

FEDERAL RAILROAD ADMINISTRATION
Rail Integrity and Track Safety Standards
(Title 49 Code of Federal Regulations Part 213)
SUPPORTING JUSTIFICATION
OMB Control No. 2130-0010

Summary of Submission

- This submission is a request for a revision of the last three-year approval granted by the Office of Management and Budget (OMB) on August 6, 2020, which expires on December 31, 2023.
- The Federal Railroad Administration (hereafter “FRA” or “the Agency”) published a required 60-day Notice in the Federal Register on September 25, 2023. See 88 FR 65765. FRA received no comments in response to this notice.
- Overall, the adjustments increased the burden by 278 hours and increased responses by 2,405 after a thorough review of the data.
- The answer to question 12 itemizes all information collection requirements.
- The answer to question 15 itemizes all adjustments.

1. Circumstances that make collection of the information necessary.

Section 20103 of title 49 of the United States Code (U.S.C.) provides that, “[t]he Secretary of Transportation, shall prescribe regulations and issue orders for every area of railroad safety.” This statutory section codifies the authority granted to the Secretary of Transportation under the former Federal Railroad Safety Act of 1970. The Secretary’s authority to act under section 20103 is delegated to the Federal Railroad Administrator.¹

FRA first published track safety standards (Standards) on October 20, 1971. The most comprehensive revision of the Standards resulted from the Rail Safety Enforcement and Review Act of 1992 (RSERA)², later amended by the Federal Railroad Safety Authorization Act of 1994,³ which led to FRA issuing a final rule titled Track Safety Standards, amending the Standards.⁴

¹ See 49 CFR 1.89.

² Pub. L. 102-365, (Sept. 3, 1992).

³ Pub. L. 103-440 (Nov. 2, 1994).

⁴ See 63 FR 34029 (Jun. 22, 1998) and 63 FR 54078 (Oct. 8, 1998)

Following the 1998 revisions, FRA has further amended the Track Safety Standards as noted below.

In 2009, FRA amended the Track Safety Standards to promote the safety of railroad operations over continuous welded rail (CWR).⁵

In 2011, FRA amended the Track Safety Standards, adding minimum safety standards for track built with concrete crossties, and required automated inspections at certain frequencies.⁶

In 2013, FRA amended the Track Safety Standards to require additional automated inspections and new minimum safety thresholds on high-speed track.⁷

In 2014, FRA amended the Track Safety Standards to establish minimum qualification requirements for rail flaw detection equipment operators, as well as revising requirements for rail inspection frequencies, rail flaw remedial actions, and rail inspection records.⁸

In 2020, FRA amended the Track Safety Standards to allow for what is commonly referred to as “continuous rail testing,” as an alternative to traditional stop and verify ultrasonic rail testing.⁹ Railroads that elect to use continuous testing must provide an annual report to FRA.

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

This is an extension with change to a current collection of information entirely associated with FRA’s Part 213 rule. The information collected under Part 213 is used by FRA to ensure and enhance rail safety. Railroads initially use inspection reports/records to see that tracks are inspected periodically, to confirm that the inspectors are properly qualified in carrying out their duties, and to ensure that tracks are in safe condition for train operations.

Railroads also use these reports/records for maintenance planning, particularly where defective track is discovered and where repetitive unsafe conditions occur. This information helps railroads address and correct track problems and provides invaluable information in the event of a train derailment, collision, or other train accident/incident.

⁵ See 74 FR 42988

⁶ See 76 FR 18073

⁷ See 78 FR 16052

⁸ See 79 FR 4234

⁹ See 85 FR 63387.

The information collected under § 213.237, § 213.339, and § 213.341, is used by FRA to ensure and enhance rail safety. Specifically, railroads are required to send a detailed request to FRA to change the designation of a rail inspection segment or establish a new segment. Collecting service failure rates that are averaged over excessively large segments of track (such as segments longer than a subdivision length) might fail to identify discrete areas of weakness with chronically high concentrations of service failures. At the same time, if a segment size is too small, one random failure could trigger a service failure rate in excess of the railroad's/track owner's performance target under these sections. In order to maintain consistency and uniformity, FRA requires that if a railroad wishes to change or deviate from its segment lengths, the railroad must receive FRA approval to make that change.

Also, under § 213.237, railroads/track owners must notify FRA and all affected employees of the designation's effective date after FRA's approval or conditional approval. FRA inspectors use this notification to ensure that railroads conduct necessary internal rail inspections over these specified segments as appropriate. Further, this information is used by railroad employees to understand any changes to their duties, particularly pertaining to maintenance activities and conducting internal rail inspections over these designated segments.

Additionally, under § 213.237, if the service failure rate identified in paragraph (a) of this section is not achieved, railroads/track owners must inform FRA of this fact within 45 days of the end of the defined 12-month period in which the performance target is exceeded, and they must provide an explanation as to why the performance target was not achieved. FRA uses this information to determine whether railroads are properly carrying out their internal rail inspections and whether they need to take additional measures to meet their performance targets, reduce rail defects, and maintain rail safety.

The information collected under § 213.7 and § 213.305 is used by FRA to ensure that individuals designated by railroads/track owners as properly qualified to perform their assigned tasks.

The information collected under § 213.118, § 213.119, § 213.341, and § 213.343 is used by FRA to ensure that railroads/track owners develop and implement plans containing written procedures which address the installation, adjustment, maintenance, and inspection of CWR, inspection of CWR joints, and a training program for the application of those procedures.

The information collected under § 213.110 is used to ascertain those line segments on which Gage Restraint Measurement Systems (GRMS) technology—supplemented by the use of Portable Track Loading Fixtures (PTLF)—needs to be implemented by track owners. Specifically, FRA reviews the information to ensure that certain minimal data are provided by railroads, including the segment's timetable designation milepost limits,

track class, million gross tons of traffic per year, and any other identifying characteristics of the segment. FRA uses the information provided to evaluate the appropriateness of implementing GRMS technology on a given segment of track. FRA uses the technical data provided to ensure that minimum GRMS design requirements have been met and that GRMS vehicles have been properly calibrated in order to maintain the integrity of the data they provide.

Other Track Safety Information

Under § 213.4, FRA uses the information collected to ensure that railroads properly identify a segment(s) of track as excepted either in their timetables, special instructions, general orders, or other appropriate records. When a piece of track is designated excepted, that is not listed in its timetables, a railroad will issue special instructions or a general order identifying the excepted track so that its employees know what procedures or practices to follow. Also, FRA uses the information collected to verify that the FRA has been notified by the railroad, at least 10 days in advance, when a segment of track is removed from excepted status. Ensuring the safety of railroad employees and the traveling public is FRA's paramount concern.

Under § 213.5 and § 213.303, FRA uses the information collected to verify that the agency is properly informed in writing, at least 30 days in advance, when a track owner assigns responsibility for the track to another person by lease or otherwise. FRA reviews the notifications provided by railroads to make sure essential information is transmitted to the agency.

Under § 213.17 and § 213.317, FRA reviews waiver petitions to see if it is safe and in the public interest to grant exemptions from any or all requirements prescribed in this Part to a railroad.

Under § 213.57 and § 213.329, FRA uses the information collected to ensure that the track owner notifies the agency at least 30 calendar days in advance before a proposed implementation of the higher curving speeds allowed under the formula specified in paragraph (c) of this section.

Under § 213.237, Classes 4 and 5 track, as well as Class 3 track over which passenger trains operate, are required to be tested for internal rail defects at least once every accumulation of 40 million gross tons (mgt) or once a year (whichever time is shorter), and Class 3 track over which passenger trains do not operate are required to be tested at least once every accumulation of 30 mgt or once per year (whichever time is longer). The railroads then utilize this information to generate and maintain a service failure performance target.

Under § 213.238, each provider of rail flaw detection must have a documented training program to ensure that a flaw detection equipment operator is qualified to operate each of the various types of equipment currently utilized in the industry for which he or she is assigned.

Under § 213.241 and § 213.369, track owners to which this Part applies must keep a record of each inspection required to be performed on its track under this subpart. FRA reviews this information to ensure that inspections are completed as required and to ensure that essential records are maintained and available to railroad inspectors so they can carry out their duties. Federal and State investigators examine these inspection records to determine a railroad's compliance with the inspection frequency requirement of the Track Safety Standards and to verify that persons assigned to inspect tracks have been properly designated. In the event of an accident/incident, these records provide extremely valuable information, particularly if a problem with track caused the unfortunate event. The absence of these inspection records would substantially harm the Federal Government's railroad safety program.

Under § 213.234 and § 213.333, railroads are required to conduct automated inspections at certain frequencies on track constructed with concrete crossties and highspeed track and maintain inspections records.

Under § 213.345, railroads operating highspeed trains are required to qualify vehicles to ensure that the vehicle/track system will not exceed the wheel/rail force safety limits and the car body and truck acceleration criteria specified in § 213.333.

Moreover, railroads use the information mentioned above. Railroad companies initially use inspection reports/records to see that tracks are inspected periodically, to confirm that the inspectors are properly qualified in carrying out their duties, and to ensure that tracks are in safe condition for train operations. Railroad companies also use these reports/records for maintenance planning, particularly where defective track is discovered and where repetitive unsafe conditions occur.

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 paperwork burdens on respondents. The Track Safety regulations allow flexibility in the methods employed to create and store records. Part 213 allows each railroad to design its own electronic system so long as the system meets the specified criteria to safeguard the integrity and authenticity of each record. Currently, approximately 85% of all responses are submitted/collected electronically by

railroads/track owners.

4. Efforts to identify duplication.

To FRA’s knowledge, the information collection requirements are not duplicated elsewhere. Similar data is not available from other sources.

5. Efforts to minimize the burden on small businesses.

FRA believes that this collection of information has no significant economic impact on a substantial number of small entities.¹⁰

While requirements of this Part are applicable to all railroads, not all requirements will be relevant to all railroads. The Track Safety Standards are primarily based around reducing risk based on maximum authorized train speed. To accomplish this, the minimum standards are tiered based on risk factors such as train speed, tonnage, passenger service, location, hazmat, etc. Likewise, reporting requirements increase as risk increases, so small entities, generally operating at lower speed are not subjected to the same burden as higher speed, higher tonnage railroads shipping hazmat or conducting passenger service. Many of the requirements discussed in this document will not apply to small entities.

6. Impact of less frequent collection of information.

If the information were not collected, or were collected less frequently, rail safety in the United States would be seriously jeopardized. The data collected under Part 213 allows railroads to better understand their safety critical infrastructure assets, plan maintenance, and ensure safe train operations, as well as allowing FRA to verify that track inspections are being done in accordance with the regulation.

Due to the unique nature of railroad operations, 24 hours per day, 365 days per year, across vast geographic areas, record requirements of the Track Safety Standards require

¹⁰ “Small entity” is defined in 5 U.S.C. 601 as a small business concern that is independently owned and operated and is not dominant in its field of operation. The U.S. Small Business Administration (SBA) has authority to regulate issues related to small businesses and stipulates in its size standards that a “small entity” in the railroad industry is a for profit “line-haul railroad” that has fewer than 1,500 employees, a “short-line railroad” with fewer than 1,500 employees, a “commuter rail system” with annual receipts of less than \$47.0 million dollars, or a contractor that performs support activities for railroads with annual receipts of less than \$34.0 million. Additionally, 5 U.S.C. 601 defines as “small entities” governments of cities, counties, towns, townships, villages, school districts, or special districts with populations less than 50,000. Pursuant to the authority provided to it by SBA, FRA has published a final statement of agency policy that formally establishes small entities as railroads, contractors, and hazardous materials shippers that meet the revenue requirements of a Class III railroad.

railroads to document safety critical inspections, maintenance, testing, qualifications, to ensure safety. Without these requirements, railroad safety would be significantly compromised.

Inspection records are extremely important and are used by Federal and State investigators in the enforcement of the Track Safety Standards and, thus, help promote rail safety. In the event of a train accident/incident, particularly one implicating track structure, these inspection records provide invaluable investigatory assistance in determining the exact cause(s) of the accident/incident and keen insight into designing appropriate remedial measures.

7. Special circumstances.

This information collection does not have any 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 September 25, 2023,¹¹ soliciting comment from the public, railroads, and other interested parties on these information collection requirements. FRA received no comments.

Consultations with representatives of the affected population:

As a part of FRA's oversight and enforcement, individuals from the railroad industry are generally in direct contact with FRA's inspectors at the time of on-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 this information collection.

10. Assurance of confidentiality.

The information collected is not of a confidential nature and FRA pledges no assurance of confidentiality.

11. Justification for any questions of a sensitive nature.

The information collection does not contain any data of a personal or sensitive nature.

¹¹ See 88 FR 65765.

12. Estimate of burden hours for information collected.

The estimates for the respondent universe, annual responses, and average time per response are based on the experience and expertise of FRA’s Office of Railroad Safety.

CFR Section	Respondent Universe	Total Annual Responses (A)	Average Time per Response (B)	Total Annual Burden Hours (C=A*B)	Wage Rates U.S. D¹²	Total Cost Equivalent in U.S. Dollars (D = C * wage rates)	Section Analyses and Estimates
213.4(f)—Excepted track—Notification to FRA about removal of excepted track	784 railroads	15 notices	10 minutes	2.50 hours	\$85.93	\$214.83	A track owner shall advise FRA at least 10 days prior to removal of a segment of track from excepted status. FRA estimates, after careful review, that it will take approximately 10 minutes for each notice.
213.5(c)—Responsibility for compliance—Notification of assignment to FRA	784 railroads	15 notices	1 hour	15.00 hours	\$85.93	\$1,288.95	If an owner of track to which this part applies assigns responsibility for the track to another person (by lease or otherwise), written notification of the assignment must be provided to FRA at least 30 days in advance of the assignment. The notification may be made by any party to that assignment, but must be in writing and include: 1) The name and address of the track owner or the person to whom responsibility is assigned (assignee); 2) A statement of the exact relationship between the track

¹² Throughout this table the dollar equivalent cost is derived from the 2022 Surface Transportation Board Full Year Wage A&B data series using the employee groups 100 (Executives, Officials, and Office Staff Assistants) \$70.52, 200 (Professional and Administrative) \$49.10, and 400 (Maintenance of Equipment & Stores) \$38.35. Wage rates throughout the table reflect the total burdened wage rate (straight time plus 75%).

							owner and the assignee; 4) A precise identification of the track; 5) A statement as to the competence and ability of the assignee to carry out the duties of the track owner under this part; and 6) A statement signed by the assignee acknowledging the assignment to him of responsibility for purposes of compliance with this part. FRA estimates, after careful review, that it will take approximately 1 hour for each notice.
213.7(a)(b)— Designations: Names on list with written authorizations	784 railroads	2,500 names	10 minutes	416.67 hours	\$85.93	\$35,804.45	Designation of qualified persons to supervise certain renewals and inspect track for defect. FRA estimates, after careful review, that it will take approximately 10 minutes for each name designation.
213.17(a)—Waivers	784 railroads	10 petitions	2 hours	20.00 hours	\$85.93	\$1,718.60	Any owner of track to which this part applies, or other person subject to this part, may petition the Federal Railroad Administrator for a waiver from any or all requirements prescribed in this Part. Each petition for waiver must be filed in the manner and contain the information required by Part 211 of this chapter. FRA estimates, after careful review, that it will take approximately two hours for each petition.
213.57(e)—Curves, elevation, and speed limitations—Request to FRA for vehicle	784 railroads	4 requests	8 hours	32.00 hours	\$85.93	\$2,749.76	The track owner or railroad shall transmit the results of the testing specified in paragraph (d) of this section to FRA's Associate Administrator for

type approval							<p>Railroad Safety/Chief Safety Officer requesting approval for the vehicle type to operate at the desired curving speeds allowed under the formula in paragraph (b) of this section. The request shall be made in writing.</p> <p>FRA estimates, after careful review, that it will take approximately 2 hours for each notification.</p>
—(f) Written notification to FRA prior to implementation of higher curving speeds	784 railroads	4 notifications	2 hours	8.00 hours	\$85.93	\$687.44	<p>In approving the request made pursuant to paragraph (e) of this section, FRA may impose conditions necessary for safely operating at the higher curving speeds. Upon FRA approval of the request, the track owner or railroad shall notify FRA in writing no less than 30 calendar days prior to the proposed implementation of the approved higher curving speeds allowed under the formula in paragraph (b) of this section. The notification shall contain, at a minimum, identification of the track segment(s) on which the higher curving speeds are to be implemented.</p> <p>FRA estimates, after careful review, that it will take approximately 2 hours for each notification.</p>
—(g) Written consent of track owners obtained by railroad providing service over that track	784 railroads	4 written consents	45 minutes	3.00 hours	\$85.93	\$257.79	<p>The documents required by this section must be provided to FRA by the track owner or railroad that provides service over the track.</p> <p>FRA estimates, after careful review, that it will take approximately 45 minutes for</p>

							each written consent.
213.110(a)—Gage restraint measurement systems (GRMS)—Implementing GRMS—notices & reports	784 railroad	1 notification	45 minutes	0.75 hours	\$85.93	\$64.45	<p>A track owner may elect to implement a Gage Restraint Measurement System (GRMS), supplemented by the use of a Portable Track Loading Fixture (PTLF), to determine compliance with the crosstie and fastener requirements specified in §§213.109 and 213.127 provided that: (1) The track owner notifies FRA at least 30 days prior to the designation of any line segment on which GRMS technology will be implemented; and (2) The track owner notifies FRA at least 10 days prior to the removal of any line segment from GRMS designation.</p> <p>FRA estimates, after careful review, that it will take approximately 45 minutes to implement each GRMS.</p>
—(g) GRMS vehicle output reports	784 railroad	1 report	5 minutes	0.08 hours	\$85.93	\$6.87	<p>The GRMS vehicle shall be capable of producing output reports that provide a trace, on a constant-distance scale, of all parameters specified in paragraph (l) of this section.</p> <p>FRA estimates, after careful review, that it will take 5 minutes for each outage report.</p>
—(h) GRMS vehicle exception reports	784 railroad	1 report	5 minutes	0.08 hours	\$85.93	\$6.87	<p>The GRMS vehicle shall be capable of providing an exception report containing a systematic listing of all exceptions, by magnitude and location, to all the parameters specified in paragraph (l) of this section. The exception reports required by this section shall be</p>

							<p>provided to the appropriate person designated as fully qualified under §213.7 prior to the next inspection required under §213.233 of this part.</p> <p>FRA estimates, after careful review, that it will take approximately 5 minutes for each exception report.</p>
—(j) GRMS/PTLF— procedures for data integrity	784 railroad	1 documented procedure	1 hour	1.00 hour	\$85.93	\$85.93	<p>The track owner shall institute the necessary procedures for maintaining the integrity of the data collected by the GRMS and PTLF systems.</p> <p>FRA estimates, after careful review, that it will take approximately 1 hour to document each procedure.</p>
—(n) GRMS inspection records	784 railroad	2 records	30 minutes	1.00 hour	\$85.93	\$85.93	<p>The track owner shall maintain a record of the two most recent GRMS inspections at locations which meet the requirements specified in §213.241(b) of this part.</p> <p>FRA estimates, after careful review, that it will take approximately 30 minutes to document and store each record.</p>
213.118(a)–(c)— Continuous welded rail (CWR)—Revised plans w/procedures for CWR	438 railroads	10 plans	4 hours	40.00 hours	\$85.93	\$3,437.20	<p>Each track owner with track constructed of CWR must have in effect and comply with a plan that contains written procedures which address: the installation, adjustment, maintenance, and inspection of CWR; inspection of CWR joints; and a training program for the application of those procedures.</p> <p>The track owner must file its CWR plan with the FRA Associate Administrator</p>

							<p>for Safety/Chief Safety Officer (Associate Administrator). Within 30 days of receipt of the submission, FRA will review the plan for compliance with this subpart. FRA will approve, disapprove, or conditionally approve the submitted plan, and will provide written notice of its determination.</p> <p>The track owner's existing plan shall remain in effect until the track owner's new plan is approved or conditionally approved and is effective pursuant to paragraph (d) of this section.</p> <p>FRA estimates, after careful review, that it will take approximately 4 hours for each revised plan.</p>
—(d) Notification to FRA and RR employees of CWR plan effective date	438 railroads	750 notices	15 seconds	3.13 hours	\$85.93	\$268.96	<p>The track owner shall, upon receipt of FRA's approval or conditional approval establish the plan's effective date. The track owner shall advise in writing FRA and all affected employees of the effective date.</p> <p>FRA estimates, after careful review, that it will take approximately 15 seconds for each written notice.</p>
—(e) Written submissions after plan disapproval	438 railroads	5 written submissions	2 hours	10.00 hours	\$85.93	\$859.30	<p>FRA, for cause stated, may, subsequent to plan approval or conditional approval, require revisions to the plan to bring the plan into conformity with this subpart. Notice of a revision requirement shall be made in writing and specify the basis of FRA's requirement. The track owner may, within 30 days of the revision requirement, respond and provide</p>

							<p>written submissions in support of the plan.</p> <p>FRA estimates, after careful review, that it will take approximately 2 hours for each written submission.</p>
—(e) Final FRA disapproval and plan amendment	438 railroads	5 amended plans	1 hour	5.00 hours	\$85.93	\$429.65	<p>FRA renders a final decision in writing. Not more than 30 days following any final decision requiring revisions to a CWR plan, the track owner must amend the plan in accordance with FRA’s decision and resubmit the conforming plan. The conforming plan becomes effective upon its submission to FRA.</p> <p>FRA estimates, after careful review, that it will take approximately 1 hour for each amended plan.</p>
213.234(e)—Automated inspection of track constructed with concrete crossties—Exception reports listing all exceptions to § 213.109(d)(4)	30 railroads	125 reports	15 minutes	31.25 hours	\$67.11	\$2,097.19	<p>The automated inspection measurement system shall produce an exception report containing a systematic listing of all exceptions to § 213.109(d)(4), identified so that an appropriate person(s) designated as fully qualified under § 213.7 can field-verify each exception. The burden hours for this requirement were previously captured in OMB Control No. 2130-0592 Concrete Crossties.</p> <p>FRA estimates, after careful review, that it will take approximately 15 minutes for each exception report.</p>
—(f) Automated inspection of track constructed with	30 railroads	2,000 records	30 minutes	1,000.00 hours	\$85.93	\$85,930.00	<p>The track owner shall institute the necessary procedures for maintaining the integrity of the data collected by the</p>

concrete crossties — Recordkeeping requirements							measurement system. FRA estimates, after careful review, that it will take approximately 30 minutes to file and maintain each record.
—(g) Procedure for integrity of data — Track owners to institute procedures for maintaining the integrity of the data collected by the measurement system	30 railroads	30 revised procedures	2 hours	60.00 hours	\$123.41	\$7,404.60	The track owner shall institute the necessary procedures for maintaining the integrity of the data collected by the measurement system. The burden hours for this requirement were previously captured in OMB Control No. 2130-0592 Concrete Crossties. FRA estimates, after careful review, that it will take approximately 2 hours for each revised procedure.
—(h)(3) Training— Track owners to provide annual training in handling rail seat deterioration exceptions to all persons designated as fully qualified under § 213.7 and whose territories are subject to the requirements of § 213.234— Recordkeeping.	30 railroads	2,250 records of trained employees	5 minutes	187.50 hours	\$67.11	\$12,583.13	The track owner shall provide annual training in handling rail seat deterioration exceptions to all persons designated as fully qualified under § 213.7 and whose territories are subject to the requirements of § 213.234. The burden hours for this requirement were previously captured in OMB Control No. 2130-0592 Concrete Crossties. FRA estimates, after careful review, that it will take 5 minutes to handle the record keeping requirements for each employee training record.
213.237(b)(2)— Inspection of Rail— Detailed request to FRA to change	65 railroads	4 requests	15 minutes	1.00 hour	\$85.93	\$85.93	To change the designation of a rail inspection segment or to establish a new segment pursuant to this section, a track owner must submit a detailed request to

designation of a rail inspection segment or establish a new segment							the FRA FRA estimates, after careful review, that it will take approximately 15 minutes for each request.
—(b)(3) Notification to FRA and all affected employees of designation’s effective date after FRA’s approval/conditional approval	65 railroads	1 notice to FRA + 15 bulletins	15 minutes	4.00 hours	\$85.93	\$343.72	To change the designation of a rail inspection segment or to establish a new segment pursuant to this section, a track owner must submit a detailed request to FRA. FRA estimates, after careful review, that it will take approximately 15 minutes to prepare and submit each request.
—(d) Notice to FRA that service failure rate target in paragraph (a) of this section is not achieved	65 railroads	4 notices	15 minutes	1.00 hour	\$85.93	\$85.93	If the service failure rate target identified in paragraph (a) of this section is not achieved, the track owner must inform FRA of this fact within 45 days of the end of the defined 12-month period in which the performance target is exceeded. In addition, the track owner may provide to FRA an explanation as to why the performance target was not achieved and provide a remedial action plan. FRA estimates, after careful review, that it will take approximately 15 minutes for each notice.
—(d) Explanation to FRA as to why performance target was not achieved and provision to FRA of remedial action plan	65 railroads	4 letters of explanation / plans	15 minutes	1.00 hour	\$85.93	\$85.93	If the service failure rate target identified in paragraph (a) of this section is not achieved, the track owner must inform FRA of this fact within 45 days of the end of the defined 12-month period in which the performance target is exceeded. In addition, the track owner

							<p>may provide to FRA an explanation as to why the performance target was not achieved and provide a remedial action plan.</p> <p>FRA estimates, after careful review, that it will take approximately 15 minutes to prepare and submit each letter of explanation on performance target failure.</p>
213.238—Qualified operators – Written or electronic of qualification	3 railroads + 5 testing entities	250 records	5 minutes	20.83 hour	\$85.93	\$1,789.92	Each provider of rail flaw detection shall have a documented training program in place and shall identify the types of rail flaw detection equipment for which each equipment operator it employs has received training and is qualified. A provider of rail flaw detection may be the track owner.
213.240(b)—Continuous Rail Testing—Procedures for conducting continuous testing	12 railroads	4 procedures	8 hours	32.00 hour	\$85.93	\$2,749.76	<p>The track owners conducting continuous rail testing will be required to adopt procedures addressing how (1) test data will be transmitted and analyzed; (2) suspect locations will be identified for field verification; (3) suspect locations will be categorized and prioritized according to their potential severity; (4) suspect locations will be field verified; and (5) suspect locations will be designated following field verification.</p> <p>FRA estimates, after careful review, that it will take approximately 8 hours to adopt each procedure.</p>
—(c) Type of rail test (continuous or stop-and-verify)—record	12 railroads	25,000 documents /records	2 seconds	13.89 hours	\$85.93	\$1,193.57	The track owners will be required to designate and record the type of rail test to be conducted, whether continuous or

							stop-and-verify, prior to commencing the testing. FRA estimates, after careful review, that it will take 2 seconds to record each rail test.
—(c) Type of rail test (continuous or stop-and-verify)— Documented changes	12 railroads	100 documents	1 minute	1.67 hour	\$85.93	\$143.50	If the type of rail testing changes after the test has commenced, FRA will then require the track owners to document the changes and include the time the test was started and when it changed, and the milepost where the test started and where it was changed. FRA estimates, after careful review, that it will take approximately 1 minute to document each change in rail test.
—(g) Annual reports to FRA	12 railroads	12 reports	4 hours	48.00 hour	\$85.93	\$4,124.64	Track owners utilizing continuous rail testing will be required to submit an annual report to the FRA Associate Administrator for Railroad Safety/Chief Safety Officer no later than 45 days following the end of each calendar year. This will apply only to track owners that have conducted continuous rail testing under § 213.240 within the previous calendar year. The annual report must be in a reasonably usable format, or its native electronic format, and contain at least all the information required by paragraphs (g)(1) through (10) for each track segment requiring internal rail inspection under either § 213.237 or § 213.339.

							FRA estimates, after careful review, that it will take approximately 4 hours for each report.
213.241—Inspection records	784 railroads	1,375,000 records	10 minutes	229,166.67 hours	\$85.93	\$19,692,291.95	Each owner of track to which this part applies shall keep a record of each inspection required to be performed on that track under this subpart. FRA is amending § 213.241 by revising paragraphs (b), (f), and (g), and adding paragraphs (h) through (j). The burden associated with track and rail inspections is based on track mileage by type and track class. FRA estimates, after careful review, that it will take approximately 10 minutes to document and maintain each record.
213.303(b)—Responsibility for compliance—Notification of assignment to FRA	2 railroad	5 notices	30 minutes	2.50 hours	\$85.93	\$214.83	If an owner of track to which this subpart applies assigns responsibility for the track to another person (by lease or otherwise), notification of the assignment must be provided to FRA at least 30 days in advance of the assignment. The notification may be made by any party to that assignment. FRA estimates, after careful review, that it will take approximately 30 minutes for each notification of assignment.
213.305(c)(4)—Designation of qualified individuals; general qualifications—Written authorization for remedial actions	2 railroads	20 written documents	30 minutes	10.00 hours	\$85.93	\$859.30	Each track owner to which this subpart applies shall designate qualified individuals responsible for the maintenance and inspection of track in compliance with the safety requirements prescribed in this subpart. Each designated individual must have written

							<p>authorization to prescribe remedial actions.</p> <p>FRA estimates, after careful review, that it will take approximately 10 minutes for each written authorization.</p>
—(e) Railroads produced designation record upon FRA request	2 railroads	200 records	10 minutes	33.33 hours	\$85.93	\$2,864.05	<p>With respect to designations under paragraphs (a), (b), (c) and (d) of this section, each track owner shall maintain all designation records.</p> <p>FRA estimates, after careful review, that it will take approximately 10 minutes to retrieve and provide each designation record requested by FRA.</p>
213.317(a)-(b)—Waivers	2 railroads	2 petitions	8 hours	16.00 hours	\$85.93	\$1,374.88	<p>Any owner of track to which this subpart applies may petition the Federal Railroad Administrator for a waiver from any or all requirements prescribed in this subpart. Each petition for exemption under this section must be filed in the manner and contain the information required by §§ 211.7 and 211.9.</p> <p>FRA estimates, after careful review, that it will take approximately 8 hours for each waiver petition.</p>
213.329(e)—Curves, elevation, and speed limitations—FRA approval of qualified vehicle types based on results of testing	2 railroads	2.00 cover letters + 2.00 technical reports + 2.00 diagrams	30.00 minutes + 16.00 hours + 15.00 minutes	33.50 hours	\$85.93	\$2,878.66	<p>FRA estimates that approximately 2 documents for vehicle type approval with all the necessary information (including cover letters, technical reports, and diagrams) will be submitted to FRA under the above requirement.</p> <p>FRA estimates, after careful review, that</p>

							it will take approximately 30 minutes for each cover letter, 16 hours for each technical report and 15 minutes for each diagram.
—(f) Written notification to FRA 30 days prior to implementation of higher curving speeds	2 railroads	2 notices	2 hours	4.00 hours	\$85.93	\$343.72	The track owner or railroad shall notify FRA prior to the proposed implementation of the approved higher curving speeds allowed under paragraph (b) of this section. FRA estimates, after careful review, that it will take approximately 2 hours for each written notification.
—(g) Written consent of other affected track owners by railroad	2 railroads	2 written consents	45 minutes	1.50 hours	\$85.93	\$128.90	The documents required by this section must be provided to FRA. FRA estimates, after careful review, that it will take approximately 45 minutes to prepare and submit each written consent of other affected track owners to FRA
213.333(d)—Automated vehicle-based inspection systems—Track Geometry Measurement System (TGMS) output/exception reports	7 railroads	7 reports	1 hour	7.00 hours	\$85.93	\$601.51	Each TGMS shall be capable of producing an output report that plots all measured track geometry parameters required in paragraph (c). FRA estimates, after careful review, that it will take approximately 1 hour to produce each output report.
213.341(b)-(d)—Initial inspection of new rail & welds – Inspection records	2 railroads	800 records	2 minutes	26.67 hours	\$85.93	\$2,291.75	The track owner shall obtain a copy of the manufacturer’s report of inspection. The track owner shall also retain a record of initial CWR inspections under Section 213.339. FRA estimates, after careful review, that

							it will take approximately 2 minutes to obtain and record each inspection record.
213.343(a)-(e)— Continuous welded rail (CWR)— Procedures for installations and adjustments of CWR	2 railroads	2 plans	4 hours	8.00 hours	\$85.93	\$687.44	Each track owner with track constructed of CWR shall have in effect written procedures which address the installation, adjustment, maintenance and inspection of CWR, and a training program for the application of those procedures, which shall be submitted to FRA. The track owner shall have in effect a comprehensive training program for the application of these written CWR procedures, with provisions for periodic re-training, for those individuals designated under §213.305(c) of this part as qualified to supervise the installation, adjustment, and maintenance of CWR track and to perform inspections of CWR track. The track owner shall prescribe recordkeeping requirements necessary to provide an adequate history of track constructed with CWR. FRA estimates, after careful review, that it will take approximately 4 hours for each written plan.
—(h) Recordkeeping requirements	2 railroads	8,000 records	2 minutes	266.67 hours	\$85.93	\$22,914.95	FRA estimates that approximately 8,000 records will be kept by track owners under the above requirement. FRA estimates, after careful review, that it will take approximately 2 minutes to

							meet the record keeping requirements for each CWR track.
213.345(a)-(c)— Vehicle qualification testing—Vehicle qualification program for all vehicle types operating at track Class 6 speeds or above	2 railroads	2 program plans	120 hours	240.00 hours	\$85.93	\$20,623.20	All vehicle types intended to operate at track Class 6 speeds or above, or at any curving speed producing more than 5 inches of cant deficiency, shall be qualified for operation for their intended track classes in accordance with this Subpart. A qualification program shall be used to ensure that the vehicle/track system will not exceed the wheel/rail force safety limits and the car body and truck acceleration criteria specified in § 213.333. FRA estimates, after careful review, that it will take approximately 120 hours for each program plan.
—(d) Previously qualified vehicle types of qualification programs	2 railroads	2 program plans	8 hours	16.00 hours	\$85.93	\$1,374.88	Vehicle types previously qualified under this Subpart for a track class and cant deficiency on one route may be qualified for operation at the same class and cant deficiency on another route through analysis or testing, or both, to demonstrate compliance with paragraph 213.345(a). FRA estimates, after careful review, that it will take approximately 8 hours for each program plan.
—(h) Written consent of other affected track owners by railroad	4 railroads	4 written consents	30 minutes	2.00 hours	\$123.41	\$246.82	Based on the test results and all other required submissions, FRA will approve a maximum train speed and value of cant deficiency for revenue service, normally within 45 days of receipt of all the

							<p>required information. FRA may impose conditions necessary for safely operating at the maximum approved train speed and can't deficiency.</p> <p>(i) The documents required by this section must be provided to FRA by (2) The track owner; or (3) A railroad that provides service with the same vehicle type over trackage of one or more-track owner(s), with the written consent of each affected track owner.</p> <p>FRA estimates, after careful review, that it will take approximately 30 minutes for each written consent.</p>
213.369(d)— Inspection Records — Record of inspection of track	2 railroads	15,000 record sets	10 minutes	2,500.00 hours	\$85.93	\$214,825.00	<p>Each owner of track to which this part applies shall keep a record of each inspection required to be performed on that track under this subpart. Except as provided in paragraph (e) of this section, each record of an inspection under § 213.365 shall be prepared on the day the inspection is made and signed by the person making the inspection. Records must specify the track inspected, date of inspection, location, and nature of any deviation from the requirements of this part, and the remedial action taken by the person making the inspection.</p> <p>FRA estimates, after careful review, that it will take approximately 10 minutes to comply with the record keeping requirements for each record set.</p>

Total ¹³	784 railroads	1,432,181 responses	N/A	234,294 hours		\$20,131,107	
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13. Estimate of total annual costs to respondents.

The requirement for exception reports under § 213.234(e)(1) are now made available electronically; therefore, there are no longer an annual cost to respondents.

14. Estimate of Cost to Federal Government.

To estimate the government administrative cost, the 2023 Office of Personnel Management (OPM) wage rates at the GS-12 to GS-15, for the Washington, D.C. area were used. The average wage (step 5) was used as a midpoint.¹⁴ Wages were considered at the burdened wage rate by multiplying the actual wage rate by an overhead cost of 75 percent.

CFR Section	Requirement	Employees	Hours	Pay Grade	Hourly Wage	Burdened Wage rate (Hourly wage + 75%)	Cost
Vehicle/Track Interaction							
§213.333(a)&(b)	FRA Track Staff Director to review requests from railroads.	1	4	GS-15	84.55	147.96	591.85
§213.333 (k)(1)	Review requests for alternate location of devices	3	16	GS-15	84.55	147.96	2,367.40
			16	GS-14	71.88	125.79	2,012.64
			16	GS-14	71.88	125.79	2,012.64
§213.333 (1)	Review reports submitted to FRA of monitoring data collected.	4	40	GS-15	84.55	147.96	5,918.50
			40	GS-14	71.88	125.79	5,031.60
			40	GS-14	71.88	125.79	5,031.60
			40	GS-14	71.88	125.79	5,031.60

¹³ Totals may not add up due to rounding.

¹⁴ [opm.gov wage tables 2023](https://www.opm.gov/policy-data-oversight/pay-grades/)

§213.345 (a)	Review railroad vehicle type qualification programs developed to ensure that vehicle/track system will not exceed the wheel/rail force safety limits and the car body and truck acceleration criteria specified in section 213.333(a)(1) and 21.333(a)(2).	4	40	GS-15	84.55	147.96	5,918.50
			40	GS-14	71.88	125.79	5,031.60
			40	GS-14	71.88	125.79	5,031.60
			40	GS-14	71.88	125.79	5,031.60
§213.345 (a)	Review railroad vehicle type qualification programs (that include analyses and tests) for operation at the same class and can't deficiency on another route.	4	40	GS-15	84.55	147.96	5,918.50
			40	GS-14	71.88	125.79	5,031.60
			40	GS-14	71.88	125.79	5,031.60
			40	GS-14	71.88	125.79	5,031.60
§213.333 (h)	FRA Track staff member to review written consent of track owner submitted by railroad that provides service with the same vehicle type over trackage of one or more-track owner(s).	1	8	GS-14	71.88	125.79	1,006.32
SUB TOTAL							\$ 71,030.75
FRA's CWR							
§213.118	FRA staff to review 279 revised procedures/plans (under section 213.118, which describe the scheduling and conduct of physical track inspections to detect cracks and other incipient failures in CWR).		37.5	GS-14	71.88	125.79	4,717.13
				37.5	GS-13	60.83	106.45
	FRA staff to review 20 additional revised procedures/plans, 100 written notifications, and 20 amended training programs.		78.33	GS-14	71.88	125.79	9,853.13
			78.33	GS-13	60.83	106.45	8,338.23
			78.33	GS-12	51.15	89.51	7,011.32
Total CWR Costs							\$ 33,911.69
FRA'S GRMS							
Review technical data		2	16	GS-14	71.88	125.79	2,012.64
			16	GS-14	71.88	125.79	2,012.64
Review notifications		2	30	GS-13	60.83	106.45	3,193.58
			30	GS-13	60.83	106.45	3,193.58
Review training programs		1	6	GS-12	51.15	89.51	537.08

Total GRM Costs								\$ 10,949.51
GRANT TOTAL COST								\$ 115,891.95

15. Explanation of program changes and adjustments.

This information collection request is a revision to the last approved submission. The current OMB agency inventory exhibits a total burden of 234,016 hours and 1,429,776 responses, while the present submission reflects a total burden of 234,294 hours and 1,432,181 responses. Overall, the burden for this submission has increased by 278 hours and by 2,405 responses. This increase in burden is a result of the Agency combining information collections OMB Control No. 2130-0592 with 2130-0010 to streamline FRA’s information collection inventory. Additionally, there were multiple adjustments made to correct rounding errors.

CFR Section	Total Annual Responses			Total Annual Burden Hours			PRA Analyses and Estimates
	Previous Submission	Current Submission	Difference	Previous Submission	Current Submission	Difference	
213.7(a)(b)—Designations: Names on list with written authorizations	2,500.00 names (10.00 minutes)	2,500.00 names (10.00 minutes)	0.00	416.70 hours	416.67 hours	-0.03 hours	Adjustment due to rounding
213.110(a)—Gage restraint measurement systems (GRMS) — Implementing GRMS — notices & reports	1.00 notification (45.00 minutes)	1.00 notification (45.00 minutes)	0.00	0.80 hours	0.75 hours	-0.05 hours	Adjustment due to rounding
—(g) GRMS vehicle output reports	1.00 report (5.00 minutes)	1.00 report (5.00 minutes)	0.00	0.10 hours	0.08 hours	-0.02 hours	Adjustment due to rounding
—(h) GRMS vehicle exception	1.00 report (5.00 minutes)	1.00 report (5.00 minutes)	0.00	0.10 hours	0.08 hours	-0.02 hours	Adjustment due to rounding

reports							
—(d) Notification to FRA and RR employees of CWR plan effective date	750.00 notices (15.00 seconds)	750.00 notices (15.00 seconds)	0.00	3.10 hours	3.13 hours	0.03 hours	Adjustment due to rounding
213.234(e) — Automated inspection of track constructed with concrete crossties — Exception reports listing all exception to § 213.109(d)(4)	0.00 reports (0.00 minutes)	125.00 reports (0.00 minutes)	125.00	0.00 hours	31.25 hours	31.25 hours	This increase in burden hours is a result of combining OMB Control No. 2130-0592 with 2130-0010
—(g) Procedure for integrity of data — Track owners to institute procedures for maintaining the integrity of the data collected by the measurement system	0.00 procedures (0.00 hours)	30.00 revised procedures (0.00 hours)	30.00	0.00 hours	60.00 hours	60.00 hours	This increase in burden hours is a result of combining OMB Control No. 2130-0592 with 2130-0010
—(h)(3) Training — Track owners to provide annual training in handling rail seat deterioration exceptions to all persons designated as fully qualified under § 213.7 and whose territories	0.00 records of trained employees (0.00 minutes)	2,250.00 records of trained employees (0.00 minutes)	2,250.00	0.00 hours	187.50 hours	187.50 hours	This increase in burden hours is a result of combining OMB Control No. 2130-0592 with 2130-0010

are subject to the requirements of § 213.234 — Recordkeeping.							
213.238— Qualified operators – Written or electronic of qualification	250.00 records (5.00 minutes)	250.00 records (5.00 minutes)	0.00	20.80 hour	20.83 hour	0.03 hour	Adjustment due to rounding
—(c) Type of rail test (continuous or stop-and-verify) – Record	25,000.00 documents/records (2.00 seconds)	25,000.00 documents/records (2.00 seconds)	0.00	13.90 hours	13.89 hours	-0.01 hours	Adjustment due to rounding
—(c) Type of rail test (continuous or stop-and-verify) – Documented changes	100.00 documents (1.00 minute)	100.00 documents (1.00 minute)	0.00	1.70 hour	1.67 hour	-0.03 hour	Adjustment due to rounding
213.241— Inspection records	1,375,000.00 records (10.00 minutes)	1,375,000.00 records (10.00 minutes)	0.00	229,166.70 hours	229,166.67 hours	-0.03 hours	Adjustment due to rounding
—(e) Railroads produced designation record upon FRA request	200.00 records (10.00 minutes)	200.00 records (10.00 minutes)	0.00	33.30 hours	33.33 hours	0.03 hours	Adjustment due to rounding
213.341(b)-(d) — Initial inspection of new rail & welds – Inspection records	800.00 records (2.00 minutes)	800.00 records (2.00 minutes)	0.00	26.70 hours	26.67 hours	-0.03 hours	Adjustment due to rounding
—(h) Recordkeeping requirements	8,000.00 records (2.00 minutes)	8,000.00 records (2.00 minutes)	0.00	266.70 hours	266.67 hours	-0.03 hours	Adjustment due to rounding

Total ¹⁵	1,429,776 responses	1,432,181 responses	2,405	234,016 hours	234,294 hours	278 hours	
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16. Publication of results of data collection.

FRA does not plan to publish the results of the data collection.

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

FRA intends to display the expiration date.

18. Exception to certification statement.

No exceptions are taken at this time.

¹⁵ Totals may not add up due to rounding.