violations; and (2) a qualitative assessment that includes input from affected railroads and their employees. (See § 271.13 of the final rule for a full description of the process used to determine ISP.)

FRA is currently conducting the initial ISP analysis to determine how many Class II and III freight railroads must comply with the RRP rule because they have ISP. Previously, FRA had conducted an analysis that reviewed a 3-year rolling average of safety data and estimated that FRA would identify approximately 10 Class II and Class III freight railroads that demonstrate ISP in year 2 of the 10-year period of the analysis. In each subsequent year, FRA expects to identify five additional ISP freight railroads. Therefore, by year 10, FRA will have identified approximately 50 ISP freight railroads. While FRA has not yet finished conducting its initial ISP analysis, FRA believes these estimates will be consistent with the number of Class II and III freight railroads FRA identifies as having ISP.

FRA expects the number of ISP freight railroads will reach a maximum of 50 railroads by year 10, at which point the number of ISP freight railroads should flatten out or decline. In estimating the maximum number of ISP freight railroads, FRA considered the following factors: (1) industry-wide safety performance improvement; (2) in year 7 of the analysis, some ISP freight railroads will seek and receive relief from being in the program after complying for 5 years; (3) the size of the railroad pool being examined for ISP would shrink as more railroads are required to comply with part 271; and (4) those railroads not identified as being an ISP freight railroad will observe the positive behaviors and results of ISP freight railroads and will embrace the better safety practices without having a formal RRP program.

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

If the information were not collected or collected less frequently, railroad safety throughout the United States might be diminished. Specifically, if Class I freight railroads and freight railroads with ISP do not develop and implement RRP, then undoubtedly there will be higher numbers of train accidents, particularly severe collisions and major derailments, as well as other railroad incidents and corresponding injuries and fatalities to workers that go with them that could have been prevented with an effective RRP. Without the implementation of an effective RRP, Class I and ISP freight railroads will not have a comprehensive, system-oriented approach to railroad safety that not only determines daily operations level of risk by identifying and analyzing applicable hazards, but also formulates a plan to mitigate, and where possible, eliminate that risk. An effective RRP encourages – and indeed facilitates – a railroad and its employees to work together to proactively identify hazards and to jointly determine what action to take to mitigate or eliminate the risks associated with those hazards. Effective RRP will lead to decreases in unsafe behaviors. Decreases in unsafe behaviors or hazards will create a

corresponding decrease in railroad-related incidents and the casualties and property damage that go along with them.

Without effective RRP, Class I and ISP freight railroads might not have an ongoing program that supports continuous safety improvement. Necessary components of the RRP – a risk-based hazard management program (HMP), a safety performance evaluation component, a safety outreach component, a technology analysis, and technology implementation plan, and RRP implementation and support training – provide railroads with a comprehensive means of assessing their systems risks as well as the framework for reducing those risks.

Without an RRP risk-based HMP, Class I and ISP freight railroads might not identify hazards in a proactive, integrated, system-wide, and ongoing manner. The scope of a risk-based HMP would be scalable, based upon the size and extent of the railroad's system. As part of its risk-based HMP, each railroad would have to conduct a risk-based hazard analysis. A risk-based hazard analysis would address the following components of a railroad's system: infrastructure; equipment; employee levels and work schedules; operating rules and practices; management structure; employee training; and other areas impacting railroad safety that are not covered by railroad safety laws or regulations or other Federal laws or regulations. A risk-based hazard analysis would identify hazards by analyzing the following: (1) various aspects of the railroad's system (including any operational changes, system extensions, or system modifications); and (2) accidents and incidents, injuries, fatalities, and other known indicators of hazards (such as data compiled from a close call reporting system). A railroad would then calculate risk by determining and analyzing the likelihood and severity of potential events associated with identified hazards. These risks would be compared and prioritized for the purpose of mitigation.

Without the required RRP safety performance evaluation, Class I and ISP freight railroads might not monitor new or emerging risks. The safety performance evaluation enables railroads to develop and maintain ongoing processes and systems for evaluating the safety performance of a railroad's system. Each railroad would develop and maintain processes and systems for measuring its safety culture. Overall, a safety performance evaluation would consist of both a safety monitoring and a safety assessment component. The safety performance evaluation would be developed by establishing processes and systems for acquiring data and information from the following sources: (i) continuous monitoring of operational processes and systems; (ii) periodic monitoring of the operational environment to detect changes that may generate new hazards; (iii) investigations of accidents/incidents, injuries, fatalities, and other known indicators of hazards; (iv) investigations of reports regarding potential non-compliance with Federal railroad safety laws or regulations, railroad operating rules and practices, or mitigation strategies established by the railroad; and (v) a reporting system through which employees can report safety concerns (including, but not limited to, hazards, issues,

occurrences, and incidents) and propose safety solutions and improvements. A railroad would have substantial flexibility to design a reporting system best suited to its own organization or, if a railroad already has some sort of reporting system, to modify it to meet the needs of its RRP.

Without the required RRP safety outreach component of an effective RRP, Class I and ISP freight railroads might not communicate important safety information to employees and contractors who work in implementing the RRP. Specifically, in their safety outreach programs, Class I and ISP freight railroads would convey safety-critical information to employees; would explain why RRP-related safety actions are taken; and would explain why safety procedures are introduced or changed. In essence, railroads would use the safety outreach component of an RRP to communicate the effect the RRP is having on the railroad's overall safety performance to those employees most responsible for supporting and fulfilling the railroad's RRP. Ongoing safety outreach will help crystallize any changes that need to be made in the railroad's RRP to enhance safety.

Without the required RRP technology analysis, Class I and ISP freight railroads might not evaluate current, new, or novel technologies that could mitigate or eliminate hazards and the resulting risks identified through the risk-based hazard management program (HMP). Without the required technology analysis, these railroads might not analyze the safety impact, feasibility, and costs and benefits of implementing such technologies. The technology analysis, at a minimum, would consider different technologies including processor-based technologies, positive train control (PTC) systems, electronically controlled pneumatic brakes, rail integrity inspection systems, rail integrity warning systems, switch position monitors and indicators, trespasser prevention technology, and highway-rail grade crossing warning and protection technology.

Without the required RRP training, the employees of Class I and ISP freight railroads who hold positions of safety leadership and employees whose job duties primarily relate to developing and implementing an RRP would not be familiar with the elements of their railroad's program and would not have the necessary knowledge and skills needed to fulfil their responsibilities. Rail safety would suffer as a result.

Without the required RRP "good faith" and "best efforts" consultation by Class I and ISP freight railroads with their directly affected employees, railroads might not solicit feedback and seek consensus from employees on the contents of their RRP plans. Also, without this essential consultation, it would not be possible to gain the support and input of those employees who have direct and intimate knowledge of the railroad's daily operations and who will be tasked with implementing each railroad's RRP. Good faith and best-efforts consultation enables employees to directly and proactively provide their knowledge and insight so that railroads can make their RRPs as effective as possible. This will enhance overall rail safety.

Without the RRP requirement to conduct annual internal assessments, Class I and ISP freight railroads might not carry out essential audits to determine that their RRP's are properly implemented and effective. The internal assessments will be used by railroads to determine the extent to which the railroad has accomplished the following: (i) achieved the implementation milestones described in its RRP plan pursuant to proposed § 271.223(b); (ii) complied with the elements of its approved RRP plan that have already been implemented; (iii) achieved the goals described in its RRP plan pursuant to proposed § 271.203(c); (iv) implemented previous internal assessment improvement plans pursuant to proposed § 271.403; and (v) implemented previous external audit improvement plans pursuant to § 271.503. A properly executed internal assessment would provide the railroad with detailed knowledge of the status of its program implementation and the degree to which the program is effectively reducing risk. Results of the internal assessment are required to be reported to the railroad's senior management. The railroad's senior management will use the information to develop an improvement plan in order make their daily operations safer.

Finally, FRA external audits of the railroad's RRP will focus on reviewing the railroad's RRP process and ensuring that the railroad is following the processes and procedures described in its FRA-approved RRP plan. This will be an interactive process. FRA will communicate with the railroad during the audit and attempt to resolve any issues before its completion. Once the audit is completed, FRA will provide the railroad with written notification of the audit results so that railroads would be clearly informed of any areas where the railroad was not properly complying with its RRP plan, any areas that needed to be addressed by the railroad's RRP but were not, or any other areas in which FRA found that the railroad and its program were not in compliance with this Part. Such FRA oversight will serve to remedy any RRP/RRP Plan deficiencies and will also serve to improve rail safety.

In short, this collection of information promotes and enhances national rail safety, and thus serves as a vital component of FRA's multi-faceted safety program.

7. **Special circumstances.**

There are no special circumstances.

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 March 24, 2023,<sup>4</sup> soliciting comment from the public, railroads, and other interested parties on these information collection requirements. FRA received one comment to this notice.

This commenter expressed concerns about FRA's estimated paperwork burdens with respect to the Risk Reduction Plan (RRP) but did not articulate in detail which burdens were of concern. While FRA notes this feedback, FRA's stakeholder-informed process re-evaluates the estimated paperwork burdens periodically to ensure accuracy and FRA's subject matter experts also analyze the updated data to determine accurate estimates.

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 provided 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 RRs. 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 railroad risk reduction records in FRA's possession would be exempted from mandatory disclosure under FOIA unless one of the two exceptions applies.

The RRP rule also protects certain information compiled or collected after February 17, 2021, solely for RRP 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 § 271.11, *Discovery and admission as evidence of certain information*. The rule also specifies certain categories

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<sup>4</sup> 88 FR 17919 (March 24, 2023).



of information that are not protected, including information compiled or collected on or before February 17, 2021, and that continues to be compiled and collected, even if used to plan, implement, or evaluate an RRP.

**11. Justification for any questions of a sensitive nature.**

There are no questions, information, or data of a sensitive nature that would normally be considered private contained in this information collection.

**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 Office of Railroad Infrastructure and Mechanical Equipment.

CFR Section	Respondent universe <sup>5</sup>	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Total cost equivalent in U.S. dollar (D = C * wage rates) <sup>6</sup>	Section analyses and estimates
271.13(c)—Determination of inadequate safety performance (ISP)— Qualitative assessment— Notice to employees of possible ISP identification by FRA	15 railroads	5.00 notices	3 hours	15.00 hours	\$1,168.65	FRA will notify a railroad in writing if FRA conducts a qualitative assessment of the railroad because the quantitative analysis identified the railroad as possibly having ISP.  FRA estimates, after careful review, that it will take approximately 3 hours to conduct each qualitative assessment and provide notice of ISP.
—Employee confidential comments to FRA regarding RR possible ISP identification	125 employees	5.00 comments	30 minutes	2.50 hours	\$194.78	No later than 15 days after receiving FRA’s written notice, a railroad shall notify its employees of FRA’s written notice. The railroad shall post and continuously display the employee notification until 45 days after FRA’s initial written notice. The notification shall inform railroad employees that they may confidentially submit comments to FRA regarding the railroad’s

<sup>5</sup> Respondent Universe for Class I RRs has been updated to six following the merger of Canadian Pacific and Kansas City Railroads. The individual burden remains the same for each respondent.

<sup>6</sup> Throughout these tables the dollar equivalent cost is derived from the Surface Transportation Board’s Full Year Wage 2021 using group 200, Professional & Administrative wage rate of \$77.91 per hour (\$44.52 \* 1.75 overhead costs). The only exception is § 271.107 and §271.113 which use group 300, Maintenance of Way & Structures wage rate of \$59.46 (33.98 \* 1.75 overhead costs).

						<p>safety performance and that employees shall file any such comments with the FRA Associate Administrator for Railroad Safety and Chief Safety Officer, 1200 New Jersey Avenue SE, Washington, DC 20590 no later than 45 days following FRA's initial written notice.</p> <p>FRA estimates, after careful review, that it will take approximately 30 minutes for each confidential comment.</p>
—RR Documentation to FRA refuting possible ISP identification	15 railroads	5.00 documents	8 hours	40.00 hours	\$3,116.40	<p>No later than 45 days after receiving FRA's written notice, a railroad may provide FRA documentation supporting any claims that the railroad does not have ISP.</p> <p>FRA estimates, after careful review, that it will take approximately 8 hours for a RR to prepare and submit documentation.</p>
—(f) and (g) Petition for reconsideration of ISP determination and petition to discontinue compliance with this part	15 railroads	0.67 petition	16 hours	10.72 hours	\$835.20	<p>(f) Railroads may file a written petition for reconsideration with the Administrator no later than 30 days after the date the railroad receives FRA's final written notice. (g) - After the five-year compliance period, the railroad may petition FRA for approval to discontinue compliance with this part. A railroad shall file a petition, and FRA will process the petition, under the procedures contained in § 211.41 of this chapter.</p> <p>FRA estimates, after careful review, that it will take approximately 16 hours for RRs to prepare and submit a written petition for reconsideration.</p>

271.101—Risk Reduction Programs (RRPs)—Class I railroads	The estimated paperwork burden for this regulatory requirement is covered under §§ 271.103, 271.105, 271.107, 271.109, and 271.111.					
271.103—RRP risk-based hazard management program (HMP)	6 railroads	2.33 risk-based HMP analyses	3,360 hours	7,828.80 hours	\$609,941.81	<p>An RRP shall include an integrated, system-wide, and ongoing risk-based HMP that proactively identifies hazards and mitigates the risks resulting from those hazards.</p> <p>FRA estimates, after careful review, that it will take approximately 3,360 hours to include the risk-based HMP into the RRP.</p>
271.105—RRP safety performance evaluation (SPE): surveys/evaluations	6 railroads	2.33 SPE evaluations	147 hours	342.51 hours	\$26,684.95	<p>As part of its RRP, a railroad shall develop and maintain ongoing processes and systems for evaluating the safety performance of its system and identifying and analyzing its safety culture. A railroad’s SPE shall consist of both a safety monitoring and a safety assessment component.</p> <p>FRA estimates, after careful review, that it will take approximately 147 hours for each SPE evaluation.</p>
	6 railroads	2.33 assessments	1,060.15 hours	2,470.15 hours	\$192,449.39	<p>As part of its RRP, a railroad shall develop and maintain ongoing processes and systems for evaluating the safety performance of its system and identifying and analyzing its safety culture. A railroad’s SPE shall consist of both a safety monitoring and a safety assessment component.</p> <p>FRA estimates, after careful review, that it will take approximately 1,060.15 hours for each assessment.</p>
271.107—Safety Outreach—	6 railroads	44,333.00	1 hour	44,333.00	\$2,636,040.18	An RRP shall include a safety outreach

communications/Reporting to senior management.		communications		hours		<p>component that communicates RRP safety information to railroad personnel (including contractors) as that information is relevant to their positions.</p> <p>FRA estimates, after careful review, it will take approximately 1 hour for each safety outreach communication. (Total burden cost is calculated using hourly wage of \$59.46)</p>
	6 railroads	28.00 Reports	30 minutes	14.00 hours	\$1,090.74	<p>The status of risk-based HMP activities shall be reported to railroad senior management on an ongoing basis.</p> <p>FRA estimates, after careful review, it will take approximately 30 minutes for each report to senior management.</p>
271.109—Technology analysis and technology implementation plans	6 railroads	2.33 reports	10 hours	23.30 hours	\$1,815.30	<p>As part of its RRP, a Class I railroad shall conduct a technology analysis and develop and adopt a technology implementation plan no later than February 17, 2023.</p> <p>FRA estimates, after careful review, that it will take approximately 10 hours for each RR to conduct and adopt a technology implementation plan.</p>
271.111—RRP implementation training—programs/training. employees/records	6 railroads	1,400.00 records of trained employees	3 minutes	70.00 hours	\$5,453.70	<p>A Class I railroad shall keep a record of training conducted under this section and update that record as necessary. A railroad shall make training records available for inspection and copying upon the request of representatives of FRA or States participating under part 212 of this chapter.</p> <p>FRA estimates, after careful review, that it</p>

						will take approximately 3 minutes to make training records available to FRA.
271.113—Involvement of RR employees	The estimated paperwork burden for this regulatory requirement is covered under §§ 271.401 and 271.405.					
271.101(c)—Communication by Class I RRs that host passenger train services with RRs subject to FRA System Safety Program Requirements	6 railroads	40.00 communications/consultations	2 hours	80.00 hours	\$6,232.80	If a railroad subject to this part (RRP railroad) hosts passenger train service for a railroad subject to the system safety program requirements in part 270 of this title (system safety program (SSP) railroad), the RRP railroad shall communicate with the SSP railroad to coordinate the portions of the system safety program applicable to the RRP railroad hosting the passenger train service.  FRA estimates, after careful review, that it will take approximately 2 hours to complete each consultation.
—(d) Identification/communication w/entities performing/utilizing significant safety-related services—Class I RRs	6 railroads	212.00 communications/consultations	1 hour	212.00 hours	\$16,516.92	Under § 271.205(a)(3), a railroad's RRP plan shall identify persons that enter into a contractual relationship with the railroad to either perform significant safety-related services on the railroad's behalf or to utilize significant safety-related services provided by the railroad for railroad operations purposes.  FRA estimates, after careful review, that it will take approximately 1 hour to complete each consultation.
—RR Identification/ further communication with contractors performing/utilizing significant safety related services—Class I RRs	6 railroads	1,488.00 communications/consultations	1 hour	1,488.00 hours	\$115,930.08	A railroad's RRP plan shall identify entities such as host railroads, contract operators, shared track/corridor operators, or other contractors utilizing or performing significant safety-related services. A railroad shall identify such persons even if

						<p>the persons are not required to comply with this part.</p> <p>FRA estimates, after careful review, that it will take approximately 1 hour to complete each consultation.</p>
271.101(a)—Risk Reduction Programs (RRPs)—ISP railroads	The estimated paperwork burden for this regulatory requirement is covered under §§ 271.103, 271.105, 271.107, 271.109, and 271.111.					
271.103—RRP risk-based hazard management program (HMP) ISP RRs	15 railroads	5.00 risk-based HMPs	240 hours	1,200.00 hours	\$93,492.00	<p>An ISP railroad’s RRP shall include an integrated, system-wide, and ongoing risk-based HMP that proactively identifies hazards and mitigates the risks resulting from those hazards.</p> <p>FRA estimates, after careful review, that it will take approximately 240 hours to include the risk-based HMP into the RRP.</p>
271.105—RRP safety performance evaluation (SPE): surveys/evaluations ISP RRs	15 railroads	5.00 surveys	14.73 hours	73.65 hours	\$5,738.07	<p>As part of its RRP, an ISP railroad shall develop and maintain ongoing processes and systems for evaluating the safety performance of its system and identifying and analyzing its safety culture. A railroad's SPE shall consist of both a safety monitoring and a safety assessment component.</p> <p>FRA estimates, after careful review, that it will take approximately 14.73 hours for each SPE survey.</p>
	15 railroads	5.00 SPEs	51.11 hours	255.55 hours	\$19,909.90	<p>As part of its RRP, an ISP railroad shall develop and maintain ongoing processes and systems for evaluating the safety performance of its system and identifying and analyzing its safety culture. A railroad's SPE shall consist of both a safety</p>

						<p>monitoring and a safety assessment component.</p> <p>FRA estimates, after careful review, that it will take approximately 51.11 hours to complete each SPE.</p>
271.107—Safety Outreach—communications/reporting to senior management. – ISP RRs	15 railroads	5.00 communications	1 hour	5.00 hours	\$297.30	<p>An ISP railroad’s RRP shall include a safety outreach component that communicates RRP safety information to railroad personnel (including contractors) as that information is relevant to their positions</p> <p>FRA estimates, after careful review, that it will take approximately 1 hour communicate RRP safety information. Total burden cost is estimated using the hourly wage \$59.56</p>
	15 railroads	5.00 reports	3 hours	15.00 hours	\$1,168.65	<p>The status of risk-based HMP activities shall be reported to railroad senior management on an ongoing basis.</p> <p>FRA estimates, after careful review, that it will take approximately 3 hours for each report.</p>
271.109—Technology analysis and technology implementation plans - ISP RRs	15 railroads	5.00 plans	5 hours	25.00 hours	\$1,947.75	<p>A railroad with ISP shall conduct a technology analysis and develop and adopt a technology implementation plan no later than three years after receiving final written notification from FRA to comply with this part, pursuant to § 271.13(d), or no later than February 17, 2023, whichever is later.</p> <p>FRA estimates, after careful review that it will take approximately 5 hours for each plan.</p>
271.111—RRP	15 railroads	50.00 records	3 minutes	2.50 hours	\$194.78	<p>An ISP railroad shall keep a record of</p>



implementation training— Records – ISP RRs <i>(Note: The associated burdens related to training were appropriately calculated as economic costs of the regulatory requirement.)</i>		of trained employees				training conducted under this section and update that record as necessary. A railroad shall make training records available for inspection and copying upon the request of representatives of FRA or States participating under part 212 of this chapter.  FRA estimates, after careful review, that it will take approximately 3 minutes to make training records available to FRA.
271.113—Involvement of RR employees	The estimated paperwork burden for this regulatory requirement is covered under subparts B and E of part 271.					
271.101(d)—ISPs— Identification/ communication w/entities performing significant safety-related services	15 railroads	5.00 communicatio ns/ consultations	2 hours	10.00 hours	\$779.10	Under § 271.205(a)(3), a railroad's RRP plan shall identify persons that enter into a contractual relationship with the railroad to either perform significant safety-related services on the railroad's behalf or to utilize significant safety-related services provided by the railroad for railroad operations purposes. A railroad shall ensure persons performing or utilizing significant safety-related services support and participate in its RRP.  FRA anticipates, after careful review, that it will take 2 hours to identify and communicate with each entity.
271.201/203—Written risk reduction program plans (RRP plans)—Adoption and implementation of RRP plans—Class I	The PRA burden associated with this requirement for Class I RRs has been completed.					
—Written RRP plans—ISP RRs	15 railroads	5.00 RRP plans	96 hours	480.00 hours	\$37,396.80	An ISP railroad shall adopt and implement its RRP through a written RRP plan containing the elements described in this subpart and in § 271.609. A railroad's RRP

						<p>plan shall be approved by FRA according to the requirements contained in subpart D of this part. Policy, purpose, scope, and goals will be in compliance with § 271.203 by this part.</p> <p>FRA anticipates, after careful review, that it will take approximately 96 hours for each plan.</p>
271.207—RR Good faith consultation w/directly affected employees - Class I RRs	The PRA burden associated with this requirement for Class I RRs has been completed.					
—RR Notification to non-represented employees of consultation meeting—Class I RRs	The PRA burden associated with this requirement for Class I RRs has been completed.					
—RR Good faith consultations/notices: ISP RRs. <i>(This burden includes plan copies.)</i>	15 railroads	5.00 consults/notices	20 hours	100.00 hours	\$7,791.00	<p>Each ISP railroad required to establish an RRP 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 RRP plan. Each ISP railroad must also simultaneously provide a copy of the submitted RRP plan to directly affected employees identified in a service list.</p> <p>FRA estimates, after careful review, that it will take approximately 20 hours for each consult/notice.</p>
—Submission of detailed consultation statements along w/RRP plans by Class I RRs	The PRA burden associated with this requirement for Class I RRs has been completed.					

<p>– Submission of detailed consultation statements along w/RRP plan by ISPs <i>(Burden for consultation statement copies included)</i></p>	15 railroads	5.00 consults/ statements	40 hours	200.00 hours	\$15,582.00	<p>An ISP railroad required to submit an RRP plan under § 271.301 shall also submit, together with that plan, a consultation statement to FRA. Each ISP railroad must also simultaneously provide a copy of the consultation statement to directly affected employees identified in a service list.</p> <p>FRA estimates, after careful review, that it will take approximately 40 hours for each statement.</p>
<p>—Copy of RRP plan—Class I RRs</p>	The PRA burden associated with this requirement for Class I RRs has been completed.					
<p>—Consultation Statement to Service List Individuals— Class I RRs</p>	The PRA burden associated with this requirement for Class I RRs has been completed.					
<p>—Statements from directly affected employees—Class I RRs</p>	The PRA burden associated with this requirement for Class I RRs has been completed.					
<p>—Statements from directly affected employees—ISP RRs</p>	15 railroads	12.00 statements	1 hour	12.00 hours	\$934.92	<p>If an ISP railroad and its directly affected employees cannot reach agreement on the proposed contents of an RRP plan, the directly affected employees may file a statement explaining their views on the plan on which agreement was not reached with the FRA Associate Administrator for Railroad Safety and Chief Safety Officer, 1200 New Jersey Avenue SE, Washington, DC 20590.</p> <p>FRA estimates, after careful review, that it will take approximately 1 hour for each statement.</p>
<p>271.209—Substantive amendments to RRP plan—</p>	6 railroads	1.00 amended written plan	8 hours	8.00 hours	\$623.28	<p>A railroad's RRP plan shall include a description of the process the railroad will</p>

Class I RRs						use to consult with its directly affected employees on any subsequent substantive amendments to the railroad's RRP plan.  FRA estimates, after careful review, that it will take approximately 8 hours for each amended plan.
—Substantive amendments to RRP plan—ISP RRs	15 railroads	0.67 amended written plan	8 hours	5.36 hours	\$417.60	A railroad's RRP plan shall include a description of the process the railroad will use to consult with its directly affected employees on any subsequent substantive amendments to the railroad's RRP plan.  FRA estimates, after careful review, that it will take approximately 8 hours for each amended plan.
271.301—Filing of RRP plan w/FRA - Class I RRs	The PRA burden associated with this requirement for Class I RRs has been completed.					
—Filing of RRP plan w/FRA—ISP RRs	15 railroads	5.00 filed plans	2 hours	10.00 hours	\$779.10	A railroad with ISP shall submit its RRP plan no later than 180 days after receiving final written notification from FRA that it shall comply with this part, pursuant to § 271.13(d), or no later than August 16, 2021, whichever is later.  FRA estimates after careful review, that it will take approximately 2 hours for each plan.
—Class I RR corrected RRP plan	The PRA burden associated with this requirement for Class I RRs has been completed.					
—FRA requested Class I RR consultation with directly affected employees regarding substantive corrections/changes to RRP plan	The PRA burden associated with this requirement for Class I RRs has been completed.					

—ISP RR corrected RRP plan	15 railroads	1.00 RRP plan	2 hours	2.00 hours	\$155.82	<p>If FRA does not approve an ISP railroad’s RRP plan, the submitting railroad shall amend the proposed plan to correct all identified deficiencies and shall provide FRA a corrected copy no later than 90 days following receipt of FRA’s written notice that the submitted plan was not approved.</p> <p>FRA estimates, after careful review, that it will take approximately 2 hours for each plan.</p>
—FRA requested ISP RR further consultation with directly affected employees regarding substantive amendment to RRP plan	15 railroads	1.00 consult/statement	1 hour	1.00 hour	\$77.91	<p>If FRA determines that the necessary corrections are substantively significant, it will direct the ISP railroad to consult further with its directly affected employees regarding the corrections.</p> <p>FRA estimates, after careful review, that it will take approximately 1 hour for each consultation.</p>
271.303—Amendment’s consultation w/directly affected employees on substantive amendments to RRP plan—Class I + ISP	21 railroads (Class I + ISP)	2.00 consults	1 hour	2.00 hours	\$155.82	<p>For substantive amendments, a railroad shall follow the process, described in its RRP plan pursuant to § 271.209, for consulting with its directly affected employees and submitting a consultation statement to FRA.</p> <p>FRA estimates, after careful review, that it will take approximately 1 hour for each consultation.</p>
—Employee statement to FRA on RR RRP plan substantive amendments where agreement could not be reached – Class I + ISP	21 railroads (Class I + ISP)	2.00 employee statements	30 minutes	1.00 hour	\$77.91	<p>If a railroad and its directly affected employees cannot reach agreement on the proposed contents of a substantive amendment, the directly affected employees may file a statement with FRA under the procedures in § 271.207(e)(1). A railroad’s</p>

						<p>directly affected employees have 15 days following the railroad's submission of a proposed amendment to submit the statement.</p> <p>FRA estimates, after careful review, that it will take approximately 30 minutes for each employee statement.</p>
<p>—Filed amended RRP plan —Class I RRs</p>	6 railroads	1.00 plan	30 minutes	0.50 hours	\$38.96	<p>A railroad shall submit any amendment(s) to its approved RRP plan to FRA's Associate Administrator not less than 60 days before the proposed effective date of the amendment(s). The railroad shall file the amendment(s) with a cover letter outlining the proposed change(s) to the approved RRP plan.</p> <p>FRA estimates, after careful review, that it will take approximately 30 mins for each plan.</p>
<p>—Filed amended RRP plan —ISP RRs</p>	15 railroads	0.67 plan	30 minutes	0.34 hour	\$26.49	<p>A railroad shall submit any amendment(s) to its approved RRP plan to FRA's Associate Administrator not less than 60 days before the proposed effective date of the amendment(s). The railroad shall file the amendment(s) with a cover letter outlining the proposed change(s) to the approved RRP plan.</p> <p>FRA estimates, after careful review, that it will take approximately 30 mins for each plan.</p>
<p>—Amended RRP plan disapproved by FRA &amp; requested correction—Class I + ISP</p>	21 railroads (Class I + ISP)	1.00 corrected RRP plan	2 hours	2.00 hours	\$155.82	<p>If a proposed RRP plan amendment is not approved by FRA, no later than 60 days following the receipt of FRA's written notice, the railroad shall either provide FRA</p>

						<p>a corrected copy of the amendment that addresses all deficiencies noted by FRA or notice that the railroad is retracting the amendment.</p> <p>FRA estimates, after careful review, that it will take approximately 2 hours for each corrected plan.</p>
271.307—Retention of RRP plans—Copies of RRP plan/amendments by RR at system/division headquarters —Class I + ISP	21 railroads (Class I + ISP)	2.00 plan copies	10 minutes	0.33 hour	\$25.71	<p>A railroad shall retain at its system and division headquarters one copy of its RRP plan and each subsequent amendment to that plan. A railroad may comply with this requirement by making an electronic copy available.</p> <p>FRA estimates, after careful review, that it will take approximately 10 mins. for each plan.</p>
217.401/403—Annual internal assessment/improvement plans—Class I RRs	6 railroads	7.00 assessments/improvement plans	120 hours	840.00 hours	\$65,444.40	<p>Beginning with the first calendar year after the calendar year in which FRA approves a railroad’s RRP plan pursuant to § 271.301(d), the railroad shall annually (i.e., once every calendar year) conduct an internal assessment of its RRP. Within 30 days of completing its internal assessment, a railroad shall develop an improvement plan that addresses the findings of its internal assessment.</p> <p>FRA estimates, after careful review, that it will take approximately 120 hours for each assessment/improvement plan.</p>
Annual internal assessment/improvement plans—ISP RRs	15 railroads	5.00 assessments/improvement plans	32 hours	160.00 hours	\$12,465.60	<p>Beginning with the first calendar year after the calendar year in which FRA approves a railroad’s RRP plan pursuant to § 271.301(d), the railroad shall annually (i.e.,</p>

						<p>once every calendar year) conduct an internal assessment of its RRP. Within 30 days of completing its internal assessment, a railroad shall develop an improvement plan that addresses the findings of its internal assessment.</p> <p>FRA estimates, after careful review, that it will take approximately 32 hours for each assessment/improvement plan.</p>
271.405—Copy of Internal assessment to FRA—Class I RRs	6 railroads	7.00 reports	8 hours	56.00 hours	\$4,362.96	<p>Within 60 days of completing its internal assessment, a railroad shall submit a copy of an internal assessment report to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer, 1200 New Jersey Avenue SE, Washington, DC 20590.</p> <p>FRA estimates, after careful review, that it will take approximately 8 hours for each report.</p>
—Copy of Internal assessment report to FRA—ISP RRs	15 railroads	5.00 reports	2 hours	10.00 hours	\$779.10	<p>Within 60 days of completing its internal assessment, a railroad shall submit a copy of an internal assessment report to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer, 1200 New Jersey Avenue SE, Washington, DC 20590.</p> <p>FRA estimates, after careful review, that it will take approximately 2 hours for each report.</p>
271.501/.503—External audits—Response to FRA’s written notice <i>(Note: The associated burdens related to audit were appropriately</i>	21 railroads (Class I + ISP)	7.33 responses	4 hours	29.32 hours	\$2,284.32	<p>Within 60 days of receiving FRA's written notice of the audit results, if necessary, a railroad shall submit for approval an improvement plan addressing any instances of deficiency or non-compliance found in the audit to the FRA Associate</p>



<i>calculated as economic costs of the regulatory requirement.)</i>						Administrator for Railroad Safety and Chief Safety Officer, 1200 New Jersey Avenue SE, Washington, DC 20590.  FRA estimates, after careful review, that it will take approximately 4 hours for each response.
Appendix A—Request by FRA for additional information/documents to determine whether railroad has met good faith and best effort consultation requirements of section 271.207 – Class I	The PRA burden associated with this requirement for Class I RRs has been completed.					
—Further railroad consultation w/employees after determination by FRA that railroad did not use good faith/best efforts	The PRA burden associated with this requirement for Class I RRs has been completed.					
—Meeting to discuss administrative details of consultation processes during the time between initial meeting and applicability date—Class I RRs	The PRA burden associated with this requirement for Class I RRs has been completed.					
—Meeting to discuss administrative details of consultation processes during the time between initial meeting and applicability date—ISP RRs	15 railroads	7.00 meetings/consults	1 hour	7.00 hours	\$545.37	An ISP railroad with non-represented employees should make a concerted effort to ensure that its non-represented employees are aware that they are able to participate in the development of the railroad's RRP plan. FRA therefore is providing the following guidance regarding how a railroad may utilize good faith and best efforts when

						consulting with non-represented employees on the contents of its RRP plan.  FRA estimates, after careful review, that it will take approximately 1 hour for each meeting.
—Notification to non-represented employees of good faith consultation process –ISP RRs	15 railroads	600.00 notices	15 minutes	150.00 hours	\$11,686.50	Within 120 days from February 18, 2020, a railroad may notify non-represented employees that non-represented employees are invited to participate in the consultation process and include instructions on how to engage in this process  FRA estimates, after careful review, that it will take approximately 15 mins. for each notice.
—Draft RRP plan proposal to employees—ISP RRs	15 railroads	20.00 proposals/copies	2 hours	40.00 hours	\$3,116.40	Following the initial notification (and before submitting its RRP plan to FRA), a railroad should provide non-represented employees a draft proposal of its RRP plan.  FRA estimates, after careful review, that it will take approximately 2 hours for each proposal.
—Employee comments on RRP plan draft proposal ISP RRs	2,000 employees	60.00 comments	1 hour	60.00 hours	\$4,674.60	The draft proposal should solicit additional input from non-represented employees, and the railroad should provide non-represented employees 60 days to submit comments to the railroad on the draft.  FRA anticipates, after careful review, that it will take 1 hour for each employee

						comment.
Subpart G—Fatigue Risk Management Programs	The estimated paperwork burden for this regulatory requirement is covered under OMB Control Number 2130-0633.					
Appendix B—Request to FRA for electronic submission or FRA review of written materials	Based on data from the currently approved 3-year collection, FRA anticipates zero railroad submissions during this next 3-year ICR period.					
Totals <sup>7</sup>	21 railroads	48,374 responses	N/A	60,694 hours	\$3,910,597	

**13. Estimate of total annual costs to respondents.**

There are no additional costs to respondents outside of the economic impact cost covered under the regulatory impact analysis (RIA) accompanying this final rule.

**14. Estimate of cost to Federal Government.**

To calculate the government administrative cost, the 2023 Office of Personnel Management wage rates at the GS-14 level were used. The average wage (step 5) was used as a midpoint<sup>8</sup>. 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). Multiplying \$71.88 per hour times 1.75 (75 percent for overhead) equals \$125.79. FRA identified government administrative costs related to

<sup>7</sup> Totals may not add due to rounding.

<sup>8</sup>

[opm.gov wage tables 2023](https://www.opm.gov/wage-tables/2023/)

subparts A, D, E, and F. All costs in the table reflect the requirement for two employees for each task.  
**Total annual government costs = \$267,597.26**

<b>Subpart A. Costs</b>	<b>Year Four</b>	<b>Year Five</b>	<b>Year Six</b>	<b>Total</b>
FRA Costs to Write Program	<i>This was a one-time cost of \$928 and was captured with the data in Year one.</i>			
FRA Costs to run program annually each year <sup>9</sup>	\$754.74	\$754.74	\$754.74	\$2,264.22
Railroad qualitative Assessment <sup>10</sup>	\$40,252.80	\$40,252.80	\$40,252.80	\$120,758.40
Total Cost	\$41,007.54	\$41,007.54	\$41,007.54	\$123,022.62
<b>Subpart A. Annual Cost per year.</b>				<b>\$41,007.54</b>
<b>Subpart D. Costs</b>	<b>Year Four</b>	<b>Year Five</b>	<b>Year Six</b>	<b>Total</b>
Administrative costs to review and approve RRP Plans.	<i>This was a one-time cost of \$74,665 and was captured with the data in Year one.</i>			
FRA Cost to review amendment <sup>11</sup> (6 Class I CPKC <sup>12</sup> )	\$1,006.32	\$1,006.32	\$1,006.32	\$3,018.96
Total Cost	\$1,006.32	\$1,006.32	\$1,006.32	\$3,018.96
<b>Subpart D. Annual Cost per year.</b>				<b>\$ 3,018.96</b>
<b>Subpart E. Costs</b>	<b>Year Four</b>	<b>Year Five</b>	<b>Year Six</b>	<b>Total</b>
FRA Internal Assessments. <sup>13</sup> - Costs start in year five.	\$0.00	\$130,821.60	\$130,821.60	\$261,643.20
<b>Subpart F. Costs</b>	<b>Year Four</b>	<b>Year Five</b>	<b>Year Six</b>	<b>Total</b>
FRA External Audits. <sup>14</sup> Costs start in year five.	\$0.00	\$163,527.00	\$251,580.00	\$415,107.00
Total Cost	\$0.00	\$294,348.60	\$382,401.60	\$676,750.20

<sup>9</sup> FRA estimates it will take 3 hours to run the program. 2 employees at \$125.79 x 3 hrs. = \$377.37 per employee. \$377.37 x 2 = \$754.74 annually.

<sup>10</sup> FRA estimates doing 10 Class I RR assessments each year. It is estimated that each assessment will take 16 hours. 1 employee at \$125.79 x 16 hrs. = \$2,012.64 per employee annually.

<sup>11</sup> FRA estimates that collectively Class I railroads will submit just one substantive amendment annually. Estimated time to review is 4 hrs. 2 x 4 x \$125.79 = \$1,006.32.

<sup>12</sup> Canadian Pacific, Kansas City Railroad (CPKC)

<sup>13</sup> 40 hours per employee x 13 RR's (Class I & ISP) x 2 employees.

<sup>14</sup> Year 5 - 50 hours x 13 audits/year (6 Class 1 and 7 ISP) x 2 employees. Year 6 - 50 hours x 20 audits/year (6 Class 1 and 14 ISP) x 2 employees.

		0		
<b>Subpart E and F Annual Cost per year.</b>				<b>\$225,583.40</b>

<b>TOTAL COSTS</b>	<b>Year Four</b>	<b>Year Five</b>	<b>Year Six</b>	<b>Total</b>
<b>Subpart A. Cost</b>	\$41,007.54	\$41,007.54	\$41,007.54	\$123,022.62
<b>Subpart D. Cost</b>	\$1,006.32	\$1,006.32	\$1,006.32	\$3,018.96
<b>Subpart E and F Costs</b>	0.00	\$294,348.60	\$382,401.60	\$676,750.20
<b>Total Costs</b>				\$802,791.78
<b>Total Annual Costs per year.</b>				<b>\$ 267,597.26</b>

**15. Explanation of program changes and adjustments.**

This is an extension without change (with changes in estimates to a current information collection request (ICR). The current OMB inventory for this ICR shows a total burden of 61,825 hours and 49,148 responses, while the requesting inventory estimates a total burden of 60,694 hours and 48,374 responses. Overall, the burden for this submission has decreased by 1,131 hours and decreased by 774 responses. There is no change in the collection method. The decrease in burden hours is solely the result of adjustments.

FRA has made multiple adjustments to its estimated paperwork burden as illustrated in the table below. The largest adjustment is a decreased burden reflecting that all Class I freight railroads have already submitted their plans, leading to a decrease in the overall PRA burden.

CFR Section <sup>15</sup>	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	
271.13(f) and (g)— Petition for reconsideration of ISP determination and petition to discontinue compliance with this part	0	0.67 petition (16 hours)	0.67 petition	0	10.72 hours	10.72 hours	FRA anticipates, after careful review, that the number of expected submissions will increase during this 3-year ICR period.
271.103—RRP hazard management program (HMP) Class I	2.33 HMP analyses (3,360 hours)	2.33 HMP analyses (3,360 hours)	0	7,839.00 hours	7,828.80 hours	-10.20 hours	Adjusted due to rounding.
271.105—RRP safety performance evaluation (SPE): survey/evaluation – Class I	2.33 SPE evaluations (147 hours)	2.33 SPE evaluations (147 hours)	0	343.00 hours	342.51 hours	-0.49 hour	Adjusted due to rounding.
	2.33	2.33	0	2,473.00	2,470.15	-2.85 hours	Adjusted due to rounding.

<sup>15</sup> This table illustrates only those CFR sections that had an adjustment to the calculated Burden. Itemized Burden for Class I and ISP RRs is illustrated in the Table for Q.12 irrespective of adjustments.

	assessments (1,060.15 hours)	assessments (1,060.15 hours)		hours	hours		
271.105—RRP safety performance evaluation (SPE): survey/evaluation – ISP RRs	5.00 surveys (14.73 hours)	5.00 surveys (14.73 hours)	0	74.00 hours	73.65 hours	-0.35 hour	Adjusted due to rounding.
	5.00 SPEs (51.11 hours)	5.00 SPEs (51.11 hours)	0	256.00 hours	255.55 hours	-0.45 hour	Adjusted due to rounding.
271.201/203—Written risk reduction program plans (RRP plans)—Adoption and implementation of RRP plans—Class I	2.33 RRP plans (461 hours)	0	-2.33 RRP plans	1,075.00 hours	0	-1,075.00 hours	The PRA burden associated with this requirement for Class I RRs has been completed.
271.207—RR Good faith consultation w/directly affected employees - Class I RRs	2.33 consults (8 hours)	0	-2.33 consults	19.00 hours	0	-19.00 hours	The PRA burden associated with this requirement for Class I RRs has been completed.
—RR Notification to non-represented employees of consultation meeting—Class I RRs	1.00 notification (3 hours)	0	-1.00 notification	3.00 hours	0	-3.00 hours	The PRA burden associated with this requirement for Class I RRs has been completed.
(d)—Submission of detailed consultation statement along w/RRP plan by Class I RRs	2.33 consults/ statements (200 hours)	0	-2.33 consults/ statements	467.00 hours	0	-467.00 hours	The PRA burden associated with this requirement for Class I RRs has been completed
—Copy of RRP Plan—Class I RRs	380.00 plan copies (2 minutes)	0	-380.00 plan copies	12.70 hours	0	-12.70 hours	The PRA burden associated with this requirement for Class I RRs has been completed

—Consultation statement to service list individuals—Class I RRs	380.00 consultation statements (2 minutes)	0	-380.00 consultation statements	12.70 hours	0	-12.70 hours	The PRA burden associated with this requirement for Class I RRs has been completed
—Statements from directly affected employees—Class I RRs	3.00 statements (6 hours)	0	-3.00 statements	18.00 hours	0	-18.00 hours	The PRA burden associated with this requirement for Class I RRs has been completed
271.209—Substantive amendments to RRP plan—Class I RRs	0	1.00 amended written plan (8 hours)	1.00 amended written plan	0	8.00 hours	8.00 hours	FRA anticipates, after careful review, that the number of expected submissions will increase during this 3-year ICR period.
—Substantive amendments to RRP plan—ISP RRs	0	0.67 amended written plan (8 hours)	0.67 amended written plan	0	5.36 hours	5.36 hours	FRA anticipates, after careful review, that the number of expected submissions will increase during this 3-year ICR period.
271.301—Filing of RRP plan w/FRA—Class I RRs	2.33 filed plans (2 hours)	0	-2.33 filed plans	5.00 hours	0	-5.00 hours	The PRA burden associated with this requirement for Class I RRs has been completed.
—Class I RR corrected RRP plan	1.00 RRP plan (2 hours)	0	-1.00 RRP plan	2.00 hours	0	-2.00 hours	The PRA burden associated with this requirement for Class I RRs has been completed.
—FRA requested Class I RR consultation with directly affected employees regarding substantive corrections/changes to RRP plan	1.00 consult/statement (3 hours)	0	-1.00 consult/statement	3.00 hours	0	-3.00 hours	The PRA burden associated with this requirement for Class I RRs has been completed.
271.303—Filed amended RRP plan—Class I RRs	1.00 plan (6 hours)	1.00 plan (30 minutes)	0	6.00 hours	0.50 hour	-5.50 hours	The decrease in burden is due to a correction. The amount of time per filing a plan was



							reduced from 1 hour to 30 minutes. This new estimate is more accurate in terms of the time necessary to prepare this type of document.
—Filed amended RRP plan—ISP RRs	1.00 plan (1 hour)	0.67 plan (30 minutes)	-0.33 plan	1.00 hour	0.34 hour	-0.66 hour	The decrease in burden is due to a correction. The amount of time per filing a plan was reduced from 1 hour to 30 minutes. This new estimate is more accurate in terms of the time necessary to prepare this type of document.
—Amended RRP plan disapproved by FRA & requested correction—Class I RRs and ISPs	0	1.00 corrected RRP plan (2 hours)	1.00 corrected RRP plan	0	2.00 hours	2.00 hours	FRA anticipates, after careful review, that the number of expected submissions will increase during this 3-year ICR period.
271.307—Retention of RRP plans—Copies of RRP plan/amendments by RR at system/division headquarters—Class I and ISP RRs	22.00 plan copies (10 minutes)	2.00 plan copies (10 minutes)	-20.00 plan copies	4.00 hours	0.33 hour	-3.67 hours	FRA anticipates, after careful review, that the number of expected submissions will decrease during this 3-year ICR period.
217.401/403—Annual internal assessment/improvement plans—Class I RRs	2.33 assessments/improvement plans (120 hours)	7.00 assessments/improvement plans (120 hours)	4.67 assessments/improvement plans	280.00 hours	840.00 hours	560.00 hours	FRA anticipates, after careful review, that the number of expected submissions will increase during this 3-year ICR period.
271.405—Copy of Internal assessment to FRA—Class I RRs	2.33 reports (8 hours)	7.00 reports (8 hours)	4.67 reports	19.00 hours	56.00 hours	37.00 hours	FRA anticipates, after careful review, that the number of expected submissions will increase during this 3-year ICR period.

271.501/.503—External audits—Response to FRA’s written notice (Note: The associated burdens related to audit were appropriately calculated as economic costs of the regulatory requirement.)	0	7.33 responses (4 hours)	7.33 responses	0	29.32 hours	29.32 hours	FRA anticipates, after careful review, that the number of expected submissions will increase during this 3-year ICR period.
Appendix A—Request by FRA for additional information/documents to determine whether railroad has met good faith and best-efforts consultation requirements of section 271.207 – Class I	3.00 documents (40 hours)	0	-3.00 documents	120.00 hours	0	-120.00 hours	The PRA burden associated with this requirement for Class I RRs has been completed.
—Further railroad consultation w/employees after determination by FRA that railroad did not use good faith/best efforts – Class I	1.00 consult (8 hours)	0	-1.00 consult	8.00 hours	0	-8.00 hours	The PRA burden associated with this requirement for Class I RRs has been completed.
—Meeting to discuss administrative details of consultation process during the time between initial meeting and applicability date—Class I RRs	7.00 meetings/ consults (2 hours)	0	-7.00 meetings/ consults	14.00 hours	0	-14.00 hours	The PRA burden associated with this requirement for Class I RRs has been completed.
Totals	49,160 responses	48,374 responses	-787 responses	61,825 hours	60,694 hours	-1,131 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.