

SUPPORTING

STATEMENT

A. **Justification:**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

On August 23, 2016, the Commission adopted a Report and Order in PS Docket No. 15–199, FCC 16–113 amending 47 CFR Part 90.20 of the Commission’s rules to permit railroad police officers to use public safety interoperability channels to communicate with public safety entities already authorized to use those channels. Specifically, the amended rule permits railroad police officers empowered to carry out law enforcement functions to use public safety interoperability channels in the VHF (150–174 MHz, and 220–222 MHz, UHF (450–470 MHz), 700 MHz narrowband (769–775/ 799–805 MHz) and 800 MHz National Public Safety Planning Advisory Committee (NPSPAC) bands (806–809/ 851–854 MHz). Allowing railroad police officers to use these channels will promote interoperability, facilitate improved emergency response in railroad-related emergencies, and streamline access to these channels for emergency public safety communications. The specific rule section for which we seek continued OMB approval are:

47 C.F.R. § 90.20(b)(xiv)(A) – Public Safety Pool. Requires employers of railroad police officers to obtain concurrence from the relevant state interoperability coordinator or regional planning committee before applying for a license to the Federal Communications Commission or operating on the interoperability and mutual aid channels.

The Commission is seeking OMB approval of this existing information collection in order to obtain the three-year approval from them.

Statutory authority for these collections are contained in Sections 1, 2, 4(i), 4(j), 301, 303, 316, and 337 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 301, 303, 316, and 337.

This information collection does not affect individuals or households; thus, there is no impact under the Privacy Act.

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

For information submitted to the Commission, Commission personnel will use the information obtained to assign licenses, and ensure that use of the spectrum will promote interoperability. The information will also be used to determine whether prospective licensees will operate in compliance with the Commission’s rules. Without such information, the Commission could not accommodate interoperability requirements or provide for the optimal use of the available frequencies. For information provided to, or

exchanged among third parties, the data will be used to establish eligibility.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

Third party respondents are free to exchange information electronically if they desire, and the Commission encourages submissions to be made electronically whenever possible.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.**

This agency does not impose a similar information collection on the respondents. There are no similar data available.

- 5. If the collection of information impacts small businesses or other small entities describe any methods used to minimize burden.**

The collection of information will not have a significant economic impact on small entities. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents, regardless of size. The Commission has limited the information requirements to those absolutely necessary to deter against possible abuses of the processes.

- 6. Describe the consequences to a Federal program or policy activity, if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reduce burden.**

Without the submission of concurrence, the Commission could not identify and accommodate interoperability needs and preferences. The information is initially collected only once, although the railroad police are permitted to modify their licenses as needed. Thus, the frequency of filing is determined by the respondents. If railroads did not assist the Commission in obtaining support from interoperability coordinators or regional planning committees, it would undermine the Commission's spectrum management responsibility and interoperability goals.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the criteria listed in supporting statement.**

Current data collection is consistent with 5 CFR § 1320.6.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information prior to submission to OMB. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

The Commission published a 60-day notice soliciting public comment which appeared in the Federal Register on March 8, 2023 [88 FR 14368] seeking comments from the public on the information collection requirements contained in this supporting statement. No comments were received as a result of the notice.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift will be given to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There is no need for confidentiality with this collection of information.

11. Provide additional justification for any questions of a sensitive nature.

There are no collections of information that are considered sensitive in nature or of a private matter being sought from the applicants on this collection

12. Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance.

The Commission has derived the following estimates of the burden on respondents:

47 CFR § 90.20(a)(2)(xiv) – Public Safety Pool. Filing by railroad entities:

Staff believes there are currently 763 railroad entities that could potentially license public safety interoperability channels. In the past three years, no such entities have licensed public safety interoperability channels. As noted in paragraph 6 above, the railroads determine if they need to file. Given that to date, they have not been availing themselves of the provision we estimate that maybe one will file.

We estimate that 1 railroad entity will submit one response per year.

1 railroad entity x 1 response/year = 1 response

We also estimate that copies of approximately 100% of these requests for interoperability concurrence are filed electronically with state or regional planning entities per year.

The time required for electronic filing is estimated to be 1 hour per transaction (1 hour) for a total annual burden of 1 hours annually:

1 hour x 1 = **1 hour.**

We estimate that 1 state or regional planning organization will submit one response per year.

1 state or regional organization x 1 response/year = 1 response.

We estimate that the application will be filed electronically with state - level agencies or organizations responsible for administering state emergency communications. In this latter case, the state or regional planning organization will generally electronically file a statement approving or denying the license application. The estimated time to electronically file each approval decision will be 1 hour for a total annual burden of 1 hours:

1 hour x 1 = **1 hours.**

Total Number of Respondents: 1 railroad entity + 1 state or regional planning organization = 2 respondents.

Total Number of Responses Annually: 1 + 1 = 2 responses.

Total Annual Hourly Burden: 1 + 1 = 2 hours.

We note that the annual hourly burden per respondent will vary depending on the number of applications filed by each respondent and whether the application and supporting statement is filed electronically.

“In-House Cost”: The Commission estimates that railroad, state government and regional planning personnel will be paid an hourly rate of \$40 per hour to fulfill the requirements contained in this collection.

Total Annual “In-House” Cost: 2 burden hours x \$40 per hour = **\$80**

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.

The Commission believes that the coordination of applications with state interoperability entities and the regional planning committees, will impose no annual cost burden on respondents from either capital or start-up costs, or from operation and maintenance of equipment, or from purchase of outside services. The Commission believes that the state and regional interested entities already possess the necessary materials, and that the agencies and other interested entities will have procured these materials in the course of conducting their customary and usual business. The Commission further believes that the affected entities already employ a large pool of highly able professional and clerical staff, which makes the likelihood of purchase of outside services remote.

14. Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expenses that would not have been incurred without this collection of information.

Program analysts will be reviewing state and regional planning committee concurrence statements to ensure that they contain the information required by the rules and determining that the applicant meets the Commission’s eligibility rules.

Program Analyst GS 12/5 at approximately \$51.15/hour x 1 hour x 2 = \$102.30

15. Explain the reasons for any program changes or adjustments reported.

There are no program changes. There are adjustments to this information collection from the last submission to OMB. There are decreases in the total number of respondents, total annual responses and total annual burden hours by -2 based on the decline in the railroad entities filing for licenses.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

The data will not be published for statistical use.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We do not seek approval to not display the expiration date for OMB approval of the information collection. OMB control numbers and expiration dates for the Commission's information collection requirements assigned by OMB pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13 can be found at <https://www.reginfo.gov/public/do/PRAMain> See 47 CFR § 0.408.

18. Explain any exceptions to the statement certifying compliance with 5 C.F.R. § 1320.9 and the related provisions of 5 C.F.R. § 1320.8(b)(3).

There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.