

11 FEDERAL RAILROAD ADMINISTRATION
Occupational Noise Exposure for Railroad Operating Employees
(Title 49 Code of Federal Regulations Parts 227 and 229)
SUPPORTING JUSTIFICATION
OMB Control No. 2130-0571

Summary

- 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 July 13, 2021, which now expires on July 31, 2024.
- The Federal Railroad Administration (hereafter “FRA” or “the Agency”) published the required 60-day Notice in the Federal Register on May 28, 2024. See 89 FR 46296. FRA received no comments in response to this Notice.
- Overall, the adjustments decreased the burden by 6 hours, and responses remained the same as the previous submission at 159,925 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.

According to the National Institute for Occupational Safety and Health (NIOSH), about 30 million workers in the United States are exposed to hazardous noise. Exposure to high levels of noise may cause hearing loss, create physical and psychological stress, reduce productivity, interfere with communication, and contribute to accidents and injuries by making it difficult to hear warning signals. Noise, or unwanted sound, is one of the most common occupational hazards in American workplaces. Noise is also one of the most intrusive aspects of locomotive operations.

There are many noise sources in a locomotive cab. The primary noise sources are engine noise, locomotive horns, and brake noise. The nature and level of noise generated by each source varies greatly. Diesel engine noise is continuous, but it varies according to the engine load and engine speed. The noise from locomotive horns and other audible warning devices is sporadic, but it can be very loud if the window is open and can be very frequent if there are many nearby highway-rail grade crossings.

FRA has broad statutory authority to regulate railroad safety. The Locomotive Inspection Act, enacted in 1911, prohibits the use of unsafe locomotives and authorizes FRA to issue standards for locomotive maintenance and testing. To further FRA’s ability to respond effectively to contemporary problems and hazards as they arise in the railroad industry, Congress enacted the Federal Railroad Safety Act of 1970 (“Safety Act”).¹ The Safety Act grants the Secretary of Transportation rulemaking authority over all areas of railroad

¹ Chapter 201 of Title 49 of the U.S. Code.

safety (49 U.S.C. 20103(a)) and confers all powers necessary to detect and penalize violations of any rail safety law. This authority was subsequently delegated to the FRA Administrator (49 CFR 1.49).

The Occupational Safety and Health Administration (OSHA) regulates conditions and hazards affecting the health and safety of employees in the workplace.² FRA and OSHA have a complementary relationship with respect to occupational safety and health issues in the railroad industry.

FRA has exercised its jurisdiction under the Safety Act with occupational noise in the locomotive cab and issued its current standard for locomotive cab noise in 1980. While OSHA, in general, regulates occupational noise in the workplace, FRA is the more appropriate entity to regulate noise in the locomotive cab, because the locomotive cab is so much a part of “railroad operations.”

In 2006, FRA issued a final rule amending its occupational noise standards for railroad employees whose predominant noise exposure occurs in the locomotive cab.³ The rule requires railroads to conduct noise monitoring and to implement a hearing conservation program for railroad operating employees whose noise exposure equals or exceeds an 8-hour TWA of 85 decibels. Additionally, FRA established design, build, and maintenance standards for new locomotives and maintenance requirements for existing locomotives.

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

This information collection is used by FRA to monitor regulatory compliance with 49 CFR Part 227. Specifically, FRA uses the collection of information to ensure that railroads establish and implement noise monitoring, hearing conservation, and audiometric testing programs to protect their employees against the harmful effects of excessive noise in the workplace. Additionally, railroads must maintain testing and training records on noise and hearing conservation. Further, railroads must make exposure measurement records for specific locations available to regional or national labor representatives upon request. For instance:

- FRA reviews waiver petitions from railroads to determine whether it is appropriate and in the public interest to grant exceptions to any of the requirements of this rule.
- FRA reviews Noise Monitoring Programs to ensure that railroads establish effective noise monitoring of employees – using sound sampling strategy – to determine if there is a need to implement a hearing conservation program (HCP).

² OSHA is an agency within the U.S. Department of Labor. Congress created OSHA with the Occupational Safety and Health Act of 1970 (“OSH Act”). Pursuant to the OSH Act, employers have a duty to protect workers from workplace hazards, including noise.

³ 71 FR 63066. Enacted on February 26, 2007.

- FRA reviews audiometric test records to ensure that railroads' operating employees are tested and to ensure that railroads keep complete and accurate documents of all employee exposure measurements.
- FRA reviews training program documents and materials to ensure that railroads include all required components in their programs.
- FRA inspectors review HCP records to verify that railroads maintain a record of all positions and/or persons designated by the railroad to be included in its HCP. FRA inspectors also review HCP records to verify that designated employees have received the required training.

3. Extent of automated information collection.

FRA strongly encourages the use of advanced information technology, wherever feasible, to reduce burden on respondents. Part 227 allows each railroad to design its own electronic system as long as the system meets the specified criteria to safeguard the integrity and authenticity of each record. Currently, approximately 90 percent of all responses are now submitted/maintained electronically due to advanced information technology used by the railroad industry.

4. Efforts to identify duplication.

The information collection requirements, to FRA's knowledge, are not duplicated elsewhere. Similar data are not available from any other source.

5. Efforts to minimize the burden on small businesses.

The requirements of Part 227 do not apply to the following: (1) railroads which operate only on track inside an installation that is not part of the general railroad system of transportation; (2) rapid transit operations in an urban area that are not connected to the general system of transportation; (3) rapid (light rail) operations in an urban area that are connected to the general system and operate under a shared use waiver; and (4) railroads that operate tourist, scenic, historic, or excursion operations, whether they are on or off the general system of transportation. With these exemptions, approximately 220 very small railroad operations incur no additional burden from this regulation.

Additionally, the part 227 does not apply to contractors working for a freight railroad who operate historic equipment in occasional service, as long as those contractors have been provided with hearing protection and are required to use the hearing protection while operating the historic equipment.

Therefore, FRA has determined that the information collection requirements of this Part have no significant impact on small entities.

6. Impact of less frequent collection of information.

If this information is not collected or is collected less frequently, both railroad safety and railroad worker health would be adversely impacted throughout the United States. Specifically, without this collection of information, there might be a greater number of rail accidents/incidents and corresponding increases in railroad worker and passenger injuries and fatalities, resulting from decreased functionality of locomotive cab crew members and railroad workers, caused by excessively loud noise which engendered both noise induced hearing loss and poor communication on the part of key rail personnel. Without this collection of information, FRA would have no way of knowing whether railroads are taking necessary measures, including developing and implementing noise monitoring, hearing conservation and audiometric testing programs, to protect their employees against the harmful effects of excessively loud noise.

Without this collection of information, railroad workers would have no way of knowing the noise levels that they are exposed to on a daily basis, since there would be no lists posted notifying each employee of noise monitoring results. Employees, along with railroads, would be unable to take appropriate countermeasures to mitigate excessively loud noise in their workday environments. Without this collection of information, in particular, the various audiometric tests required, railroads and medical personnel (audiologists, otolaryngologists, physicians) would have no way to assess and compare the hearing acuity levels of locomotive cab crew members and other railroad workers over extended periods of time. They would also be unable to determine whether or not a given individual had experienced a standard threshold shift. Hearing impairment, hearing loss, and medical pathologies of the ear would then go undetected.

Without this collection of information, FRA would have no way to confirm that railroad employees have received hearing conservation training. Without this training, employees would be uninformed on how various noise hazards affect their hearing and would be unable to understand when and where they are exposed to hazardous noise levels. With education and proper training, railroad employees understand the importance of wearing effective hearing protectors and are more likely to use ear plugs and other auditory protection devices on the job, as well as take them home to wear when woodworking, engaging in target practice, and many other noisy off-job activities.

Without this collection of information, particularly the records required under § 227.121, FRA would have no means to ensure railroads are complying with the rule's requirements, and it would have no ability to enforce compliance with this rule. Finally, without this collection of information, particularly new locomotive performance certifications and locomotive equipment maintenance records, FRA would have no

means to determine whether new locomotives are being built to quieter noise standards and would have no way to confirm that locomotives reported to be operating at excessively loud noise levels were repaired and are being properly maintained. In sum, this collection of information is an important part of FRA's safety program to minimize rail-related accidents/incidents and accompanying injuries/fatalities and to foster a safe rail transportation environment for both the public-at-large and railroad workers.

7. **Special circumstances.**

Section 227.121(b) requires railroads to maintain records of employee exposure measurements required by § 227.103 for the duration of the employee's employment plus 30 years. FRA's requirement follows that of OSHA's access to records standards, which requires employers to retain *employee* exposure records for at least 30 years. FRA notes that the RSAC Working Group members indicated that most major railroads are already retaining these documents for that amount of time, so this requirement is consistent with current practice.

Section 227.121(c) requires railroads to maintain records of employee audiometric test records required under § 227.109 for the duration of the employee's employment plus 30 years. Audiometric recordkeeping enables reviewers to verify that the tests were carried out under the right conditions and that the audiograms reflect employees' true hearing levels. The extended time frame for the maintenance of both the records of employee exposure measurements and audiometric test records enables FRA and the railroads to retro-reflectively examine their HCPs to determine if they are working or need modification.

Section 227.121(f) requires railroads to maintain a record—with specific information—for all employees who have been found to have experienced a standard threshold shift (STS) within the prior calendar year for five (5) years. A standard threshold shift is indicative of a baseline shift signifying a permanent decline in hearing acuity. The STS five-year record requirement allows railroads and railroad employees to ascertain whether hearing loss is continuing over time and provides an important marker with which to compare future employee audiometric tests. These records also serve as another barometer to measure the effectiveness of the railroads' HCPs.

In sum, FRA requires this information because it can help assess the effectiveness of a given railroad's HCP over time. These records all pertain to the health and proper functioning of railroad employees in an admittedly dangerous work environment, and they are designed to ensure that railroads develop, implement, and maintain effective HCPs so that railway workers can perform their jobs in a safe and efficacious manner.

All other information collection requirements are in compliance with this section.

8. Compliance with 5 CFR 1320.8.

As required by the Paperwork Reduction Act of 1995 and 5 CFR 1320, FRA published a notice in the *Federal Register* on May 28, 2024,⁴ soliciting comment from the public, railroads, and other interested parties on these information collection requirements. FRA received no comments in response to this notice.

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.

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.

⁴89 FR 46296

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 ⁵	Total Annual Responses (A)	Average Time per Response (B)	Total Annual Burden Hours (C=A*B)	Wage Rate (E) ⁶	Total Cost Equivalent (D=C*E)	PRA Analyses and Estimates
227.13—Waivers	531 railroads	0.30 petition (1 petition over 3-year period)	1.00 hour	0.30 hours	\$85.93	\$25.78	<p>A person subject to a requirement of this part may petition the Administrator for a waiver of compliance with such requirement. The filing of such a petition does not affect that person’s responsibility for compliance with that requirement while the petition is being considered.</p> <p>FRA anticipates receiving one waiver petition over this next three-year information collection period. FRA estimates, after careful review, that it will take approximately one hour for each waiver petition.</p>
227.103(a)-(f)—Noise monitoring program—	531 railroads	5 programs	30.00 hours	150.00 hours	\$123.41	\$18,511.50	<p>A railroad shall develop and implement a noise monitoring</p>

⁵ The total respondent universe is taken from the railroad classification 2022 data. The total of 531 represents all Class I, II and III (751) less the small railroads such as tourist, steam, historic, and excursion (220).

⁶ Throughout the tables in this document, the dollar equivalent cost is derived from the 2022 Surface Transportation Board Full Year Wage A & B data series using the appropriate employee group to calculate the average hourly rate that includes 75 percent overhead.

Development and implementation							<p>program to determine whether any employee covered by the scope of this subpart may be exposed to noise that may equal or exceed an 8-hour TWA of 85 dB(A).</p> <p>FRA estimates, after careful review, that it will take approximately 30 hours to develop and implement each new program.</p>
—(g) Reporting of monitoring results— Notification of employee of monitoring	531 railroads	5 lists	0.50 hours	2.50 hours	\$85.93	\$214.83	<p>The railroad must notify each monitored employee of the results of the monitoring. The railroad must post the monitoring results at the appropriate crew origination point for a minimum of 30 days. The posting should include sufficient information to permit other crews to interpret the meaning of the results in the context of the operations monitored.</p> <p>FRA estimates, after careful review, that it will take approximately 30 minutes to prepare each list of results to display.</p>
227.107(a)—Hearing Conservation Program (HCP)—Development of programs	531 railroads	3 HCPs	31.00 hours	93.00 hours	\$123.41	\$11,477.13	<p>This provision sets out the requirement that railroads establish an HCP for all employees exposed to noise at or above the action level. Most railroads already have HCPs that</p>

							were established for OSHA purposes or on a voluntary basis. FRA estimates, after careful review, that it will take approximately 31 hours to establish each HCP.
—Revised hearing conservation programs (HCPs)	531 railroads	3 HCPs	1.75 hours	5.25 hours	\$85.93	\$451.13	Additionally, FRA estimates, after careful review, that three HCPs will need to be revised annually and it will take approximately 1.75 hours for each HCP.
227.109(e)—Audiometric testing program— Baseline audiograms— New and existing employees	76,244 employees	6,862 records of tests	30 seconds	56.95 hours	\$85.93	\$4,893.71	As per §227.121(a)(c) Recordkeeping — railroads shall maintain employee audiometric test records required by this section. FRA estimates, after careful review, that it will take approximately 30 seconds to record each baseline audiogram test.
—(f) Periodic audiograms includes retests	76,244 employees	25,415 records of tests	30 seconds	210.94 hours	\$85.93	\$18,126.07	FRA estimates, after careful review, that it will take approximately 30 seconds to record each baseline audiogram test.
—(g)(1)-(2) Evaluation of audiograms	76,244 employees	2,330 ratings + 93 records of retests	6 minutes + 30 seconds	233.77 hours	\$85.93	\$20,087.86	Each employee's periodic audiogram shall be compared to that employee's baseline audiogram to determine if the audiogram is valid and to determine if a standard threshold shift has occurred. This

							<p>comparison may be done by a qualified technician.</p> <p>(2) If the periodic audiogram demonstrates a standard threshold shift, a railroad may obtain a retest within 90 days. The railroad may consider the results of the retest as the periodic audiogram. FRA estimates, after careful review, that it will take approximately 6 minutes to evaluate each audiogram and an additional 30 sections to record any subsequent retest.</p>
—(g)(3) Review of problem audiograms	8,000 employees	45 documents	10.00 minutes	7.52 hours	\$85.93	\$646.19	<p>The audiologist, otolaryngologist, or physician shall review problem audiograms and shall determine whether there is a need for further evaluation. A railroad shall provide all of the following information to the person performing this review:</p> <p>(i) The baseline audiogram of the employee to be evaluated.</p> <p>(ii) The most recent audiogram of the employee to be evaluated.</p> <p>(iii) Measurements of background sound pressure levels in the audiometric test room as required in <u>appendix D of this part: Audiometric Test Rooms</u>; and</p> <p>(iv) Records of audiometer calibrations required by <u>§ 227.111</u>.</p> <p>FRA estimates, after careful</p>

							review, that it will take approximately 10 minutes to gather and provide each employee records to the medical professional.
— (h)(1) Follow-up procedures—notifications	8,000 employees	93 notices	5.00 minutes	7.72 hours	\$85.93	\$663.38	<p>If a comparison of the periodic audiogram to the baseline audiogram indicates that a standard threshold shift has occurred, the railroad shall inform the employee in writing within 30 days of the determination.</p> <p>FRA estimates, after careful review, that it will take approximately five minutes for each notice.</p>
—(h)(2)(i)-(ii) Fitting/training of employees: hearing protectors	240 employees	240 documenting training sessions	5.00 minutes	19.92 hours	\$85.93	\$1,711.73	<p>As per §227.121(e) Recordkeeping — railroads shall maintain copies of all training program materials used to comply with §227.119(c) and a record of employees trained.</p> <p>FRA estimates, after careful review, that it will take five minutes to document and record each record of training.</p>
— (h)(2)(iii) Referrals for clinical/audiological exam	240 employees	20 referrals	1.00 hour	20.00 hours	\$85.93	\$1,718.60	<p>If subsequent audiometric testing is necessary or if the railroad suspects that a medical pathology of the ear is caused or aggravated by the wearing of hearing protectors, the railroad shall refer the employee for a clinical audiological evaluation or an</p>

							otological examination. FRA estimates, after careful review, that it will take approximately one hour for each referral.
— (h)(2)(iv) Notification to employee of need for otological examination	240 employees	20 notices	5.00 minutes	1.66 hours	\$85.93	\$142.64	If the railroad suspects that a medical pathology of the ear unrelated to the use of hearing protectors is present, the railroad shall inform the employee of the need for an otological examination. FRA estimates, after careful review, that it will take approximately five minutes for each employee notification.
— (h)(3) New audiometric interpretation	240 employees	20 notices	5.00 minutes	1.66 hours	\$85.93	\$142.64	If subsequent audiometric testing of an employee, whose exposure to noise is less than an 8-hour TWA of 90 dB, indicates that a standard threshold shift is not persistent, the railroad shall inform the employee of the new audiometric interpretation and may discontinue the required use of hearing protectors for that employee. FRA estimates, after careful review, that it will take approximately five minutes for each employee notification.
227.111—Audiometric test requirements	1,000 mobile vans	1,000 recalibration	30 seconds	8.30 hours	\$85.93	\$713.22	As per §227.121(c) Recordkeeping — railroads shall

		test records					maintain employee audiometric test records to include the date of the acoustic or exhaustive calibration of the audiometer. FRA estimates, after careful review, that it will take approximately 30 seconds to record each test record.
227.117 (a)—Hearing protection attenuation—evaluation	531 railroads	50 evaluations	0.50 hours	25.00 hours	\$85.93	\$2,148.25	A railroad shall evaluate hearing protector attenuation for the specific noise environments in which the protector will be used. The railroad shall use one of the evaluation methods described in <u>appendix B of this part</u> ; “Methods for Estimating the Adequacy of Hearing Protector Attenuation.” FRA estimates, after careful review, that it will take approximately 30 minutes for each evaluation.
— (d) Reevaluations of adequacy of hearing protection attenuation when employee noise exposure increases	531 railroads	10 re-evaluations	0.50 hours	5.00 hours	\$85.93	\$429.65	The adequacy of hearing protector attenuation shall be re-evaluated whenever employee noise exposures increase to the extent that the hearing protectors provided may no longer provide adequate attenuation. A railroad shall provide more effective hearing protectors where necessary. FRA estimates, after careful review, that it will take approximately 30 minutes for

							each re-evaluation.
227.119—Hearing Conservation Training Program—Development	531 railroads	3 training program modifications	1.00 hour	3.00 hours	\$85.93	\$257.79	Each railroad shall institute an occupational noise and hearing conservation training program for all employees included in the hearing conservation program. FRA estimates, after careful review, that approximately three HCPs will be received annually, and that it will take one hour for each program.
—Employee HCP training	531 railroads	26,000 records of trainings	2.00 minutes	866.58 hours	\$85.93	\$74,465.22	As per §227.121(e) Recordkeeping — Railroads shall maintain copies of all training program materials used to comply with this section and a record of employees training. These records shall be retained for three years. FRA estimates, after careful review, that it will take approximately 2 minutes to record each employees training records.
—Periodic Training	531 railroads	6,862 records of trainings	2.00 minutes	228.71 hours	\$85.93	\$19,653.05	As per §227.121(e) Recordkeeping — Railroads shall maintain copies of all training program materials used to comply with this section and a record of employees training. These records shall be retained for three years. FRA estimates, after careful review, that it will take

							approximately 2 minutes to record each employees training records.
227.121(a)(1)(i)-(ii)— Recordkeeping— Availability of records upon request	531 railroads	30 requests + 30 responses	10 minutes + 15 minutes	12.60 hours	\$85.93	\$1,082.72	Each railroad required to maintain and retain records under this part shall: (i) Make all records available for inspection and copying/photocopying to representatives of the FRA, upon request. (ii) Make an employee's records available for inspection and copying/photocopying to that employee, former employee, or such person's representative upon written authorization by such employee. FRA estimates, after careful review, that each employee request for records will take approximately 10 minutes, and each response approximately 15 minutes.
—(a)(1)(iv) Availability of exposure measurement records to regional or national labor representatives upon request	531 railroads	150 requests+ 150 responses	21 minutes + 45 minutes	165.00 hours	\$85.93	\$14,178.45	Each railroad required to maintain and retain records under this part shall: Make exposure measurement records for specific locations available to regional or national labor representatives, upon request. These reports shall not contain identifying information of an employee unless an employee authorizes the release of such information in writing.

							FRA estimates, after careful review, that each request for records will take approximately 21 minutes, and each response approximately 45 minutes.
—(a)(2)-(3) Electronic records—Maintenance and transfer of records	531 railroads	10 records	24.00 minutes	4.00 hours	\$85.93	\$343.72	<p>All records required by this part may be kept in electronic form by the railroad. A railroad may maintain and transfer records through electronic transmission, storage, and retrieval. If a railroad ceases to do business, it shall transfer to the successor employer all records required to be maintained under this subpart, and the successor employer shall retain them for the remainder of the period prescribed in this part.</p> <p>FRA estimates, after careful review, that it will take approximately 24 minutes for each transfer of employee records.</p>
—(c) Audiometric test records	531 railroads	26,000 records	2.00 minutes	866.58 hours	\$85.93	\$74,465.22	<p>Each railroad shall:</p> <p>(1) Maintain employee audiometric test records required by § 227.109.</p> <p>FRA estimates, after careful review, that it will take approximately two minutes to document each test record.</p>
—(d) Positions and person designated records	531 railroads	54,000 records	45 seconds	675.00 hours	\$85.93	\$58,002.75	<p>Each railroad shall:</p> <p>(1) Maintain a record of all</p>

							<p>positions or persons or both designated by the railroad to be placed in a Hearing Conservation Program pursuant to § 227.107; and (2) Retain these records for the duration of the designation.</p> <p>FRA estimates, after careful review, that it will take approximately 45 seconds to document each record of position and designation.</p>
229.121(a)—Locomotive Cab Noise—Performance standards for locomotives—Records and certification	3 equipment manufacturers	610 records + 90 certifications	5 minutes + 40 minutes	110.93 hours	\$85.93	\$9,532.21	<p>When tested for static noise in accordance with <u>paragraph (a)(3)</u> of this section, all locomotives of each design or model that are manufactured after October 29, 2007, shall average less than or equal to 85 dB(A), with an upper 99% confidence limit of 87 dB(A). The railroad may rely on certification from the equipment manufacturer for a production run that this standard is met. The manufacturer may determine the average by testing a representative sample of locomotives or an initial series of locomotives, provided that there are suitable manufacturing quality controls and verification procedures in place to ensure product consistency.</p> <p>FRA estimates, after careful review, that it will take</p>

							approximately 40 minutes to conduct the performance standards and certify/create a record for each locomotive (35 minutes to conduct the performance standards + 5 minutes to create the record). Additionally, it will take approximately five minutes to certify the locomotives that will not need to be tested.
—(b)(3) Maintenance of locomotives—Excessive noise reports	514 railroads	3,000 reports + 3,000 records	1 minute + 1 minute	100.00 hours	\$85.93	\$8,593.00	<p>If a railroad receives an excessive noise report, and if the condition giving rise to the noise is not required to be immediately corrected under part 229, the railroad shall maintain a record of the report, and repair or replace the item identified as substantially contributing to the noise.</p> <p>FRA estimates, after careful review, that it will take approximately one minute to complete each excessive noise report and one minute to document a record of each action taken.</p>
—(b)(4) Recordkeeping—Written or electronic records	514 railroads	3,750 records	1.00 minutes	62.63 hours	\$85.93	\$5,381.80	A railroad shall maintain a written or electronic record of any excessive noise report, inspection, test, maintenance, replacement, or repair completed pursuant to <u>§ 229.121(b)</u> and the date on which that inspection, test, maintenance, replacement, or repair occurred. If

							<p>a railroad elects to maintain an electronic record, the railroad must satisfy the conditions listed in § 227.121(a)(2)(i) through (v).</p> <p>FRA estimates, after careful review, that it will take approximately one minute to document each required record under this section.</p>
—(b)(4)(iii) Internal auditable monitoring systems—Records	514 railroads	22 systems + 2 systems	36 mins + 8.25 hours	29.70 hours	\$85.93	\$2,552.12	<p>The railroad shall establish an internal, auditable, monitorable system that contains these records.</p> <p>FRA estimates, that it will take small railroads approximately 36 minutes to develop/establish an internal auditable monitoring system. For the largest railroads, FRA estimates that it will take approximately 8.25 hours to develop an internal system.</p>
Appendix H(IV)—Static noise test protocols—Records for retest	500 locomotives	2 retest records	5.00 minutes	0.17 hours	\$85.93	\$14.61	<p>To demonstrate compliance, the entity conducting the test must maintain records of the following data. The records created under this procedure must be retained and made readily accessible for review for a minimum of three (3) years. All records may be retained in either written or electronic form.</p> <p>FRA estimates that approximately two locomotive static retests will</p>

							be conducted annually. It is estimated that it will take approximately 10 minutes to perform each retest, and approximately five minutes complete the re-test record, and then file it. Note: Some of the burden for this requirement is already included that of § 229.121(a) above.
Total ⁷	531 railroads	159,925 responses	N/A	3,974 hours		\$350,627	

13. Estimate of total annual costs to respondents.

There is no additional cost to the respondents beyond the burden listed in question 12.

⁷ Totals may not add up due to rounding.

14. Estimate of Cost to Federal Government.

The cost to the Federal government mainly results from audits that will be conducted by FRA staff (Staff Director and four (4) industrial hygienists) to enforce the regulation. To calculate the government administrative cost, the 2024 Office of Personnel Management wage rates were used.

Audit activities include the following:

1. Planning and setting up travel, including preparing draft letters.
2. Reviewing requested data prior to site visit.
3. Travel to and from site, including local travel accommodations.
4. Conducting site audit, employee, and management interviews, out brief; and
5. Follow-up activities, such as visiting other carrier sites to look for notices/postings and interviewing employees.

Title	Grade/Step	No. Of Employees	Hours (Annually)	Wage Rate (Incl. 75% Overhead)	Total Annual Cost
Staff Director	GS-15/5	1	8	\$155.82	\$1,246.56
Industrial Hygienist	GS-14/5	1	50	\$132.48	\$6,624.00
Industrial Hygienist	GS-13/5	1	50	\$112.11	\$5,605.50
Industrial Hygienist	GS-12/5	2	50	\$94.27	\$9,427.00
Annual Total Cost					<u>\$22,903.03</u>

15. Explanation of program changes and adjustments

This is an extension without change (with changes in estimates) to a currently approved information collection request (ICR).

The current OMB inventory for this ICR shows a total burden of 3,980 hours and 159,925 responses while the requesting inventory estimates a total burden of 3,974 hours and 159,925 responses. Overall, the burden for this submission has decreased by 6 hours. There is no change in the method of the collection. The decrease in burden is solely the result of minor rounding adjustments.

16. Publication of results of data collection.

FRA does not plan to publish the results of this 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.