

**Department of Transportation
Office of the Chief Information Officer
Supporting Statement**

**Rail Carrier and Tank Car Tanks Requirements, Rail Tank Car Tanks – Transportation
of Hazardous Materials by Rail**
OMB Control No. 2137-0559

(Expiration Date: September 30, 2023)

Introduction

This is to request the Office of Management and Budget's (OMB) three-year renewal with change of the information collection titled, "Rail Carrier and Tank Car Tanks Requirements, Rail Tank Car Tanks – Transportation of Hazardous Materials by Rail" under OMB Control No. 2137-0559, which is currently due to expire on September 30, 2023. The Department of Transportation (DOT) has collected information related to transportation by rail car since the creation of the DOT in 1967. This OMB control number was first approved on March 7, 1984, and was initiated as a result of an information collection for the approval of tank cars for Hydrocyanic Acid Service. This OMB Control Number was broadened on January 17, 1986, to include rail carrier and tank car requirements that contained information collections.

Part A. Justification

1. Circumstances that make collection of information necessary

This is a request for a renewal with revision to OMB No. 2137-0559 for reporting requirements pertaining to the manufacture, inspection, and maintenance of rail tank cars used in the transportation of hazardous materials by rail. These regulations are promulgated under the Federal hazardous materials transportation law, 49 U.S.C. 5101-5127.

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

This OMB control number consolidates and describes the information collection provisions in parts 172, 173, 174, 179, and 180 of the HMR pertaining to the transportation of hazardous materials by rail and the manufacture, qualification, maintenance, and use of tank cars. The types of information collected include:

(1) Tank Car Approvals - Section 172.102, special provisions B45, B46, B55, B61, B69, B77, B81 – Tank Car Approvals

This information collection consists of special provisions that mandate the approval of the Associate Administrator or the Association of American Railroads (AAR) Committee on Tank Cars before certain hazardous material packaging or packaging components can be used for transportation of hazardous materials by rail.

(2) AAR approval required when a tank car is proposed for commodity service other than specified on a certificate of construction - Section 173.31(a)(2)

This information collection consists of requirements for obtaining AAR Tank Car Committee approval for the use of a tank car for commodities other than those specified in part 173 and the certificate of construction. It also includes requirements for AAR approval of tank car design, materials, construction, conversion, alteration, or construction to a new specification. This information is used to ensure that tank cars are suitable for transporting specific commodities and that tank car design, construction, and modification comply with the relevant regulations.

(3) Annual tank car owner progress report to FRA - Section 173.31(b)(6)(ii)

This information collection consists of the requirement for tank car owners to submit progress reports to the Federal Railroad Administration (FRA) if their tank cars need to be modified to meet the requirements specified in § 173.31. The FRA uses this information to track progress and ensure that all affected tank cars are modified before the regulatory compliance date.

(4) Compressed Gases and Cryogenic Liquids in Tank Cars and Multi Unit Tank Cars Reporting - Sections 173.314, 173.319

This information collection requires the shipper to notify the FRA whenever a tank car transporting hydrogen chloride, refrigerated liquids, or vinyl fluoride, stabilized is not received by the consignee within 20 days from the date of shipment.

(5) Reporting to the AAR Bureau of Explosives regarding any restrictions over any portion of its lines - Section 174.20(b)

This information collection requires each rail carrier to report to the Bureau of Explosives (BOE), for publication, all information as to any restrictions which it imposes against the acceptance, delivery, or transportation of any hazardous materials, over any portion of its lines.

(6) Nonconforming bulk packages must be repaired or approved from movement by the FRA - Section 174.50

This information collection requires that a bulk packaging, such as a tank car tank, that no longer conforms to applicable HMR requirements may not be forwarded by rail unless repaired or approved for movement by the Associate Administrator for Safety, FRA. Notification and approval must be furnished in writing or through telephonic or electronic means, with subsequent written confirmation provided within two weeks.

(7) FRA Approval for transportation of bulk packages containing a hazardous material in COFC or TOFC service - Section 174.63

This information collection requires that the Associate Administrator for Safety, FRA approve the transportation of bulk packages, such as portable tanks and cargo tanks, containing a

hazardous material in container-on-flatcar (COFC) or trailer-on-flatcar (TOFC) service if not otherwise authorized for transportation.

(8) Division 1.1 or 1.2 explosive material inspection and Car Certificate requirements - Section 174.104(c), (d), (e), (f)

This information collection requires that before a Division 1.1 or 1.2 explosive materials may be loaded into a rail car, the car must have been inspected and certified to be in compliance with the requirements of § 174.104(b) by a qualified person designated under 49 CFR 215.11.

(9) Initial marking, requalification marking, and requalification reporting requirements - Sections 179.22, 180.515, 180.517

This information collection consist of the requirements for the detail marking of a newly manufactured tank car, requalification tank car marking requirements, and reporting of details for a requalified tank car.

(10) Quality Assurance Program - Sections 179.7, 180.505

This information collection requires facilities that build, repair, and ensure the structural integrity of tank cars are required to develop and implement a quality assurance program. This information is used by the facility and DOT compliance personnel to ensure that each tank car is constructed or repaired in accordance with the applicable requirements.

3. Extent of automated information collection

The burden has been made as simple as possible. The information requested is necessary to ensure safe operations, and is critical in evaluating and assuring the safe transportation of hazardous materials. The Government Paperwork Elimination Act directs agencies to allow the option of electronic filing and recordkeeping by October 2003, when practicable. Electronic filing and recordkeeping is authorized. It is estimated that 90% of submissions are electronic, based on historical conversations with stakeholders and data from submissions to PHMSA and FRA.

4. Efforts to identify duplication

There is no duplication, as the information is unique to specific situations. PHMSA and FRA, along with other stakeholders, work together to ensure that requirements are not duplicated. FRA is an active participant in PHMSA's rulemaking process, providing input and concurring on rulemaking matters. This aides in the assurance of avoiding duplicative information collection. PHMSA has also worked with Transport Canada to develop reciprocity for one time movements of non-compliant tank cars, in lieu of a DOT-issued One-Time Movement Approvals (OTMAs) when the tank car shipment's origin or destination is in Canada. Therefore, this reduces duplicative efforts as the tank car only needs one authorization for transportation.

5. Efforts to minimize the burden on small businesses

Small businesses may request approvals under this information collection. The requirements for an approval have been made as simple as possible to lessen the burden on small businesses and other applicants while allowing PHMSA to ensure they meet an adequate level of safety.

6. Impact of less frequent collection of information

The frequency is determined by those affected. Only individuals applying for an approval are subjected to information collection burden.

7. Special circumstances

This collection of information is generally conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2), with the following qualifications: Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records more than three years.

8. Compliance with 5 CFR 1320.8

PHMSA published a 60-Day Notice and Request for Comments on the renewal of this information collection in the Federal Register on May 22, 2023, under Docket No. PHMSA-2023-0029 (Notice No. 2023-07). The comment period closed July 21, 2023. No comments were received for this information collection.

PHMSA published a 30-Day Notice and Request for Comments on the renewal of this information collection in the Federal Register on August 29, 2023 also under Docket No. PHMSA-2023-0029 (Notice No. 2023-08).

9. Payments or gift to respondents

There is no payment or gift provided to respondents associated with this collection of information.

10. Assurance of confidentiality

No guarantees of confidentiality are provided to applicants. None of the data collected contain personally identifiable information (PII) or business confidential information.

11. Justification for collection of sensitive information

Not applicable. No sensitive information is required.

12. Estimate of burden hours for information requested

<u>Total Number of Respondents</u>	<u>Total Number of Responses</u>	<u>Total Burden Hours</u>	<u>Total Salary Cost</u>	<u>Total Burden Cost</u>
795	21,653	4,472	\$310,290	\$0

Section 172.102, special provisions B45, B46, B55, B61, B69, B77, B81 – Tank Car Approvals

Based on historical data, it is estimated that two requests are submitted annually for tank car approvals. PHMSA estimates that each approval takes 6.5 hours, based on discussions with stakeholders, for a total of 13 burden hours (2 responses x 6.5 hours). Each approval is expected to cost \$69.39 per hour in salary¹, for a total of \$892 in salary cost (13 burden hours x \$69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

<u>Information Collection Request</u>	<u>Number of Respondents</u>	<u>Response per Carrier</u>	<u>Number of Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Total Burden Cost</u>
Tank Car Approvals	2	1	2	6.5	13	\$69.39	\$902	\$0

Section 173.31(a)(2) – AAR Approval Required when a Tank Car is Proposed for Commodity Service other than Specified on a Certificate of Construction

Each year, approximately 25 respondents will submit 48 responses to the AAR for transportation of a commodity other than what is authorized on the certificate of construction, for a total of 1,200 annual responses (25 respondents x 48 responses per respondent). PHMSA estimates that each response is estimated to take 10 minutes to complete, based on stakeholder feedback, for a total of 200 annual burden hours (1,200 responses x 10 minutes). PHMSA estimates that it costs \$69.39 per hour in salary² cost for a total of \$13,877 (200 burden hours x \$69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

<u>Information Collection Request</u>	<u>Number of Respondents</u>	<u>Response per Respondent</u>	<u>Number of Responses</u>	<u>Minutes per Response</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Total Burden Cost</u>
AAR Approval Required when a Tank Car is Proposed for Commodity Service other than Specified on a Certificate of Construction	25	48	1,200	10	200	\$69.39	\$13,877	\$0

¹ Occupation labor rates based on 2022 Occupational and Employment Statistics Survey (OES) for “Transportation, Storage, and Distribution Managers (11-3071)” in the Transportation and Warehousing industry. The hourly mean wage for this occupation (\$47.39) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

² Ibid.

Section 173.31(b)(6)(ii) – Annual Tank Car Owner Progress Report to FRA

Approximately 100 tank car owners will submit one report per year, based on FRA data. From historical stakeholder feedback, PHMSA estimates that each report takes 1 hour to prepare, for a total of 100 burden hours (100 responses x 1 burden hour). It is estimated to cost \$69.39 per hour in salary cost³ for a total of \$6,939 in salary cost for this information collection (100 burden hours x \$69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

Information Collection Request	Number of Respondents	Response per Respondent	Number of Responses	Hours per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Annual Tank Car Owner Progress Report to FRA	100	1	100	1	100	\$69.39	\$6,939	\$0

Sections 173.314, 173.319 – Compressed Gases and Cryogenic Liquids in Tank Cars and Multi-Unit Tank Cars Reporting

Based on historical data from stakeholders, it is estimated that there are 6 respondents, each reporting on these type of tank cars approximately 23.5 times per year, for a total of 141 annual responses (6 respondents x 23.5 responses). It is estimated to take 15 minutes to prepare each report for an approximate total of 35 annual burden hours (141 responses x 15 minutes). It is estimated to cost \$69.39 per hour in salary costs⁴ to complete the report, for a total of \$2,428 in total salary cost (35 burden hours x \$69.39/hour). PHMSA does not estimate any out-of-pocket estimates.

Information Collection Request	Number of Respondents	Response per Respondent	Number of Responses	Minutes per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Compressed Gases and Cryogenic Liquids in Tank Cars and Multi Unit Tank Cars Reporting	6	23.5	141	15	35	\$69.39	\$2,428	\$0

Section 174.20(b) – Reporting to the Bureau of Explosives Regarding any Restrictions Over any Portion of its Lines

Approximately 34 rail carriers will each file an average of 1.5 reports annually for a total of 51 annual responses (34 respondents x 1.5 responses), estimated from historical data. PHMSA estimates that each report takes approximately 20 minutes to prepare, based on historical feedback from stakeholders, for a total of 17 burden hours (51 responses x 20 minutes). It costs approximately \$69.39 per hour in salary cost⁵, for a total of \$1,180 in salary costs (17 burden hours x \$69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Minutes per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Reporting to the Bureau of Explosives Regarding any Restrictions over any Portion of its Lines	34	1.5	51	20	17	\$69.39	\$1,180	\$0

Section 174.50 – Nonconforming Bulk Packages must be Repaired or Approved for Movement by the FRA

Based on historical stakeholder data, PHMSA estimates that approximately 388 rail carriers will each report 11 leaking tank car tanks each year, for a total of 4,308 responses (388 respondents x 11 responses). It is estimated to take approximately 24 minutes to develop the information necessary for the report, for a total of 1,695 burden hours (4,308 responses x 11 minutes). At an estimated salary cost of \$69.39 per hour⁶, it is estimated to cost a total of \$117,608 in salary costs (1,695 burden hours x \$69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

This information collection reflects a reduction in burden from the HM-2150 final rule.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Minutes per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Nonconforming Bulk Packages must be Repaired or Approved from Movement by the FRA	388	11	4,308	24	1,695	\$69.39	\$117,608	\$0

Section 174.63 – FRA Approval for Transportation of Bulk Packages Containing a Hazardous Material in COFC or TOFC service

PHMSA estimates that there are six requests per year, based on historical stakeholder data. Furthermore, it is estimated that each report will take approximately 30 minutes to develop, for a total of 3 burden hours (6 responses x 30 minutes). It is estimated to cost \$69.39 per hour⁷ in salary cost, for a total of \$208 in salary cost (3 burden hours x \$69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Minutes per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
FRA Approval for Transportation of Bulk Packages Containing a Hazardous Material in COFC or TOFC Service	6	1	6	30	3	\$69.39	\$208	\$0

Section 174.104(c), (d), (e), (f) – Division 1.1 or 1.2 Explosive Material Inspection and Car Certificate Requirements

⁶ Ibid.

⁷ Ibid.

Approximately 25 respondents make 2 shipments per month, for a total of 600 annual responses (25 respondents x 2 shipments x 12 months). Based on historical stakeholder data, it is estimated to take 20 minutes to prepare the certificate, for a total of 200 burden hours (600 responses x 20 minutes). It is estimated to cost \$69.39 per hour⁸ to prepare the certificate, for a total of \$13,877 in total salary cost (200 burden hours x \$69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Minutes per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Division 1.1 or 1.2 explosive material inspection and Car Certificate requirements	25	24	600	20	200	\$69.39	\$13,877	\$0

Section 174.114 – Record when a Car Seal is Changed when the Car is Placarded with Division 1.1 or 1.2 Explosive Materials

Approximately 34 rail carriers will each change the seals on 5 railcars each annually, for a total of 170 responses (34 respondents x 5 responses). Each record is estimated to take 10 minutes to complete for a total of 28 total burden hours (17 responses x 10 minutes). These estimates are based on historical Stakeholder engagement. PHMSA estimates an hourly salary cost of \$69.39 per hour⁹, for a total salary cost of \$1,943 (28 burden hours x \$69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Minutes per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Record when a Car Seal is Changed when the Car is Placarded with Division 1.1 or 1.2 Explosive Materials	34	5	170	10	28	\$69.39	\$1,943	\$0

Sections 179.22, 180.515, 180.517 – Initial Marking, Requalification Marking, and Requalification Reporting Requirements

It is estimated that approximately 100 companies manufacture or retest approximately 150 tanks cars each per year for a total of 15,000 responses (100 companies x 150 responses). Based on historical stakeholder data, it is estimated that the documentation for each tank car takes approximately 7 minutes to complete for a total of approximately 1,768 total burden hours (15,000 responses x 7 minutes). PHMSA estimates a salary cost of \$69.39 per hour¹⁰, for a total salary of \$122,673 (1,768 burden hours x \$69.39/hour). PHMSA does not anticipate any out-of-pocket expenses.

Information Collection Request	Number of	Response	Number of	Minutes	Total	Salary	Total	Total
---------------------------------------	------------------	-----------------	------------------	----------------	--------------	---------------	--------------	--------------

⁸ Ibid.
⁹ Ibid.
¹⁰ Ibid.

	<u>Respondents</u>	<u>per Carrier</u>	<u>Responses</u>	<u>per Response</u>	<u>Burden Hours</u>	<u>Cost per Hour</u>	<u>Salary Cost</u>	<u>Burden Cost</u>
Initial Marking, Requalification Marking, and Requalification Reporting Requirements	100	150	15,000	7	1,768	\$69.39	\$122,673	\$0

Sections 179.7, 180.505 – Quality Assurance Program

Approximately 75 companies will develop and maintain a Quality Assurance Program. Based on stakeholder feedback, is estimated that it will take approximately 5.5 hours to develop for a total of 413 burden hours (74 responses x 5.5 hours). It is estimated to cost \$67.39 per hour¹¹ for this burden, for a total of \$28,656 in salary cost (413 burden hours x \$67.39/hour). PHMSA does not estimate any out-of-pocket expenses.

<u>Information Collection Request</u>	<u>Number of Respondents</u>	<u>Response per Carrier</u>	<u>Number of Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Total Burden Cost</u>
Quality Assurance Program	75	1	75	5.5	413	\$69.39	\$28,656	\$0

13. Estimate of total annual costs to respondents

PHMSA does not estimate any out-of-pocket expenses for this burden.

14. Estimate of cost to the Federal Government

PHMSA estimates approximately 4,608 requests or reports are submitted to the Federal Government annually. It is estimated that each document will take approximately 3 hours to review, approve and prepare for a total of 13,824 burden hours (4,608 responses x 3 hours). The hourly salary is estimated at \$76.43¹² per hour for a total of \$1,056,568 (13,824 burden hours x \$76.43).

<u>Number of Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>
4,608	3	13,824	\$73.68	\$1,018,586

15. Explanation of program changes or adjustments

There is no change in burden resulting from the renewal of this information collection.

¹¹ Ibid.

¹² Cost to review and approve approvals PHMSA used annual wage data from the Office of Personnel Management (OPM) to estimate wages for its staff at the 2023 General Schedule (GS) level 13, step 1, wage class for the Washington-Baltimore-Northern Virginia metropolitan area. In accordance with the OMB Circular No. A-76 (M-07-02; 2006), PHMSA included a load factor of 36.45 percent for the Federal wage to account for fringe benefits.

16. Publication of results of data collection

There is no publication for statistical use and no statistical techniques are involved. Approval letters are published on the PHMSA website.

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

This information collection OMB Control number is prominently displayed in the HMR, specifically under § 171.6, entitled, "Control Numbers under the Paperwork Reduction Act."

18. Exceptions to certification statement

There is no exception to PHMSA's certification of this request for information collection approval.