

1 FEDERAL RAILROAD ADMINISTRATION
Conductor Certification
(Title 49 Code of Federal Regulations (CFR) Part 242)
SUPPORTING JUSTIFICATION
OMB No. 2130-0596

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 14, 2021, which now expires on July 31, 2024.
- The Federal Railroad Administration (hereafter “FRA” or “the Agency”) published the required 60-day Federal Register Notice on May 28, 2024. See 89 FR 46298. FRA received no comments in response to this Notice.
- Overall, the adjustments decreased the burden by 3,153 hours and decreased responses by 3,263 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.

Pursuant to § 402 of the Rail Safety Improvement Act of 2008, Public Law 110-432, 122 Stat. 4884 (Oct. 16, 2008) (codified at 49 U.S.C. 20163), Congress required the Secretary of Transportation (Secretary) to prescribe regulations to establish a program requiring the certification of train conductors. The Secretary delegated this authority to the Federal Railroad Administrator (Administrator). Exercising this delegated authority, FRA issued a final rule on certification of conductors in 2011 (76 FR 69802), codified at 49 CFR Part 242).

FRA’s rule for certification of conductors was issued to ensure that only those persons who meet minimum Federal safety standards serve as conductors, to reduce the rate and number of accidents and incidents, and to improve railroad safety. The rule requires railroads to have a formal program for certifying conductors. As part of that program, railroads are required to have a formal process for training prospective conductors and determining that all persons are competent before permitting them to serve as a conductor. The rule prescribes minimum Federal safety standards for the eligibility, training, testing, certification and monitoring of all conductors to whom it applies. The rule does not restrict a railroad from adopting and enforcing additional or more stringent

requirements consistent with the rule. The conductor certification requirements prescribed in the rule apply to any person who meets the definition of conductor contained in the rule, regardless of the fact that the person may have a job classification title other than that of conductor.

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

The information collected under Part 242 is used by FRA to ensure that only certified persons who are qualified serve as railroad conductors to enhance the safety of daily railroad operations throughout the nation and to reduce the rate, severity, and number of train accidents/incidents that occur each year.

The information collected is also used by FRA to ensure that railroads and their employees fully comply with all the requirements of this regulation. For instance:

- § 242.9 is used by FRA to determine whether it is feasible, safe, and beneficial to the public interest for the agency to grant a waiver pertaining to any of the requirements of this Part.
- § 242.101/103 is used by FRA to ensure that all covered railroads establish conductor certification programs by the specified dates.
- § 242.103 requires railroads to serve a copy of their conductor certification program submissions/resubmissions, or materially modified submissions to the president of each labor organization that represents the employees of railroads.
- § 242.105 requires railroads to designate all persons authorized by the railroad to perform the duties of conductor. FRA inspectors check a conductor's certificate to determine eligibility and to ensure that the person is fully complying with the type of service and any conditions or limitations detailed on his/her conductor's certificate.
- Under § 242.107, FRA safety inspectors review the conductor's certificate to confirm that the person is authorized by the railroad and has completed the appropriate training.
- Under the determinations for eligibility pertaining to certification/recertification in § 242.109, railroads must provide candidates for certification or recertification a reasonable opportunity to comment in writing on the person's prior safety conduct, including information pertinent to determinations required under § 242.115.
- Under § 242.111, each person seeking certification or recertification must make available to the railroad any information concerning his or her driving record. Railroads use the driving record information provided to them to determine whether a conductor or conductor candidate might have an undisclosed drug or alcohol problem.
- Under § 242.113, each person seeking certification or recertification must make a written request to the chief operating officer or other appropriate person of a

former employing railroad to provide a copy of the railroad's available information concerning his/her service record to the railroad considering certification or recertification.

- Under § 242.115, prior to initially certifying or recertifying any person as a conductor for any type of service, railroads must make fitness determinations related to substance abuse disorders and alcohol/drug rules compliance.
- Under § 242.117, each railroad, prior to initially certifying or recertifying any person as a conductor for any class of service, must determine that the person meets the standards for visual acuity and hearing acuity prescribed in this section.
- Under § 242.119, railroads must determine that the individual is qualified to perform as a conductor in each type of service that the person will be permitted to carry out.
- Under § 242.121, railroads must provide initial and periodic testing of conductors.
- Under § 242.123, railroads are required to have a program to monitor the conduct of their conductors by performing unannounced compliance tests.
- Under § 242.125, railroads that are considering certification of a person as a conductor may rely on determinations made by another railroad concerning that person's certification.
- Under § 242.203, a railroad that issues, denies, or revokes a certificate after making the determinations required under § 242.109 must maintain a record for each certified conductor or applicant for certification that contains the information the railroad relied on in making the determinations.
- Under § 242.205, each railroad is required to maintain a list of its certified conductors. The list is used by the employing railroad, the controlling railroad in joint operations territory, and FRA to verify that conductors are currently certified and qualified to perform the service they have been assigned by the employing railroad.
- Under § 242.215, Class I railroads (Amtrak included), Class II railroads, and commuter railroads are required to conduct an annual review and analysis of their program for responding to detected instances of poor safety conduct by certified conductors.
- Under § 242.301, railroads and FRA use the information collected to ensure that individuals meeting the territorial qualification requirements serve as conductors on that territory or segment of territory to enhance the safety of train operations and reduce the likelihood of an accident/incident occurring.
- Under § 242.403, railroads are required to adopt and comply with a program which meets the requirements of this section. FRA then reviews conductor certification programs to ensure compliance with this section.
- Under § 242.405, railroads are required to determine the appropriate periods of ineligibility (e.g., for revocations or denials of certification) for conductors or conductor candidates.
- Under § 242.407, railroads are required to provide oral or written notice of the reason for suspension, the pending revocation, and an opportunity for a hearing.

Railroads also must keep a record of the hearing (for three years) after the date a decision is rendered. The record of the hearing and the required written decision by the railroad official is used by the person having his certification/recertification denied or certification revoked to petition FRA to review the railroad's decision.

In sum, the information collected under Part 242 is essential in enhancing and ensuring railroad safety throughout the United States.

3. Extent of automated information collection.

FRA strongly encourages the use of advanced information technology, wherever feasible, to reduce burden on respondents. For example, Part 242 allows each railroad to maintain records electronically as long as their system safeguards the integrity of the electronic data storage system, including the prevention of unauthorized access to the program logic and authenticity of each record. Separately, railroads are authorized to file by electronic means any program submissions, including replacement certificates required under this rule. As of the date of this ICR renewal, all railroads covered by Part 242 have elected to submit program documentation to FRA electronically.

4. Efforts to identify duplication.

The information collection requirements are not duplicated elsewhere. Similar data are not available from any other source.

5. Efforts to minimize the burden on small businesses.

“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) ¹has authority to regulate issues related to small businesses and ¹stipulates 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 500 employees, or a “commuter rail system” with annual receipts of less than seven million dollars.¹

Federal agencies may adopt their own size standards for small entities in consultation with SBA and in conjunction with public comment. Pursuant to that authority, FRA has published a final statement of agency policy that formally establishes “small entities” or “small businesses” as railroads, contractors, and hazardous materials shippers that meet the revenue requirements of a Class III railroad as set forth in 49 CFR 1201.1-1, which is annual carrier operating revenues of \$40.4 million or less after applying the Surface

¹ Size Eligibility Provisions and Standards, 13 CFR part 121, subpart A.

Transportation Board's railroad revenue deflator formula, and commuter railroads or small governmental jurisdictions that serve populations of 50,000 or less.²

There are approximately 677 railroads that are affected by Part 242. Of this number, approximately 627, or 93 percent, are small entities. Consequently, this regulation affects a substantial number of small entities. Most small railroads impacted by this part are members of the American Short Line and Regional Railroad Association (ASLRRA). However, ASLRRA has developed a generic conductor certification program for its members to use. The majority of small railroads can use the ASLRRA's generic plan and tailor it for their railroad. Therefore, FRA has determined that the information collection requirements of Part 242 do not impose a significant economic impact on a substantial number of small entities.

It should also be noted that this rule does not apply to tourist, scenic, or excursion railroads that are not part of the general railroads system. These types of railroads are invariably small. It also does not apply to rapid transit operations in an urban area that are not connected to the general railroad system of transportation.

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 ensures that railroads and their employees fully comply with all the requirements of Part 242, including a conductor certification/recertification program, fitness requirements, initial and periodic testing of conductors, and territorial qualifications. For instance, without the information collected:

- Under § 242.9 pertaining to waiver requests, FRA would be unable to determine whether it is feasible, safe, and in the public interest to grant a petition for waiver concerning railroad compliance with any of the requirements of this regulation.
- Under § 242.101/103, FRA would be unable to review and approve conductor certification program submissions to ensure that railroads have established written programs that meet Part 242's requirements.
- Under § 242.111, individuals might be certified as conductors or passenger conductors because railroads did not have information regarding an individual's prior safety conduct as a motor vehicle operator.
- Under § 242.117 pertaining to vision and hearing acuity, individuals might be certified as conductors or passenger conductors who did not have the physical capabilities to perform their assigned duties.
- Under § 242.119 and § 242.121, conductor candidates and conductors would not be required to receive the essential training, and FRA would not be able to enforce minimum knowledge testing requirements critical to the proper and safe

² 68 FR 24891 (May 9, 2003) (codified at appendix C to 49 CFR part 209).

- performance of a conductor's duties.
- Under § 242.123, FRA would not be able to enforce minimum requirements for railroads to monitor the operational performance of conductors.
 - Under §§ 242.201-242.213, FRA and participating State inspectors would be unable to identify certified conductors or passenger conductors.
 - Under § 242.215, FRA could not be assured that railroads are properly carrying out any oversight, including an annual review and analysis of their programs for responding to detected instances of poor safety conduct by their certified conductors.
 - Under § 242.301, FRA's overall safety program would be hindered because there would not be a mechanism in place to ensure that railroads only permit or require a person to serve as conductor who actually possesses the necessary territorial qualifications.
 - Under §§ 242.401-242.407, FRA could not be assured that there would be a formalized process in place regarding the denial, suspension, and revocation of a conductor's certification.

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

7. Special circumstances.

FRA requires each railroad that issues conductor certificates to maintain a record for each applicant or certified conductor that contains the pertinent information the railroad relied on in making its determinations. Although FRA was silent when publishing the regulation concerning the issue of why the records must be retained for a period of six years from the date of the certification/re-certification/denial or revocation decision, FRA offers that six years allows a review of records from a current certification period and a previous certification period; therefore, this expansive period allows the agency to compare/contrast how a railroad handled a certification issue previously.

No other information collection requirements covered by this ICR present any special circumstances under 5 CFR 1320.5(d)(2).

8. Compliance with 5 CFR 1320.8.

As required by the Paperwork Reduction Act of 1995 and 5 CFR Part 1320, FRA published a notice in the *Federal Register* on May 28, 2024³ 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:

³ 89 FR 46298.

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.

Regarding the protection of confidentiality, § 242.115(g) of the regulation states the following:

Nothing in this Part shall affect the responsibility of the railroad under § 219.403 of this chapter ('Voluntary Referral Policy') to treat voluntary referrals for substance abuse counseling and treatment as confidential; and the certification status of a conductor who is successfully assisted under the procedures of that section shall not be adversely affected. However, the railroad shall include in its voluntary referral policy required to be issued pursuant to § 219.403 of this chapter a provision that, at least with respect to a certified conductor or a candidate for certification, the policy of confidentiality is waived (to the extent that the railroad shall receive from the SAP official notice of the substance abuse disorder and shall suspend or revoke the certification, as appropriate) if the person at any time refuses to cooperate in a recommended course of counseling or treatment.

No other assurances of confidentiality were made except for those implicit in the Privacy Act.

11. Justification for any questions of a sensitive nature.

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

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 Systems and Technology.

CFR Section	Respondent Universe	Total Annual Responses (A)	Average Time per Response (B)	Total Annual Burden Hours (C=A*B)	Wage Rate (E)	Total Cost Equivalent U.S. Dollars (D=C* E)	PRA Analyses and Estimates
242.9—Waivers—Petitions	784 railroads	1 waiver petitions	3.00 hours	3.00 hours	\$85.93	\$257.79	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.
242.103(b)-(c)(2)—Approval of design of individual railroad programs by FRA—Certification programs for new railroads	784 railroads	3 new conductor certification programs	8.00 hours	24.00 hours	\$123.41	\$2,961.84	A railroad commencing operations after the pertinent date specified in paragraph (a) of this section shall submit its written certification program and request for approval in accordance with the procedures contained in appendix B to this part at least 60 days prior to commencing operations. The primary method for a railroad's submission is by email to <i>FRAOPCERTPROG@dot.gov</i> . For those railroads that are unable to send the program by email, the program may be sent to the Associate Administrator for Railroad Safety/Chief Safety Officer, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC

							20590.
—(c)(1) Conductor certification submission— Copies to rail labor organizations (RLOs)	784 railroads	6 certification program submission copies	15.00 minutes	1.50 hours	\$85.93	\$128.90	Simultaneous with its filing with FRA, provide a copy of the submission filed pursuant to paragraph (a) or (b) of this section, a resubmission filed pursuant to paragraph (h) of this section, or a material modification filed pursuant to paragraph (i) of this section to the president of each labor organization that represents the railroad's employees subject to this part.
—(c)(2) Affirmative statements that copies of submissions were sent to RLOs	784 railroads	6 affirmative statements	15.00 minutes	1.50 hours	\$85.93	\$128.90	Include in its submission filed pursuant to paragraph (a) or (b) of this section, a resubmission filed pursuant to paragraph (h) of this section, or a material modification filed pursuant to paragraph (i) of this section a statement affirming that the railroad has provided a copy to the president of each labor organization that represents the railroad's employees subject to this part, together with a list of the names and addresses of persons provided a copy.
—(d) Certified comments on submissions	784 railroads	6 certified comments	4.00 hours	24.00 hours	\$85.93	\$2,062.32	Not later than 45 days from the date of filing a submission pursuant to paragraph (a) or (b) of this section, a resubmission pursuant to paragraph (h) of this section, or a material modification pursuant to paragraph (i) of this section, any designated representative of railroad employees subject to this part may comment on the submission, resubmission, or material modification

—(g) Certification non-conforming program revised and resubmitted to FRA	784 railroads	15 revised programs	3.00 hours	45.00 hours	\$85.93	\$3,866.85	A railroad's program is considered approved and may be implemented 30 days after the required filing date (or the actual filing date) unless the Administrator notifies the railroad in writing that the program does not conform to the criteria set forth in this part.
—(h)(2) Resubmitted certification programs still not conforming and then resubmitted	784 railroads	3 resubmitted certification program	2.00 hours	6.00 hours	\$85.93	\$515.58	If the program does not conform, the railroad shall resubmit its program.
—(i)(1)-(2) Certification programs materially modified after initial FRA approval	784 railroads	96 certificate program material modifications	2.00 hours	192.00 hours	\$85.93	\$16,498.56	(1) A modification is material if it would affect the program's conformance with this part. (2) The modification submission shall contain a description that conforms to the pertinent portion of the procedures contained in appendix B of this part.
—(i)(3) Materially modified programs disapproved by FRA and then revised	784 railroads	20 modified certification programs	2.00 hours	40.00 hours	\$85.93	\$3,437.20	(3) The modification submission will be handled in accordance with the procedures of paragraphs (g) and (h) of this section as though it were a new program.
—Revised programs disapproved and then re-submitted	<i>The estimated paperwork burden for this requirement is included under § 242.103(i)(3).</i>						
242.107(c)—Types of service—emergency training for reclassification to different type of certification	35 railroads	400 records of trainings	2.00 minutes	13.33 hours	\$63.07	\$840.72	A railroad shall not reclassify the certification of any type of certified conductor to a different type of conductor certification during the period in which the certification is otherwise valid except when a conductor completes the emergency training identified in part 239 of this chapter and is certified as a

							passenger conductor.
242.109—Opportunity by RRs for certification candidates’ prior safety record to review and comment on	783 railroads	300 records + 300 comments	15 minutes + 30 minutes	225 hours	\$85.93	\$19,334.25	After the pertinent date specified in § 242.105(d) or (e), each railroad, prior to initially certifying or recertifying any person as a conductor, shall, in accordance with its FRA-approved program, make the determination in writing
242.111(b)—Prior safety conduct as motor vehicle operator—Eligibility determinations	783 railroads	16,200 eligibility determinations	10.00 minutes	2,700.00 hours	\$85.93	\$232,011.00	Except as provided in paragraphs (c), (d), (e), and (f) of this section, after the pertinent date specified in § 242.105(d) or (e), each railroad, prior to initially certifying or recertifying any person as a conductor for any type of service, shall determine that the person meets the eligibility requirements of this section involving prior conduct as a motor vehicle operator.
—(c) Initial certification for 60 days	783 railroads	150 initial certifications	10.00 minutes	25.00 hours	\$85.93	\$2,148.25	A railroad shall initially certify a person as a conductor for 60 days if the person: (1) Requested the information required by paragraph (h) of this section at least 60 days prior to the date of the decision to certify that person; and (2) Otherwise meets the eligibility requirements provided in § 242.109.
—(d) Recertification for 60 days	783 railroads	125 re-certifications	10.00 minutes	21.25 hours	\$85.93	\$1,826.01	A railroad shall recertify a person as a conductor for 60 days from the expiration date of that person’s certification if the person: (1) Requested the information required by paragraph (h) of this

							section at least 60 days prior to the date of the decision to recertify that person; and (2) Otherwise meets the eligibility requirements provided in § 242.109.
—(f) Driver info not provided and request for waiver by persons/railroad	<i>FRA anticipates that there will be zero waiver requests during this three-year collection period.</i>						
—(h) Request to obtain driver's license information from licensing agency	41,000 conductors	16,200 written requests	15.00 minutes	4,050.00 hours	\$63.07	\$255,433.50	Each person seeking certification or recertification under this part shall request, in writing, that the chief of each driver licensing agency identified in paragraph (i) of this section provide a copy of that agency's available information concerning his or her driving record to the railroad that is considering such certification or recertification.
—(j) Requests for additional information from licensing agency	<i>The estimated paperwork burden for this requirement is included under § 242.111(h).</i>						
—(k) Notification to RR by persons of never having a license	41,000 conductors	10 notices	10.00 minutes	1.70 hours	\$63.07	\$107.22	Any person who has never obtained a motor vehicle driving license is not required to comply with the provisions of paragraph (h) of this section but shall notify the railroad of that fact in accordance with procedures of the railroad that comply with § 242.109(f).
—(l) Report of Motor Vehicle Incidents	41,000 conductors	400 self-reporting	10.00 minutes	68.00 hours	\$63.07	\$4,288.76	Each certified conductor or person seeking initial certification shall report motor vehicle incidents described in paragraphs (n)(1) and (2) of this section to the employing railroad within 48 hours of being convicted for, or completed state

							action to cancel, revoke, suspend, or deny a motor vehicle driver's license for, such violations. For purposes of this paragraph and paragraph (n) of this section, "state action" means action of the jurisdiction that has issued the motor vehicle driver's license, including a foreign country. For the purposes of conductor certification, no railroad shall require reporting earlier than 48 hours after the conviction, or completed state action to cancel, revoke, or deny a motor vehicle driver's license.
—(m)-(n) Evaluation of driving record	41,000 conductors	16,200 motor vehicle record evaluations	5.00 minutes	1,350.00 hours	\$63.07	\$85,144.50	Each motor vehicle record must be evaluated for prior safety conduct and violations.
—(o)(1) DAC referral by RR after report of driving drug/alcohol incident	783 railroads	200 DAC referrals	5.00 minutes	16.00 hours	\$123.41	\$1,974.56	If such an incident is identified: (1) The railroad shall provide the data to the railroad's DAC, together with any information concerning the person's railroad service record and shall refer the person for evaluation to determine if the person has an active substance abuse disorder.
—(o)(2) DAC requests for prior counseling or treatment records	784 railroads	20 DAC requests	30.00 minutes	10.00 hours	\$123.41	\$1,234.10	The person shall cooperate in the evaluation and shall provide any requested records of prior counseling or treatment for review exclusively by the DAC in the context of such evaluation; and
—(o)(3) Conditional certifications recommended by DAC	784 railroads	40 conditional certification recommendations	4.00 hours	160.00 hours	\$123.41	\$19,745.60	If the person is evaluated as not currently affected by an active substance abuse disorder, the subject data shall not be considered

							further with respect to certification. However, the railroad shall, on recommendation of the DAC, condition certification upon participation in any needed aftercare and/or follow-up testing for alcohol or drugs deemed necessary by the DAC consistent with the technical standards specified in § 242.115(f) (3).
242.113—Prior safety conduct as employee of a different railroad	<i>The estimated paperwork burden for this requirement is included under §242.109.</i>						
242.115(b)— Determination that person meets eligibility requirements	41,000 conductors	16,200 determinations	2.00 minutes	540.00 hours	\$63.07	\$34,057.80	After the pertinent date specified in § 242.105(d) or (e), each railroad, prior to initially certifying or recertifying any person as a conductor for any type of service, shall determine that the person meets the eligibility requirements of this section.
—(c) Written documents from DAC that person is not affected by a disorder	41,000 conductors	250 filed documents	30.00 minutes	125.00 hours	\$123.41	\$15,426.25	In order to make the determination required under paragraph (d) of this section, a railroad shall have on file documents pertinent to that determination, including a written document from its DAC which states his or her professional opinion that the person has been evaluated as not currently affected by a substance abuse disorder or that the person has been evaluated as affected by an active substance abuse disorder.
—(d)(3) Self-referral by conductors for substance	784 railroads	30 self-referrals	5.00 minutes	2.5 hours	\$123.41	\$308.53	In the case of a current employee of the railroad evaluated as having an

abuse counseling							active substance abuse disorder (including a person identified under the procedures of § 242.111), the employee may, if otherwise eligible, voluntarily self-refer for substance abuse counseling or treatment under the policy required by § 219.403 of this chapter; and the railroad shall then treat the substance abuse evaluation as confidential except with respect to ineligibility for certification.
—(e) Certification reviews for occurrence/documentation of prior alcohol/drug conduct by persons/conductors	784 railroads	16,200 certification reviews	5.00 minutes	1,350.00 hours	\$123.41	\$166,603.50	In determining whether a person may be or remain certified as a conductor, a railroad shall consider conduct described in paragraph (e) (2) of this section that occurred within a period of 60 consecutive months prior to the review. A review of certification shall be initiated promptly upon the occurrence and documentation of any incident of conduct described in this paragraph.
—(e)(3)(i) Written determination that most recent incident has occurred	784 railroads	75 written determinations	1.00 hour	75.00 hours	\$123.41	\$9,255.75	A period of ineligibility described in this section shall begin: (i) For a person not currently certified, on the date of the railroad's written determination that the most recent incident has occurred; or
—(e)(3)(ii) Notification to person that recertification has been denied	784 railroads	75 notifications	30.00 minutes	37.50 hours	\$85.93	\$3,222.38	(ii) For a person currently certified, on the date of the railroad's notification to the person that recertification has been denied or certification has been revoked; and

242.117(b)—Vision and hearing acuity— Determination vision standards met	784 railroads	16,200 records	2.00 minutes	540.00 hours	\$123.41	\$66,641.40	After the pertinent date specified in § 242.105(d) or (e), each railroad, prior to initially certifying or recertifying any person as a conductor for any class of service, shall determine that the person meets the standards for visual acuity and hearing acuity prescribed in this section.
—(b) Determination hearing standards met	784 railroads	16,200 records	2.00 minutes	540.00 hours	\$123.41	\$66,641.40	After the pertinent date specified in § 242.105(d) or (e), each railroad, prior to initially certifying or recertifying any person as a conductor for any class of service, shall determine that the person meets the standards for visual acuity and hearing acuity prescribed in this section.
—Additional gap hearing tests	<i>The estimated paperwork burden for this requirement is included under § 242.117(b).</i>						
—(c)(1) Medical examiner certificate that person has been examined/passed test	784 railroads	16,200 file medical examiners	10.00 minutes	2,700.00 hours	\$123.41	\$333,207.00	A medical examiner's certificate that the individual has been medically examined and meets these acuity standards.
—(c)(2)(i) Document standards met with conditions	784 railroads	25 written documents	30.00 minutes	12.50 hours	\$123.41	\$1,542.63	A written document from its medical examiner documenting his or her professional opinion that the person does not meet one or both acuity standards and stating the basis for his or her determination that: (i) The person can nevertheless be certified under certain conditions; or
—(c)(2)(ii) Document standards not met	784 railroads	25 written documents	30.00 minutes	12.50 hours	\$123.41	\$1,542.63	The person's acuity is such that he or she cannot safely perform as a conductor even with conditions attached.

—(e) Notation person needs corrective device (glasses/hearing aid)	784 railroads	5,000 certificate notifications	10.00 minutes	833.33 hours	\$123.41	\$102,841.26	If the examination required under this section discloses that the person needs corrective lenses or a hearing aid, or both, either to meet the threshold acuity levels established in this section or to meet a lower threshold determined by the railroad's medical examiner to be sufficient to perform as a conductor, that fact shall be noted on the certificate issued in accordance with the provisions of this Part.
—(j) Request for further medical evaluation for new determination	784 railroads	50 requests + 50 ratings	30 minutes + 10 minutes	33.50 hours	\$63.07 \$123.41	\$2,625.73	The railroad shall provide its medical examiner with a copy of this Part, including all appendices. If, after consultation with a railroad officer, the medical examiner concludes that, despite not meeting the threshold(s) in paragraphs (h) and (i) of this section, the person has the ability to safely perform as a conductor, the person may be certified as a conductor and such certification conditioned on any special restrictions the medical examiner determines in writing to be necessary.
—(j) Consultations by medical examiners with railroad officer and issue of conditional certification	784 railroads	15 consults + 15 certifications	30 minutes + 10 minutes	10.05 hours	\$123.41 \$85.93	\$1,144.69	The railroad shall provide its medical examiner with a copy of this part, including all appendices. If, after consultation with a railroad officer, the medical examiner concludes that, despite not meeting the threshold(s) in paragraphs (h) and (i) of this section, the person has the ability to safely perform as a

							conductor, the person may be certified as a conductor and such certification conditioned on any special restrictions the medical examiner determines in writing to be necessary.
—(k) Notification by certified conductor of deterioration of vision/hearing	784 railroads	20 notifications	10.00 minutes	3.33 hours	\$63.07	\$210.02	As a condition of maintaining certification, each certified conductor shall notify his or her employing railroad's medical department or, if no such department exists, an appropriate railroad official if the person's best correctable vision or hearing has deteriorated to the extent that the person no longer meets one or more of the prescribed vision or hearing standards or requirements of this section. This notification is required prior to any subsequent performance as a conductor.
242.119(a)—Training— New railroads—Training program	3 new railroads	3 training programs	3.00 hours	9.00 hours	\$123.41	\$1,110.69	Each railroad shall adopt and comply with a program that meets the requirements of this section. When any person including, but not limited to, each railroad, railroad officer, supervisor, and employee violates any requirement of a program which complies with the requirements of this section, that person shall be considered to have violated the requirements of this section.
—(a) Modification to training program	783 railroads	75 programs	30.00 minutes	37.50 hours	\$85.93	\$3,222.38	Any modifications made must be updated in the training plan.

—(c) Completion of training program by conductors/persons— documents	783 railroads	50 written documents	30.00 minutes	25.00 hours	\$85.93	\$2,148.25	In making this determination, a railroad shall have written documentation showing that: (1) The person completed a training program that complies with paragraph (d) of this section. (2) The person demonstrated his or her knowledge by achieving a passing grade under the testing and evaluation procedures of that training program; and (3) The person demonstrated that he or she is qualified on the physical characteristics of the railroad, or its pertinent segments, over which that person will perform service.
—Conductor refresher training	<i>The estimated paperwork burden for this requirement is included under § 242.119(c).</i>						
—(d)(5) Modified training programs due to new laws, regulations, orders, technologies, procedures, or equipment	784 railroads	24 modified training programs	2.00 hours	48.00 hours	\$85.93	\$4,124.64	When new safety-related railroad laws, regulations, orders, technologies, procedures, or equipment are introduced into the workplace, the railroad must review its training program and modify its training plan accordingly.
—(f) Employee consultation with qualified supervisory employee if given written test to demonstrate knowledge of physical characteristics of any assigned territory	784 railroads	1,000 consultations	15.00 minutes	250.00 hours	\$63.07	\$15,767.50	If a railroad uses a written test for purposes of paragraph (e)(3) of this section, the railroad must provide the person(s) being tested with an opportunity to consult with a supervisory employee, who possesses territorial qualifications for the territory, to explain a question.

—(i) Familiarization training for conductor of acquiring railroad from selling company/railroad prior to commencement of new operation	784 railroads	20 training records	15.00 minutes	5.00 hours	\$63.07	\$315.35	If ownership of a railroad is being transferred from one company to another, the conductor(s) of the acquiring company may receive familiarization training from the selling company prior to the acquiring railroad commencing operation.
—(l) RR continuous education/training of conductors	784 railroads	16,200 training records	15.00 minutes	4,050.00 hours	\$63.07	\$255,433.50	A railroad shall provide for the continuing education of certified conductors to ensure that each conductor maintains the necessary knowledge concerning railroad safety and operating rules and compliance with all applicable Federal regulations, including, but not limited to, hazardous materials, passenger train emergency preparedness, brake system safety standards, pre-departure inspection procedures, and passenger equipment safety standards, and physical characteristics of a territory.
242.121(a) through (f)— Knowledge testing — Determining eligibility	784 railroads	16,200 examination records	15.00 minutes	4,050.00 hours	\$63.07	\$255,433.50	Each railroad shall adopt and comply with a program that meets the requirements of this section. When any person including, but not limited to, each railroad, railroad officer, supervisor, and employee violates any provision of a program which complies with the requirements of this section, that person shall be considered to have violated the requirements of this section.

—(g) Retests/re-examinations	784 railroads	1,000 retests or re-examination records	15.00 minutes	250.00 hours	\$63.07	\$15,767.50	If a person fails to pass the test, no railroad shall permit or require that person to function as a conductor prior to that person's achieving a passing score during a reexamination of his or her knowledge.
242.123(a) through (e)—Monitoring operational performance —	784 railroads	16,200 unannounced compliance test records	10.00 minutes	2,700.00 hours	\$85.93	\$232,011.00	Except as provided in paragraph (f) of this section, each conductor shall be given at least one unannounced compliance test in each calendar year by a railroad officer who meets the requirements of § 217.9(b)(1) of this chapter.
—(f) Return to service that requires unannounced compliance test/record	784 railroads	1,000 unannounced compliance test records	10.00 minutes	166.67 hours	\$85.93	\$14,321.95	A certified conductor who is not performing a service that requires certification pursuant to this Part need not be given an unannounced compliance test. However, when the certified conductor returns to a service that requires certification pursuant to this Part, that certified conductor must be tested pursuant to this section within 30 days of his or her return.
242.125—Determination made by railroad relying on another railroad's certification	784 railroads	100 determinations	30.00 minutes	50.00 hours	\$63.07	\$3,153.50	A railroad that is considering certification of a person as a conductor may rely on determinations made by another railroad concerning that person's certification. The railroad's certification program shall address how the railroad will administer the training of previously uncertified conductors with extensive operating experience or previously certified conductors who have had their

							certification expire. If a railroad's certification program fails to specify how it will train a previously certified conductor hired from another railroad, then the railroad shall require the newly hired conductor to take the hiring railroad's entire training program.
242.127—Reliance on qualification requirements of other countries	784 railroads	20 determinations	30.00 minutes	10.00 hours	\$63.07	\$630.70	A Canadian railroad that is required to comply with this regulation or a railroad that conducts joint operations with a Canadian railroad may certify that a person is eligible to be a conductor provided it determines that: (1) The person is employed by the Canadian railroad; and (2) The person meets or exceeds the qualifications standards issued by Transport Canada for such service.
242.203(b)—Retaining information supporting determination—Records	784 railroads	16,200 record retentions	15.00 minutes	4,050.00 hours	\$85.93	\$348,016.50	After the pertinent date in § 242.105(d) or (e), a railroad that issues, denies, or revokes a certificate after making the determinations required under § 242.109 shall maintain a record for each certified conductor or applicant for certification that contains the information the railroad relied on in making the determinations.
—(c) Amended electronic records	784 railroads	20 amended records	30.00 minutes	10.00 hours	\$85.93	\$859.30	Information retrieved from the system can be easily produced in a printed format which can be readily provided to FRA representatives in a timely manner and authenticated by a designated representative of the railroad as a true and accurate copy

							of the railroad's records if requested to do so by FRA representatives.
242.205— Identification of certified persons and recordkeeping. List of certified persons	784 railroads	784 lists	5.00 minutes	62.72 hours	\$85.93	\$5,389.53	After September 1, 2012, a railroad shall maintain a list identifying each person designated as a certified conductor. That list shall indicate the types of service the railroad determines each person is authorized to perform and date of the railroad's certification decision.
242.209(a)—Maintenance of Certificates—Request to display certificate	784 railroads	2,000 displayed certificates	2.00 minutes	66.67 hours	\$63.07	\$4,204.88	Each conductor who has received a certificate required under this part shall: (1) Have that certificate in his or her possession while on duty as a conductor; and (2) Display that certificate upon the receipt of a request to do so from: (i) A representative of the Federal Railroad Administration, (ii) A State inspector authorized under part 212 of this chapter, (iii) An officer of the issuing railroad, or (iv) An officer of another railroad when serving as a conductor in joint operations territory.
—(b) Notification by conductors that RR request to serve exceeds certification	784 railroads	1,000 notifications	10.00 minutes	166.67 hours	\$63.07	\$10,511.88	Any conductor who is notified or called to serve as a conductor and such service would cause the conductor to exceed certificate limitations, set forth in accordance with subpart B of this part, shall immediately notify the railroad that he or she is not authorized to perform that anticipated service and it shall be unlawful for the railroad

							to require such service.
242.211—Replacement of certificates	784 railroads	500 temporary replacement certificates	5.00 minutes	41.67 hours	\$85.93	\$3,580.70	A railroad shall have a system for the prompt replacement of lost, stolen, or mutilated certificates at no cost to conductors. That system shall be reasonably accessible to certified conductors in need of a replacement certificate or temporary replacement certificate.
242.213(e)—Multiple Certificates—Notification to engineer that no conductor is on train	35 railroads	5 locomotive Engineer notifications	10.00 minutes	0.83 hour	\$85.93	\$71.32	If the conductor is removed from a passenger train for a medical, police or other such emergency after the train departs from an initial terminal, the train may proceed to the first location where the conductor can be replaced without incurring undue delay without the locomotive engineer being a certified conductor. However, an assistant conductor or brakeman must be on the train and the locomotive engineer must be informed that there is no certified conductor on the train prior to any movement.
—(f) Notification of denial of certification by individuals holding multiple certifications	784 railroads	10 notifications	10.00 minutes	1.67 hours	\$63.07	\$105.33	During the duration of any certification interval, a person who holds a current conductor and/or locomotive engineer certificate from more than one railroad shall immediately notify the other certifying railroad(s) if he or she is denied conductor or locomotive engineer recertification under § 242.401 or § 240.219 of this chapter or has his or her conductor or locomotive engineer certification

							revoked under § 242.407 or § 240.307 of this chapter by another railroad.
242.215(a)—Railroad oversight responsibility— Review and analysis of administration of certification program	53 railroads	53 reviews and analyses	40.00 hours	2,120.00 hours	\$85.93	\$182,171.60	No later than March 31 of each year (beginning in calendar year 2014), each Class I railroad (including the National Railroad Passenger Corporation and a railroad providing commuter service) and each Class II railroad shall conduct a formal annual review and analysis concerning the administration of its program for responding to detected instances of poor safety conduct by certified conductors during the prior calendar year.
—(d) Report of findings by RR to FRA	784 railroads	53 reports	4.00 hours	212.00 hours	\$85.93	\$18,217.16	If requested in writing by FRA, the railroad shall provide a report of the findings and conclusions reached during such annual review and analysis effort.
242.301(a)— Determinations— Territorial qualification and joint operations	320 railroads	1,000 determinations	15.00 minutes	250.00 hours	\$63.07	\$15,767.50	Except as provided in paragraph (c), (d), or (e) of this section, a railroad, including a railroad that employs conductors working in joint operations territory, shall not permit or require a person to serve as a conductor unless that railroad determines that the person is certified as a conductor and possesses the necessary territorial qualifications for the applicable territory pursuant to § 242.119.
—(b) Notification by persons who do not meet territorial qualification	320 railroads	300 notifications	10.00 minutes	50.00 hours	\$63.07	\$3,153.50	Each person who is called to serve as a conductor shall: (1) Meet the territorial qualification

							requirements on the segment of track upon which he or she will serve as a conductor; and (2) Immediately notify the railroad upon which he or she is employed if he or she does not meet the required territorial qualifications.
242.401(a)—Denial of certification— Notification to candidate of information that forms basis for denying certification and candidate response	784 railroads	80 notices + 40 responses	1 hour + 1 hour	120.00 hours	\$123.41 \$63.07	\$12,395.60	A railroad shall notify a candidate for certification or recertification of information known to the railroad that forms the basis for denying the person certification and provide the person a reasonable opportunity to explain or rebut that adverse information in writing prior to denying certification. A railroad shall provide the conductor candidate with any written documents or records, including written statements, related to failure to meet a requirement of this part which support its pending denial decision.
—(c) Written notification of denial of certification	784 railroads	40 notifications	1.00 hour	40.00 hours	\$85.93	\$3,437.20	If a railroad denies a person certification or recertification, it shall notify the person of the adverse decision and explain, in writing, the basis for its denial decision. The basis for a railroad's denial decision shall address any explanation or rebuttal information that the conductor candidate may have provided in writing pursuant to paragraph (a) of this section. The document explaining the basis for the denial shall be served on the person within 10 days after the

							railroad's decision and shall give the date of the decision.
242.403—Criteria for revoking certification— Review of compliance conduct	784 railroads	1,000 certification reviews	15.00 minutes	250.00 hours	\$63.07	\$15,767.50	Each railroad shall adopt and comply with a program which meets the requirements of this section. When any person including, but not limited to, each railroad, railroad officer, supervisor, and employee violates any requirement of a program which complies with the requirements of this section, that person shall be considered to have violated the requirements of this section.
242.407(a)—Process for revoking certification — Revocation for violations of section 242.115(e)	784 railroads	1,000 revoked certifications	8.00 hours	8,000.00 hours	\$123.41	\$987,280.00	Except as provided for in § 242.115(g), a railroad that certifies or recertifies a person as a conductor and, during the period that certification is valid, acquires reliable information regarding violation(s) of § 242.403(e) or § 242.115(e) of this chapter shall revoke the person's conductor certificate.
—(b)(1) Immediate suspension of certificate	784 railroads	1,000 suspended certification letters	1.00 hour	1,000.00 hours	\$85.93	\$85,930.00	Pending a revocation determination under this section, the railroad shall: (1) Upon receipt of reliable information regarding violation(s) of § 242.403(e) or § 242.115(e) of this chapter, immediately suspend the person's certificate;
—(b)(7) Hearing record	784 railroads	1,000 records	15.00 minutes	250.00 hours	\$85.93	\$21,482.50	Retain the record of the hearing for 3 years after the date the decision is rendered.
—(c) Written decisions by railroad official	784 railroads	1,000 written decisions	2.00 hours	2,000.00 hours	\$123.41	\$246,820.00	No later than 10 days after the close of the record, a railroad official, other than the investigating officer,

							shall prepare and sign a written decision in the proceeding. (11) The decision shall: (i) Contain the findings of fact as well as the basis therefor, concerning all material issues of fact presented on the record and citations to all applicable railroad rules and practices. (ii) State whether the railroad official found that a revocable event occurred and the applicable period of revocation with a citation to 49 CFR 242.405 (Periods of revocation); and
—(c) Service of written decision on employee by RR + RR service proof	784 railroads	1,000 served written decisions + 1,000 service proofs	10 minutes + 5 minutes	250.00 hours	\$85.93	\$21,482.50	(iii) Be served on the employee and the employee's representative, if any, with the railroad to retain proof of that service.
—(f) Written waiver of right to hearing	41,000 conductors	700 written waivers	10.00 minutes	116.67 hours	\$63.07	\$7,358.38	A person may waive the right to the hearing provided under this section. That waiver shall: (1) Be made in writing. (2) Reflect the fact that the person has knowledge and understanding of these rights and voluntarily surrenders them; and (3) Be signed by the person making the waiver.
—(g) Revocation of certification based on information that another railroad has done so	784 railroads	15 revoked certifications	10.00 minutes	2.50 hours	\$123.41	\$308.53	A railroad that has relied on the certification by another railroad under the provisions of § 242.127 or § 242.301, shall revoke its certification if, during the period that certification is valid, the railroad acquires information which

							convinces it that another railroad has revoked its certification in accordance with the provisions of this section. The requirement to provide a hearing under this section is satisfied when any single railroad holds a hearing, and no additional hearing is required prior to a revocation by more than one railroad arising from the same facts.
—(j) Placing relevant information in record prior to suspending certification/convening hearing	784 railroads	100 updated records	1.00 hour	100.00 hours	\$85.93	\$8,593.00	The railroad shall place the relevant information in the records maintained in compliance with § 242.215 for Class I (including the National Railroad Passenger Corporation) and Class II railroads, and § 242.203 for Class III railroads if sufficient evidence meeting the criteria provided in paragraph (i) of this section, becomes available either:
Totals ⁴	784 railroads	219,123 Responses	N/A	46,608 Hours		\$4,265,843	

⁴ Totals may not add up due to rounding.

13. Estimate of total annual costs to respondents.

Pursuant to § 242.117's vision and hearing acuity testing requirements, there are estimated additional annual costs to respondents are as follow:

Conductor vision tests: 16,200 tests @ \$20 per test = \$324,000

Conductor hearing tests: 16,200 tests @ \$45 per test = \$729,000

Replacement certificates: 500 certificates @ \$1 each = \$500

Total Annual Cost \$1,053,500

Note: The currently approved information collection includes a cost to respondents for the National Driver Register (NDR) requirement under § 242.111 of \$17,091; however, requests can now be made electronically without the use of a Notary⁵. Therefore, there is no longer a cost to respondents for the NDR request and associated costs have been removed for this submission.

14. Estimate of Cost to Federal Government.

FRA estimates that two employees at the GS-14 step 5 level⁶ will spend 50 percent of their time in administering the Conductor Certification Program. This excludes time spent doing routine compliance and enforcement activities.

Multiplying annual salary of \$150,454 times 50 percent times 75 percent overhead cost equates to an annual Federal cost of \$131,647, x 2 employees = \$263,294.

There will also be annual costs to FRA for staff members who will sit on the Operating Crew Review Board (OCRB) and will handle Dispute Resolution Procedures. These costs are as follows:

§ 242.503 Processing certification review petitions to FRA:

75 petitions @ \$700 each = \$52,500

§ 242.509 Agency hearings:

⁵ National Driver Register: Frequently Asked Questions (nhtsa.gov).

⁶ To calculate the government administrative cost, the 2024 Office of Personnel Management pay schedule for Dallas, TX were used.

5 each year @ \$2,076 each = \$10,380.

§ 242.511 Appeals:

3 appeals @ \$1,800 each = \$5,400

Total Annual Cost = \$331,574

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 49,761 hours and 222,386 responses, while the requesting inventory estimates a total burden of 46,608 hours and 219,123 responses.

Overall, the burden for this submission has decreased by 3,153 hours and 3,263 responses. The decrease in burden is a result of the reduced amount of time per response for § 242.115(e) certification review for prior alcohol/drug conduct. The average time reduced from 10 minutes to five (5) minutes providing a more accurate analysis of the time needed to complete the review. The SMEs determined that §§ 242.115(e)(4) and 242.405 did not create any additional burden under the PRA and were removed. Section 242.113 was removed as it was determined that the estimated paperwork burden for this requirement is included under § 242.117, and § 242.407(b)(5) was also removed as it was determined that the burden for this is included under § 242.407(c). Additionally, FRA determined that fewer employees were changing employers, therefore, reducing the number of prior safety records being reviewed.

FRA also found that the associated burdens related to substance abuse and medical conditions have decreased as fewer employees have medical conditions that require further evaluation or positive drug and alcohol tests. As a result of this, the number of certification denials, due to medical conditions and substance abuse has also decreased.

There are no program changes at this time.

CFR Section	Total Annual Responses			Total Annual Burden Hours			PRA Analyses and Estimates
	Previous Submission	Current Submission	Difference	Previous Submission	Current Submission	Difference	
242.9—Waivers—Petitions	3 waiver	1 waiver petitions	-2	9.00 hours	3.00 hours	-6.00	The decrease in burden is due to a review of the estimated

	petitions (3.00 hours)	(3.00 hours)					number of waiver petitions expected to be received over the next three-year collection period.
242.103(c)(1) Conductor certification submission—Copies to rail labor organizations (RLOs)	6 certification program submission copies (15.00 minutes)	6 certification program submission copies (15.00 minutes)	0	2.00 hours	1.50 hours	-0.50	Adjustment due to rounding.
—(c)(2) Affirmative statements that copies of submissions were sent to RLOs	6 affirmative statements (15.00 minutes)	6 affirmative statements (15.00 minutes)	0	2.00 hours	1.50 hours	-0.50	Adjustment due to rounding.
—(i)(1)-(2) Certification programs materially modified after initial FRA approval	15 certificate program material modifications (2.00 hours)	96 certificate program material modifications (2.00 hours)	81	30.00 hours	192.00 hours	162.00	The increase in burden is due to changes in the review process. This resulted in an increased number of modifications submitted for review.
—(i)(3) Materially modified programs disapproved by FRA & then revised	3 modified certification programs (2.00 hours)	20 modified certification programs (2.00 hours)	17	6.00 hours	40.00 hours	34.00	The increase in burden is due to changes in the review process. This resulted in an increased number of modifications submitted for review.
242.109—Opportunity by RRs for certification candidates' prior safety record to review and comment on	200 records + 200 comments (30 minutes + 10 minutes)	50 records + 50 comments (30 minutes + 10 minutes)	-300	133.00 hours	33.50 hours	-99.50	The decrease in burden is a result of fewer employees changing employers.
242.111(k) Notification to RR by persons of never having a license	25 notices (10.00 minutes)	10 notices (10.00 minutes)	-15	4.00 hours	2.00 hours	-2.00	The decrease in burden is due to a review of the estimated number of submissions expected to be received over the next three-year collection period.

—(l) Report of Motor Vehicle Incidents	400 self-reporting (10.00 minutes)	400 self-reporting (10.00 minutes)	0	67.00 hours	68.00 hours	1.00	Adjustment due to rounding.
—(o)(1) DAC referral by RR after report of driving drug/alcohol incident	400 DAC referrals (5.00 minutes)	200 DAC referrals (5.00 minutes)	-200	33.00 hours	16.00 hours	-17.00	The decrease in burden is due to a review of the estimated number of submissions expected to be received over the next three-year collection period.
—(o)(3) Conditional certifications recommended by DAC	50 conditional certification recommendations (4.00 hours)	40 conditional certification recommendations (4.00 hours)	-10	200.00 hours	160.00 hours	-40.00	The decrease in burden is due to a review of the estimated number of submissions expected to be received over the next three-year collection period.
242.113—Prior safety conduct as employee of a different railroad	360 requests + 360 records (15 minutes + 30 minutes)	0	-720	270.00 hours	0	-270	The decrease in burden is a result of a determination by the SME that the estimated paperwork burden for this requirement is already included under §242.109.
242.115(c) Written documents from DAC that person is not affected by a disorder	400 filed documents (30.00 minutes)	250 filed documents (30.00 minutes)	-150	200.00 hours	125.00 hours	-75.00	The decrease in burden is a result of fewer employees having positive D&A tests.
—(e) Certification reviews for occurrence/documentation of prior alcohol/drug conduct by persons/conductors	16,200 certification reviews (10.00 minutes)	16,200 certification reviews (5.00 minutes)	0	2,700.00 hours	1,350.00 hours	-1,350.00	The decrease in burden is a result of a reduction in the average time per response from 10 minutes to 5 minutes. After a thorough review this is a more accurate analysis of how long each respondent needs.
—(e)(3)(i) Written determination that most recent incident has	150 written determinations (1.00 hour)	75 written determinations (1.00 hour)	-75	150.00 hours	75.00 hours	-75.00	The decrease in burden, after a thorough review, is due to a reduced number of written

occurred							determinations expected over this three-year collection period.
—(e)(3)(ii) Notification to person that recertification has been denied	300 notifications (30.00 minutes)	75 notifications (30.00 minutes)	-225	150.00 hours	37.50 hours	-112.50	The decrease in burden is a result of fewer employees having problems that may result in a denial.
—(e)(4) Persons/conductors waiving investigation/de-certifications	300 waived investigations (10.00 minutes)	0	-300	50.00 hours	0	-50	The decrease in burden is a result of the Attorney SME determination that there is no additional paperwork burden associated with this requirement.
242.117(c)(2)(i) Document standards met with conditions	100 written documents (30.00 minutes)	25 written documents (30.00 minutes)	-75	50.00 hours	12.50 hours	-37.50	The decrease in burden is a result of fewer employees having medical conditions that have conditions attached.
—(c)(2)(ii) Document standards not met	100 written documents (30.00 minutes)	25 written documents (30.00 minutes)	-75	50.00 hours	12.50 hours	-37.50	The decrease in burden is a result of fewer employees having medical conditions that do not meet standards.
—(e) Notation person needs corrective device (glasses/hearing aid)	5,000 certificate notifications (10.00 minutes)	5,000 certificate notifications (10.00 minutes)	0	833.00 hours	833.33 hours	0.33	Adjustment due to rounding.
—(j) Request for further medical evaluation for new determination	100 requests + 100 ratings (30 minutes + 10 minutes)	50 requests + 50 ratings (30 minutes + 10 minutes)	-100	67.00 hours	33.50 hours	-33.50	The decrease in burden is a result of fewer employees having medical conditions requiring further review.
—(j) Request for second retest and another medical evaluation	25 retest requests + 25 reviews (30 minutes + 10 minutes)	0	-50	17.00 hours	0	-17.00	The decrease in burden is a result of a determination by the Attorney SME that the estimated paperwork burden for this requirement is included in the burden above with the request for further medical evaluation for new determination. i

—(j) Consultations by medical examiners with railroad officer and issue of conditional certification	100 consults + 100 certifications (30 minutes + 10 minutes)	15 consults + 15 certifications (30 minutes + 10 minutes)	-170	67.00 hours	10.05 hours	-56.95	The decrease in burden is a result of fewer employees having medical conditions requiring further review.
242.119(a) Modification to training program	3 programs (30.00 minutes)	75 programs (30.00 minutes)	72	2.00 hours	37.50 hours	35.50	The increase in burden is due to railroads having made or making changes to training programs based on results of audits and/or railroad need.
—(c) Completion of training program by conductors/persons—documents	100 written documents (1.00 minutes)	50 written documents (30.00 minutes)	-50	100.00 hours	25.00 hours	-75.00	The decrease in burden is a result of fewer required items to retain documenting training.
242.205— Identification of certified persons and recordkeeping—List of certified persons	0	784 lists (5.00 minutes)	784	0.00 hours	62.72 hours	62.72	This PRA requirement was omitted in the previously approved information collections. It has been added to this submission for greater accuracy.
242.209(a)— Maintenance of Certificates—Request to display certificate	2,000 displayed certificates (2.00 minutes)	2,000 displayed certificates (2.00 minutes)	0	67.00 hours	66.67 hours	-0.33	Adjustment due to rounding.
—(b) Notification by conductors that RR request to serve exceeds certification	1,000 notifications (10.00 minutes)	1,000 notifications (10.00 minutes)	0	167.00 hours	166.67 hours	-0.33	Adjustment due to rounding.
242.211—Replacement of certificates	500 temporary replacement certificates (5.00 minutes)	500 temporary replacement certificates (5.00 minutes)	0	42.00 hours	41.67 hours	-0.33	Adjustment due to rounding.
242.213(e)—Multiple Certificates— Notification to engineer that no conductor is on train	5 locomotive engineer notifications (10.00 minutes)	5 locomotive engineer notifications (10.00 minutes)	0	1.00 hour	0.83 hour	-0.17	Adjustment due to rounding.

—(f) Notification of denial of certification by individuals holding multiple certifications	10 notifications (10.00 minutes)	10 notifications (10.00 minutes)	0	2.00 hours	1.67 hours	-0.33	Adjustment due to rounding.
242.301(b) Notification by persons who do not meet territorial qualification	500 notifications (10.00 minutes)	300 notifications (10.00 minutes)	-200	83.00 hours	50.00 hours	-33.00	The decrease in burden is a result of fewer employees not meeting territorial qualifications.
242.401(a)—Denial of certification— Notification to candidate of information that and candidate response forms basis for denying certification	40 notices + 40 responses (1 hour + 1 hour)	80 notices + 40 responses (1 hour + 1 hour)	40	80.00 hours	120.00 hours	40.00	This adjustment was made to reflect that not all notifications sent out will result in a response from the employee.
—(c) Written notification of denial of certification	80 notifications (1.00 hour)	40 notifications (1.00 hour)	-40	80.00 hours	40.00 hours	-40.00	The decrease in burden reflects a more accurate estimated of the number of written notifications of denial anticipated over the next 3-year collection period.
242.405—Period of ineligibility—Written determination that the most recent incident has occurred	1,000 written determinations (1.00 hour)	0	-1,000	1,000.00 hours	0	-1,000.00	It was determined by the SMEs that this is requirement does not create additional paperwork burden. This section outlines to the railroads the standard periods of ineligibility that is written in the denial of certification, notification letter, so it is not a stand-alone document. A person may have to visit 242.405 to read and make a determination but that is all.
242.407(b)(5) Determinations based	1,000 determinations	0	-1000	250 hours	0	-250	It was determined by the SME that the estimated

on railroad hearing record	(15 minutes)						burden for this requirement is covered under 242.407(c)
Totals	222,386 Responses	219,303 Responses	-3,263	49,761 Hours	46,608 Hours	-3,153	

16. Publication of results of data collection.

There are no plans for publication of this submission.

The information to be collected is used by specialists and field personnel to enforce the regulation. The information collected may be incorporated into the FRA database, where relevant and appropriate, and provided to the general public and other interested parties who wish to access the information on the FRA Website.

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.

