

1FEDERAL RAILROAD ADMINISTRATION
Certification of Dispatchers
(49 CFR Part 245)
SUPPORTING JUSTIFICATION
RIN 2130-AC91; OMB No. 2130-0637

Summary

- This submission is a new collection of information associated with the Federal Railroad Administration’s (FRA) Final rule titled Certification of Dispatchers.
- The Federal Railroad Administration (hereafter “FRA” or the “Agency”) is publishing a Final Rule under Part 245, in the *Federal Register* (FR) on May 21, 2024. See 89 FR 44766.
- The total number of burden hours requested for this submission is 3,996 hours.
- The total number of responses requested for this submission is 9,487.
- This entire submission is a program change.
- The answer to question 12 itemizes information collection requirements.

1. Circumstances that make collection of the information necessary.

Pursuant to the Rail Safety Improvement Act of 2008, Pub. L. No. 110-432, sec. 402, 122 Stat. 4848, 4884 (Oct. 16, 2008) (hereinafter “RSIA”), the Secretary of Transportation (Secretary) was required to submit a report to Congress addressing whether certification of certain crafts or classes of employees, including dispatchers, was necessary to reduce the number and rate of accidents and incidents or to improve railroad safety.¹ If the Secretary determined it was necessary to require the certification of certain crafts or classes of employees to reduce the number and rate of accidents and incidents or to improve railroad safety, section 402 of the RSIA stated the Secretary may prescribe such regulations. The Secretary delegated this authority to the Federal Railroad Administrator. 49 CFR 1.89. In response to the RSIA, the Secretary submitted a report to Congress on November 4, 2015,² stating that, based on FRA’s preliminary research, dispatchers and signal employees were potentially the most viable candidate railroad crafts for certification.

FRA is requiring railroads to develop programs for certifying individuals who perform

¹ See also 49 U.S.C. 20103 (providing FRA’s general authority to “prescribe regulations and issue orders for every area of railroad safety”).

² www.regulations.gov/document/FRA-2022-0019-0001.

dispatching tasks on their networks. Under this rule, railroads are required to have formal processes for training prospective dispatchers, as well as verifying that each dispatcher has the requisite knowledge, skills, safety record, and abilities to safely perform all of the safety-related dispatcher duties mandated by Federal laws and regulations, prior to certification. In addition, railroads are required to have formal processes for revoking certification for dispatchers who violate specified minimum requirements.

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

The information collection outlined in 49 CFR part 245 will require railroads to develop programs for certifying individuals who perform dispatching tasks on their networks. Under this final rule, railroads will be required to have formal processes for training prospective dispatchers, as well as verifying that each dispatcher has the requisite knowledge, skills, safety record, and abilities to safely perform all of the safety-related dispatcher duties mandated by Federal laws and regulations, prior to certification. In addition, railroads will be required to have formal processes for revoking certification for dispatchers who violate specified minimum requirements.

This final rule entails several paperwork requirements, and specific details for each requirement can be found in question 12 of this document.

3. Extent of automated information collection.

FRA strongly encourages the use of advanced information technology, wherever feasible, to reduce burden on respondents. Part 245 allows each railroad to maintain records electronically as long as their system meets the specified criteria to safeguard the integrity of the electronic data storage system, including the prevention of unauthorized access to the program logic and authenticity of each record. Railroads also have the option of issuing certificates electronically or in paper form. Additionally, electronic signatures by the railroads are permitted under this final rule.

4. Efforts to identify duplication.

To FRA's knowledge, this information is not duplicated anywhere. Similar data is not available from any other source.

5. Efforts to minimize the burden on small businesses.

The Regulatory Flexibility Act of 1980 requires a review of proposed and final rules to assess their impact on small entities, unless the Secretary certifies that the rule would not have a significant economic impact on a substantial number of small entities. "Small entity" is defined in 5 U.S.C. 601 as a small business concern that is independently owned and operated and is not dominant in its field of operation. The U.S. Small

Business Administration (SBA) has authority to regulate issues related to small businesses, and stipulates in its size standards that a “small entity” in the railroad industry is a for profit “line-haul railroad” that has fewer than 1,500 employees, a “short line railroad” with fewer than 1,500 employees, a “commuter rail system” with annual receipts of less than \$47.0 million dollars, or a contractor that performs support activities for railroads with annual receipts of less than \$34.0 million.³

Federal agencies may adopt their own size standards for small entities in consultation with SBA and in conjunction with public comment. Under that authority, FRA has published a proposed 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 part 1201, General Instruction 1-1, which is \$20 million or less in inflation-adjusted annual revenues,⁴ and commuter railroads or small governmental jurisdictions that serve populations of 50,000 or less.⁵ FRA is using this definition for the final rule.

When shaping the rule, FRA considered the impact that the rule would have on small entities. FRA has provided additional time for Class III railroads to comply with the final rule as compared to Class I railroads.

The final rule is applicable to all railroads, although only railroads with a dispatching function will be affected. FRA estimates there are 768 Class III railroads, of which 734 operate on the general system. These railroads are of varying size, with approximately 250 Class III railroads belonging to larger holding companies. FRA estimates that 140 Class III railroads have a dispatching function and therefore will be affected by this final rule.

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 245, including dispatcher certification and recertification programs, fitness requirements, initial and periodic testing of dispatchers, and territorial qualifications. For instance, without the information collected:

- Under § 245.9 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

³ U.S. Small Business Administration, “Table of Small Business Size Standards Matched to North American Industry Classification System Codes,” March 27, 2023.

⁴ The Class III railroad revenue threshold is \$46.3 million or less, for 2022.

⁵ See 68 FR 24891 (May 9, 2003) (codified at appendix C to 49 CFR part 209).

- concerning railroad compliance with any of the requirements of this regulation.
- Under §§ 245.101 and 245.103, FRA would be unable to review and approve dispatcher certification program submissions to ensure that railroads have established written programs that meet part 245's requirements.
 - Under § 245.111, individuals with unsafe driving records might be certified as dispatchers because railroads did not have information regarding an individual's prior safety conduct as a motor vehicle operator.
 - Under §§ 245.117 and 245.118 pertaining to visual and hearing acuity, individuals might be certified as dispatchers who did not have the physical capabilities to perform their assigned duties.
 - Under §§ 245.119 and 245.121, dispatchers would not receive the essential training, and FRA would have no way to be certain that they had received knowledge testing critical to the proper and safe performance of their duties.
 - Under § 245.120, 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 a dispatcher who possesses the necessary territorial qualifications.
 - Under § 245.123, FRA would have no way to ascertain whether railroads were monitoring the operational performance of dispatchers.
 - Under § 245.215, FRA could not be assured those railroads are properly carrying out their oversight responsibilities to conduct an annual review and analysis of their programs for responding to detected instances of poor safety conduct by their certified dispatchers.
 - Under §§ 245.301 through 245.307, FRA could not be assured that there would be a formalized process in place regarding the denial, suspension, and revocation of a dispatcher'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 will require each railroad that issues dispatcher certificates to maintain a record for each applicant or certified dispatcher that contains the pertinent information the railroad relied on in making its determinations. All records required to be retained must be retained for six years from the date of the railroad's certification, recertification, denial, or revocation decision. Also, railroads are required to make these records available to FRA representatives, upon request, in a timely manner.

All other information collection requirements contained in the final rule are in compliance with this section.

8. Compliance with 5 CFR 1320.8.

FRA is publishing a final rule in the Federal Register on May 21, 2024, titled *Certification of Dispatchers*.⁶

FRA received 33 comments on the NPRM⁷ and the related Regulatory Impact Analysis (RIA) from State agencies, labor organizations, trade associations, consulting firms, a public-interest law firm and policy center, and individuals. The details of those comments and FRA responses are covered in the final rule document.

Specifically, there were comments that impacted the paperwork burden under 49 CFR §§ 245.101 and 245.103 which led to an increase in the burden from from 3,819 hours to 3,996 hours since the NPRM publication.

9. Payments or gifts to respondents.

There are no monetary payments or gifts made to respondents associated with the information collection requirements contained in this final rule.

10. Assurance of confidentiality.

Regarding the protection of confidentiality, § 245.115(f) of the final rule states the following:

Nothing in this part shall affect the responsibility of the railroad under § 219.1003(f) of this chapter to treat qualified referrals for substance abuse counseling and treatment as confidential; and the certification status of a dispatcher who is successfully assisted under the procedures of that section shall not be adversely affected. However, the railroad shall include in its referral policy, a provision that, at least with respect to a certified dispatcher or a candidate for certification, the policy of confidentiality is waived (to the extent that the railroad shall receive from the SAP [Substance Abuse Professional] or

⁶89 FR 44766.

⁷88 FR 35574. Docket No. FRA-2022-0019, <https://www.regulations.gov/docket/FRA-2022-0019/comments>.

DAC [Drug and Alcohol Counselor] 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. For instance, no Privacy Impact Analysis was performed concerning Part 245; however, one has been previously performed for Part 219.

11. Justification for any questions of a sensitive nature.

There are no questions or information of a sensitive nature or data that would normally be considered private contained in this information collection.

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 responses (B)	Total annual burden hours (C) = A * B	Wage rate (D) ⁸	Total cost equivalent (E) = C * D	Section analyses and estimates
245.9—Waivers—Petitions	203 railroads	0.33 petitions	3 hours	1.00 hour	\$77.44	\$77.44	A person subject to a requirement of this part may petition FRA for a waiver of compliance with such requirement. FRA estimates that it will take approximately three hours to complete each waiver request.
245.101/.103—Certification program required and FRA review of certification program—Development of	203 railroads + ASLRRRA and holding	66 plans (14 Class I and commuter railroads plans +	120 hours + 550 hours + 15 hours	2,636.55 hours	\$115.24	\$303,836.02	Each railroad subject to this part shall have a written dispatcher certification program, in accordance with the procedures and

⁸ Throughout the tables in this document, the dollar equivalent cost is derived from the 2020 Surface Transportation Board’s Full Year Wage A&B data series using the appropriate employee group hourly wage rate that includes 75-percent overhead charges.

certification program in accordance with this Part and procedures contained under § 245.107 —Railroads with Current Dispatching Operations and New Dispatching Railroads (Note: Each certification program includes procedure requirements under § 245.111 through § 245.121.)	companies	0.33 generic program developed by ASLRRA and holding companies plans + 51.67 Class II and III railroads plans)					requirements contained in § 245.107. FRA estimates that it will take approximately 120 hours for Class I and commuter railroads, 15 hours for Class II and III railroads, and 550 hours for ASLRRA to develop each dispatcher certification program and file it with FRA.
245.103(d)(1) Dispatcher certification submission— Copies of the program provided to the president of each rail labor organization (RLO) that represents the railroad’s dispatchers and to all of the railroad’s dispatchers that are subject to this part	203 railroads	3 copies	15 minutes	0.75 hours	\$77.44	\$58.08	Each railroad that submits a program to FRA must simultaneously, with its submission, provide a copy of the program and the request for approval to the president of each labor organization that represents the railroad’s dispatchers and to all of the railroad’s dispatchers that are subject to this part. FRA estimates that it will take approximately 15 minutes to make each copy and serve it on the president of each labor organization and the railroad’s dispatchers.
—(d)(2) Affirmative statements that the railroad has provided a copy of the program to RLOs and the railroad’s dispatchers	203 railroads	3 affirmative statements	15 minutes	0.75 hours	\$77.44	\$58.08	Each railroad that submits a program to FRA must include in its submission to FRA, a statement affirming that the railroad has provided a copy of the program and the request for approval to the president of each labor organization that represents the railroad’s dispatchers and to all of the

							<p>railroad's dispatchers that are subject to this part, along with a list of the names and email addresses of each president of a labor organization who was provided a copy of the program.</p> <p>FRA estimates that it will take approximately 15 minutes to complete each affirmative statement.</p>
<p>—(e) Comment Period— Comments on a railroad's program by any designated representative of dispatchers subject to this part or any directly affected person who does not have a designated representative</p>	203 railroads	12 comments	4 hours	48.00 hours	\$77.44	\$3,717.12	<p>Any designated representative of dispatchers subject to this part or any directly affected person who does not have a designated representative may comment on a railroad's program.</p> <p>FRA estimates that it will take approximately four hours to complete each comment.</p>
<p>—(g) Material Modifications of FRA-approved program— Railroad to submit a description of how it intends to modify the program and a copy of the modified program to FRA</p>	The paperwork burden for this requirement is outside the scope of the 3-year PRA review period.						
<p>—(h) Resubmission— Railroad can resubmit its program or material modification after addressing all of the deficiencies noted by FRA and the resubmission must conform with the procedures and requirements</p>	203 railroads	3.67 revised plans (Class I and commuter railroads)	20 hours	73.40 hours	\$77.44	\$5,684.10	<p>If FRA disapproves a railroad's program or material modification, the railroad can resubmit its program or material modification after addressing all of the deficiencies noted by FRA.</p> <p>FRA estimates that it will take each</p>

contained in § 245.107							railroad approximately 20 hours to revise each dispatcher program and resubmit it to FRA.
—(i) Rescinding Prior Approval of Program— Railroad to resubmit its certification program and the program must conform with the procedures and requirements contained in § 245.107	The paperwork burden for this requirement is outside the scope of the 3-year PRA review period.						
245.105(c)(1) and (d)(1)— Implementation schedule for certification programs— Designation of certified dispatcher	203 railroads	522 designated dispatchers	5 minutes	43.50 hours	\$77.44	\$3,368.64	Each railroad shall in writing designate as certified dispatchers all persons authorized by the railroad to perform the duties of a dispatcher. FRA estimates that it will take approximately 5 minutes to designate each individual as a certified dispatcher.
—(c)(2) and (d)(2) Issue a certificate that complies with § 245.207 to each person that it designates	203 railroads	522 issued certificate cards	3 minutes	26.10 hours	\$77.44	\$2,021.18	Each railroad shall issue a certificate that complies with § 245.207 to each person that it designates. FRA estimates that it will take approximately 3 minutes to issue a certificate card to each individual as a certified dispatcher.
—(f) Written requests for delayed certification— Railroad may wait to recertify the person making the request until the end of the three-year period after FRA has	FRA anticipates zero submissions.						

approved the railroad's certification program							
—(g) Testing and evaluation —Railroad shall only certify or recertify a person as a dispatcher if that person has been tested and evaluated in accordance with procedures that comply with subpart B of this part	The paperwork burden for testing and evaluation is included in the economic burden and the burden for certificates is included under § 245.105.						
245.107—Requirements for Certification Programs— Procedures for Obtaining and Evaluating Motor Vehicle Driving Record Data	The paperwork requirements described in this section are accounted for throughout this table.						
245.109(a)—Determinations required for certification and recertification—Eligibility requirements	The paperwork burden for this requirement is covered under § 245.111 through § 245.121 and § 245.303.						
—(b) Person entering into an agreement that results in a railroad obtaining the information needed for compliance with this subpart in a different manner than that prescribed in § 245.111 or § 245.113	As a condition of employment, dispatchers will sign an agreement upon being hired. There is no paperwork burden since this is the usual and customary procedure.						
245.111(a)-(c)—Prior safety conduct as motor vehicle operator—Eligibility requirements of this section involving prior conduct as a motor vehicle operator	203 railroads	522 motor vehicle records	5 minutes	43.50 hours	\$77.44	\$3,368.64	After FRA has approved a railroad's dispatcher certification program, the railroad, prior to initially certifying or recertifying any person as a dispatcher, shall determine that the person meets the eligibility requirements of this section involving prior conduct as a

							motor vehicle operator. FRA estimates that it will take approximately 5 minutes to look at the person's file/database and make the necessary determination.
—(e) If driver information is not obtained as required pursuant to paragraph (g) of this section, that person or the railroad certifying or recertifying that person may petition for a waiver in accordance with the provisions of part 211 of this chapter	203 railroads	2 waivers	2 hours	4.00 hours	\$77.44	\$309.76	If a person requests the information required pursuant to paragraph (g) of this section but is unable to obtain it, that person or the railroad certifying or recertifying that person may petition for a waiver of the requirements of paragraph (a) of this section in accordance with the provisions of part 211 of this chapter. A railroad shall certify or recertify a person during the pendency of the waiver request if the person otherwise meets the eligibility requirements provided in § 245.109(a)(2)-(5). FRA estimates that it will take approximately 2 hours to complete each waiver request.
—(f) Individual's duty— Consent to make information concerning driving record available to that railroad	This is usual and customary procedure. The consent form is signed at the time of hiring to make driving information available to the railroad.						
—(g)-(h) Request to obtain driver's license information from licensing agency	203 railroads	522 written requests	5 minutes	43.50 hours	\$59.00	\$2,566.50	Each person seeking certification or recertification under this part shall request, in writing, that the chief of each driver licensing agency identified in paragraph (h) of this section provide a copy of that agency's available information

							concerning their driving record to the railroad that is considering such certification or recertification. FRA estimates that it will take approximately 5 minutes to complete each written request.
—(i) Requests for additional information from licensing agency	The paperwork burden for this requirement is included under § 242.111(g)-(h).						
—(j) Notification to railroad by persons of never having a license	203 railroads	2 notices	10 minutes	0.33 hours	\$77.44	\$25.56	Any person who has never obtained a motor vehicle driving license is not required to comply with the provisions of paragraph (g) of this section but shall notify the railroad of that fact in accordance with procedures established by the railroad in its certification program. FRA estimates that it will take approximately 10 minutes to complete each notice.
—(k) Report of motor vehicle incidents described in paragraphs (m)(1) and (2) of this section to the certifying railroad within 48 hours	203 railroads	10 self-reports	10 minutes	1.67 hours	\$77.44	\$129.32	Each certified dispatcher or person seeking initial certification shall report motor vehicle incidents described in paragraphs (m)(1) and (2) of this section to the certifying 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. FRA estimates that it will take

							approximately 10 minutes for each employee to self-report.
—(l)-(m) Evaluation of person's driving record by railroad	203 railroads	522 motor vehicle record evaluations	5 minutes	43.50 hours	\$71.89	\$3,127.22	<p>When evaluating a person's motor vehicle driving record, a railroad shall not consider information concerning motor vehicle driving incidents that occurred:</p> <p>(1) Prior to the effective date of this rule;</p> <p>(2) More than three years before the date of the railroad's certification decision; or</p> <p>(3) At a time other than that specifically provided for in §§ 245.111, 245.113, 245.115, or 245.303.</p> <p>A railroad shall only consider information concerning the following types of motor vehicle incidents: (1) A conviction for, or completed state action to cancel, revoke, suspend, or deny a motor vehicle driver's license for operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance; or (2) A conviction for, or completed state action to cancel, revoke, suspend, or deny a motor vehicle driver's license for refusal to undergo such testing as is required by State or foreign law when a law enforcement official seeks to determine whether a</p>

							<p>person is operating a vehicle while under the influence of alcohol or a controlled substance.</p> <p>FRA estimates that it will take approximately 5 minutes to conduct each motor vehicle record evaluation.</p>
—(n)(1) DAC referral by railroad after report of driving drug/alcohol incident	203 railroads	9 DAC referrals	5 minutes	0.75 hours	\$115.24	\$86.43	<p>If such an incident, described in paragraph (m) of this section, is identified, 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.</p> <p>FRA estimates that it will take approximately 5 minutes to provide the necessary data/service record and complete each referral for evaluation.</p>
—(n)(2) DAC request and supply by persons of prior counseling or treatment	203 railroads	1 request and supplied record	30 minutes	0.50 hours	\$115.24	\$57.62	<p>If such an incident, described in paragraph (m) of this section, is identified, 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.</p> <p>FRA estimates that it will take approximately 30 minutes for the</p>

							DAC professional to make the records request and for the certification candidate to supply the necessary records.
—(n)(3) Conditional certifications recommended by DAC	203 railroads	3 conditional certification recommendations	4 hours	12.00 hours	\$115.24	\$1,382.88	<p>If such an incident, described in paragraph (m) of this section, is identified, 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 subpart H to part 219, as well as part 40.</p> <p>FRA estimates that it will take approximately 4 hours to conduct the necessary evaluation and make the conditional certification recommendation.</p>
245.113(b)—Prior safety conduct with other railroads— Certification candidate has not been employed or certified by any other railroad in the previous five years, they do not have to submit a request in accordance with paragraph	This is usual and customary procedure and, therefore, there is no paperwork burden.						

(c) of this section, but they must notify the railroad of this fact in accordance with procedures established by the railroad in its certification program							
—(c) Person seeking certification or recertification under this part shall submit a written request to each railroad that employed or certified the person within the previous five years	203 railroads	3.33 requests	15 minutes	0.83 hours	\$77.44	\$64.28	Except as provided for in paragraph (b) of this section, each person seeking certification or recertification under this part shall submit a written request to each railroad that employed or certified the person within the previous five years. FRA estimates that it will take approximately 15 minutes for each request.
—(e) and (g) Railroad shall provide the information requested to the railroad designated in the written request	203 railroads	3.33 records	15 minutes	0.83 hours	\$77.44	\$64.28	Within 30 days after receipt of a written request that complies with paragraph (c) of this section, a railroad shall provide the information requested to the railroad designated in the written request. FRA estimates that it will take approximately 15 minutes for each record request.
—(f) An explanation shall state why the railroad cannot provide the information within the requested time frame or cannot provide the requested information	FRA anticipates zero submissions.						

245.115(a)—Substance abuse disorders and alcohol drug rules compliance— Determination that person meets eligibility requirements	203 railroads	459 determinations	2 minutes	15.30 hours	\$77.40	\$1,184.22	After FRA has approved a railroad’s dispatcher certification program, the railroad shall determine, prior to issuing any person a dispatcher certificate, that the person meets the eligibility requirements of this section. FRA estimates that it will take approximately two minutes to conduct the necessary evaluation and make the conditional certification recommendation.
—(b) Written documents from DAC providing results of their evaluation that person is or is not affected by a substance abuse disorder	203 railroads	20 filed documents	30 minutes	10.00 hours	\$115.24	\$1,152.40	In order to make the determination required under paragraph (c) of this section, a railroad shall have on file documents pertinent to that determination, including a written document from its DAC which states their 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. FRA estimates that it will take approximately 30 minutes to file the required document.
—(c)(3) Fitness requirement— Voluntary self-referral by dispatcher for substance abuse counseling or treatment under the policy required by § 219.1001(b)(1) of this chapter	203 railroads	1 self-referral	10 minutes	0.17 hours	\$115.24	\$19.59	In the case of a current employee of a railroad evaluated as having an active substance abuse disorder (including a person identified under the procedures of § 245.111), the employee may, if otherwise

							<p>eligible, voluntarily self-refer for substance abuse counseling or treatment under the policy required by § 219.1001(b)(1) of this chapter; and the railroad shall then treat the substance abuse evaluation as confidential except with respect to ineligibility for certification.</p> <p>FRA estimates that it will take approximately 10 minutes for each employee to self-refer.</p>
—(d)(1)-(d)(2) Prior alcohol/drug conduct; Federal rule compliance	203 railroads	522 certification reviews	10 minutes	87.00 hours	\$115.24	\$10,025.88	<p>A review of certification shall be initiated promptly upon the occurrence and documentation of any incident of conduct described in this paragraph.</p> <p>FRA estimates that it will take approximately 10 minutes to conduct each certification review.</p>
—(d)(3)(i) Written determination that most recent incident has occurred	203 railroads	8 written determinations	1 hour	8.00 hours	\$115.24	\$921.92	<p>A period of ineligibility described in this section shall begin for a person not currently certified, on the date of the railroad's written determination that the most recent incident has occurred.</p> <p>FRA estimates that it will take about one hour to complete each written determination.</p>
—(d)(3)(ii) Notification to person that recertification has been denied	203 railroads	8 notifications	30 minutes	4.00 hours	\$77.44	\$309.76	<p>A period of ineligibility described in this section shall begin for a person currently certified, on the date of the railroad's notification to the person that recertification has</p>

							<p>been denied or certification has been suspended.</p> <p>FRA estimates that it will take approximately 30 minutes to complete each notification.</p>
—(d)(4) Persons/dispatchers waiving investigation/de-certifications	203 railroads	5 waived investigations	10 minutes	0.83 hours	\$77.44	\$64.28	<p>In the case of one violation of § 219.101 of this chapter, the person shall be ineligible to hold a certificate for a period of nine months (unless identification of the violation was through a qualifying referral program described in § 219.1001 of this chapter and the dispatcher waives investigation, in which case the certificate shall be deemed suspended during evaluation and any required primary treatment as described in paragraph (e) of this section).</p> <p>FRA estimates that it will take approximately 10 minutes for each dispatcher to waive investigation.</p>
245.117(a)-(c)—Visual acuity —Determination vision standards met	203 railroads	522 records	2 minutes	17.40 hours	\$71.89	\$1,250.89	<p>After FRA has approved a railroad’s dispatcher certification program, the railroad shall determine, prior to issuing any person a dispatcher certificate, that the person meets the standards for visual acuity prescribed in this section and Appendix B to this part. Any examination required under this section shall be performed by or under the supervision of a medical examiner or a licensed</p>

							physician's assistant. FRA estimates that it will take 2 minutes to complete each record.
—(d)(1) Request for retest and another medical evaluation	203 railroads	5 records	2 minutes	0.17 hours	\$71.89	\$12.22	In accordance with the guidance prescribed in Appendix B to this part, a person is entitled to: (i) One retest without making any showing; and (ii) An additional retest if the person provides evidence that circumstances have changed since the last test to the extent that the person may now be able to safely perform as a dispatcher. FRA estimates that it will take 2 minutes to complete each record.
—(d)(2) Railroad to provide a copy of this part to medical examiner	203 railroads	522 copies	5 minutes	43.50 hours	\$71.89	\$3,127.22	The railroad shall provide its medical examiner with a copy of this part, including all appendices. FRA estimates that it will take 5 minutes to complete each copy.
—(d)(3) Consultations by medical examiners with railroad officer and issue of conditional certification	203 railroads	5 consultations + conditional certifications	30 minutes + 10 minutes	3.33 hours	\$71.89	\$239.39	If, after consultation with a railroad officer, the medical examiner concludes that, despite not meeting the threshold(s) in paragraph (c) of this section, the person has the ability to safely perform as a dispatcher, the railroad may conclude that the person satisfies the visual acuity requirements of this section to be a certified dispatcher. Such certification will

							<p>be conditioned on any special restrictions the medical examiner determines in writing to be necessary.</p> <p>FRA estimates that it will take about 30 minutes to complete each consultation and about 10 minutes to complete each conditional certification.</p>
—(g) Notification by certified dispatcher of deterioration of vision	203 railroads	1 notification	10 minutes	0.17 hours	\$71.89	\$12.22	<p>When a certified dispatcher becomes aware that their vision has deteriorated, they shall notify the railroad’s medical department or other appropriate railroad official of the deterioration. Such notification must occur prior to performing any subsequent service as a dispatcher. The individual cannot return to service as a dispatcher until they are reexamined and determined by the railroad’s medical examiner to satisfy the visual acuity standards prescribed in this section and Appendix B to this part.</p> <p>FRA estimates that it will take about 10 minutes to complete each notification.</p>
245.118(a)-(c)—Hearing acuity—Determination hearing standards met	203 railroads	522 medical records	2 minutes	17.40 hours	\$71.89	\$1,250.89	<p>After FRA has approved a railroad’s dispatcher certification program, the railroad shall determine, prior to issuing any person a dispatcher certificate, that</p>

							the person meets the standards for hearing acuity prescribed in this section and Appendix B to this part. Any examination required under this section shall be performed by or under the supervision of a medical examiner or a licensed physician's assistant. FRA estimates that it will take 2 minutes to complete each record.
—(d)(1) Request for retest and another medical evaluation	203 railroads	5 records	2 minutes	0.17 hours	\$71.89	\$12.22	In accordance with the guidance prescribed in Appendix B to this part, a person is entitled to: (i) One retest without making any showing; and (ii) An additional retest if the person provides evidence that circumstances have changed since the last test to the extent that the person may now be able to safely perform as a dispatcher. FRA estimates that it will take 2 minutes to complete each record.
—(d)(2) Railroad to provide a copy of this part to medical examiner	203 railroads	522 copies	5 minutes	43.50 hours	\$71.89	\$3,127.22	The railroad shall provide its medical examiner with a copy of this part, including all appendices. FRA estimates that it will take 5 minutes to complete each copy.
—(d)(3) Consultations by medical examiners with railroad officer and issue of conditional certification	203 railroads	5 consultations + conditional certifications	30 minutes + 10 minutes	3.33 hours	\$71.89	\$239.39	If, after consultation with a railroad officer, the medical examiner concludes that, despite not meeting the threshold(s) in paragraph (c) of this section, the person has the ability to safely perform as a

							<p>dispatcher, the railroad may conclude that the person satisfies the hearing acuity requirements of this section to be a certified dispatcher. Such certification will be conditioned on any special restrictions the medical examiner determines in writing to be necessary.</p> <p>FRA estimates that it will take about 30 minutes to complete each consultation and about 10 minutes to complete each conditional certification.</p>
—(g) Notification by certified dispatcher of deterioration of hearing	203 railroads	1 notification	10 minutes	0.17 hours	\$71.89	\$12.22	<p>When a certified dispatcher becomes aware that their hearing has deteriorated, they shall notify the railroad’s medical department or other appropriate railroad official of the deterioration. Such notification must occur prior to performing any subsequent service as a dispatcher. The individual cannot return to service as a dispatcher until they are reexamined and determined by the railroad’s medical examiner to satisfy the hearing acuity standards prescribed in this section and Appendix B to this part.</p> <p>FRA estimates that it will take about 10 minutes to complete each notification.</p>

245.119(b)—Training requirements—A railroad’s election for the training of dispatchers shall be stated in its certification program	The paperwork burden for this requirement is covered under §§ 245.101 and 245.103.						
—(c) Initial training program for persons not previously certified as dispatchers	203 railroads	71 training programs	3 hours	213.00 hours	\$115.24	\$24,546.12	A railroad that elects to train persons not previously certified as dispatchers shall develop an initial training program. FRA estimates that it will take 3 hours to develop each training program.
—(c)(3) Modification to training program when new safety-related railroad laws, regulations, etc. are introduced into the workplace	The paperwork burden for this requirement is outside the scope of the 3-year PRA review period.						
—(d) Relevant information or materials on safety or other rules made available to certification candidates	The paperwork burden for this requirement is covered under §§ 245.101 and 245.103.						
—(e) and (f) Completion of initial training program by a person being certified as a dispatcher—Written documentation showing completed training program that complies with paragraph (c) of this section	203 railroads	67 written documents or records	10 minutes	11.17 hours	\$77.44	\$865.00	A railroad shall have written documentation showing that: (1) The person completed a training program that complies with paragraph (c) of this section (if the person has not been previously certified as a dispatcher); (2) The person demonstrated their knowledge by achieving a passing grade under the testing and evaluation procedures of the

							<p>training program; and (3) The person achieved a passing score on the physical characteristics exam associated with the territories, or its pertinent segments, over which the person will be performing dispatching service.</p> <p>FRA estimates that it will take 10 minutes to complete each record.</p>
—(e)(3) Employee consultation with qualified supervisory employee if given written test to demonstrate knowledge of physical characteristics of any assigned territory	The paperwork burden for this requirement is covered under § 245.119(e)-(f).						
—(g) Certification program is submitted in accordance with the procedures and requirements described in § 245.107	The paperwork burden for this requirement is covered under §§ 245.101 and 245.103.						
—(h) Familiarization training for dispatcher of acquiring railroad from selling company/railroad prior to commencement of new operation	FRA anticipates zero submissions.						
—(i) Continuing education of certified dispatchers	203 railroads	522 training records	15 minutes	130.50 hours	\$71.89	\$9,381.65	A railroad shall provide for the continuing education of certified dispatchers to ensure that each dispatcher maintains the necessary knowledge concerning: (1)

							<p>Railroad safety and operating rules; (2) Physical territory; (3) Dispatching systems and technology; and (4) Compliance with all applicable Federal regulations including, but not limited to, hazardous materials, passenger train emergency preparedness, emergency response procedures, and physical characteristics of a territory.</p> <p>FRA estimates that it will take 15 minutes to complete each record.</p>
245.120—Requirements for territorial qualification — Determining eligibility	The paperwork burden for this requirement is covered under § 245.119.						
—(b) Notification by persons who do not meet territorial qualification	The paperwork burden for this requirement is covered under § 245.119.						
245.121(a)-(c)—Knowledge testing—Determining eligibility	203 railroads	522 test records	5 minutes	43.50 hours	\$77.44	\$3,368.64	<p>After FRA has approved a railroad’s dispatcher certification program, the railroad shall determine, prior to issuing any person a dispatcher certificate and in accordance with the requirements of this section, that the person has demonstrated sufficient knowledge of the railroad’s rules and practices for the safe movement of trains.</p> <p>FRA estimates that it will take about 5 minutes to complete each</p>

							test record.
—(d) Reexamination of the failed test	203 railroads	2 examination records	5 minutes	0.17 hours	\$77.44	\$13.16	<p>If a person fails the test, no railroad shall permit or require that person to function as a dispatcher prior to that person's achieving a passing score during a reexamination of the test.</p> <p>FRA estimates that it will take about 5 minutes to complete each record.</p>
245.123(c)—Monitoring operational performance—Unannounced compliance tests—Retention of a written record	203 railroads	1,822 records	2 minutes	60.73 hours	\$77.44	\$4,702.93	<p>A certified dispatcher who is not performing service that requires certification pursuant to this part does not need to be given an unannounced compliance test. However, when the certified dispatcher returns to service that requires certification pursuant to this part, the railroad shall: Give the certified dispatcher an unannounced compliance test within 30 days of their return to dispatcher service; and retain a written record.</p> <p>FRA estimates that it will take about 2 minutes to complete each record.</p>
245.125—Certification determinations made by other railroads	203 railroads	3.33 determinations	30 minutes	1.67 hours	\$77.44	\$129.32	<p>A railroad that is considering certification of a person as a dispatcher may rely on certain determinations made by another railroad concerning that person's</p>

							certification. FRA estimates that it will take about 30 minutes to complete each determination.
245.203(b)—Retaining information supporting determination—Records	203 railroads	522 record retentions	15 minutes	130.50 hours	\$77.44	\$10,105.92	After FRA approves a railroad’s dispatcher certification program, any time the railroad issues, denies, or revokes a certificate after making the determinations required under § 245.109, it shall maintain a record for each certified dispatcher and certification candidate. This record shall include all of the information listed in paragraph (b) of this section. FRA estimates that it will take about 15 minutes to maintain and retain each record.
—(g) Amended electronic records	203 railroads	1 amended record	15 minutes	0.25 hours	\$77.44	\$19.36	Any amendment to a record is either: (i) Electronically stored apart from the record that it amends; or (ii) Electronically attached to the record as information without changing the original record. FRA estimates that it will take 15 minutes to amend an electronic record.
245.205—List of certified dispatchers and recordkeeping.	The paperwork requirement for this burden is covered under § 245.105(c)(1) and (d)(1).						

245.207(a)-(e)—Certificate requirements	The paperwork requirement for this burden is covered under § 245.105(c)(2) and (d)(2).						
—(f)-(g) Replacement of certificates	203 railroads	15 replacement certificates	5 minutes	1.25 hours	\$77.44	\$96.80	If a dispatcher’s certificate is lost, stolen, or mutilated, the railroad shall promptly replace the certificate at no cost to the dispatcher. FRA estimates that it will take 5 minutes to replace each certificate.
—(h) Notification by dispatchers that railroad request to serve exceeds certification	203 railroads	30 notifications	30 seconds	0.25 hours	\$71.89	\$17.97	Any dispatcher who is notified or called to serve as a dispatcher and such service would cause the dispatcher to exceed certificate limitations, set forth in accordance with subpart B of this part, shall immediately notify the railroad that they are not authorized to perform that anticipated service and it shall be unlawful for the railroad to require such service. FRA estimates that it will take 30 seconds for the dispatcher to notify the railroad.
245.213(a)-(h)—Multiple Certificates—Notification of denial, suspension, or revocation of certification by individuals holding multiple certifications	203 railroads	3 notifications	10 minutes	0.50 hours	\$77.44	\$38.72	A person who holds a current dispatcher certificate from more than one railroad shall immediately notify the other certifying railroad(s) if they are denied dispatcher certification or recertification under § 245.301 by another railroad or have their dispatcher certification suspended or revoked under § 245.307 by

							another railroad. FRA estimates that it will take 10 minutes for each notification.
—(i) In lieu of issuing multiple certificates, a railroad may issue one certificate to a person who is certified in multiple crafts	The paperwork requirement for this burden is covered under § 245.105.						
245.215—Railroad oversight responsibilities—Review and analysis of administration of certification program	203 railroads	17.33 annual reviews and analyses	8 hours	138.64 hours	\$115.24	\$15,976.87	No later than March 31 of each year (beginning in calendar year 2027), each Class I railroad (including the National Railroad Passenger Corporation), each 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 dispatchers during the prior calendar year. FRA estimates that it will take approximately 8 hours to conduct a formal annual review and analysis.
—(d) Report of findings and conclusions reached during annual review by railroad (if requested in writing by FRA, RLO president, or certified dispatcher not represented by labor organization) review	203 railroads	2 reports	4 hours	8.00 hours	\$115.24	\$921.92	If requested in writing by FRA, by an RLO president, or by a railroad’s certified dispatcher that is not represented by a labor organization, the railroad shall provide a report of the findings and conclusions reached during such

and analysis effort.							annual review and analysis effort. FRA estimates that it will take approximately 4 hours to complete each report.
245.301(a)—Denial of certification—Notification to candidate of information that forms basis for denying certification and candidate response	203 railroads	2 notices + 1 response	1 hour	3.00 hours	\$77.44	\$232.32	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 dispatcher candidate with any documents or records, including written statements, related to failure to meet a requirement of this part which support its pending denial decision. FRA estimates that it will take about one hour to complete each notification letter and about one hour to complete each rebuttal response.
—(b) Denial Decision Requirements—Written notification of denial of certification by railroad to candidate	203 railroads	2 notifications	1 hour	2.00 hours	\$77.44	\$154.88	If a railroad denies a person certification or recertification, it shall issue a decision that complies with all of the following requirements: (1) It must be in writing. (2) It must explain the basis for the railroad’s denial decision. (3) It must address any

							<p>explanation or rebuttal information that the certification candidate provided pursuant to paragraph (a) of this section. (4) It must include the date of the railroad's decision. (5) It must be served on the candidate no later than 10 days after the railroad's decision.</p> <p>FRA estimates that it will take approximately 1 hour to complete each notification.</p>
245.307(b)(1)-(b)(4)— Process for revoking certification—Immediate suspension of dispatcher's certification	203 railroads	5 suspended certification letters and documentations	30 minutes	2.50 hours	\$77.44	\$193.60	<p>Except as provided for in § 245.115(f), if a railroad acquires reliable information that a dispatcher, who is currently certified by the railroad, has violated a railroad operating rule or practice described in § 245.303(e) or § 245.115(d), the railroad shall undertake a process to determine whether revocation of the dispatcher's certification is warranted.</p> <p>FRA estimates that it will take 30 minutes to complete each letter.</p>
—(b)(5)-(b)(6) Determinations based on the record of the hearing, whether revocation of the certification is warranted	The paperwork requirement for this burden is covered under § 245.307(e).						
—(b)(7) Retention of record of the hearing for three years after the date the decision is rendered	203 railroads	5 records	15 minutes	1.25 hours	\$77.44	\$96.80	The railroad shall retain the record of the hearing for three years after the date the decision is rendered.

							FRA estimates that it will take 15 minutes to retain each record.
—(d)(9) Hearing Procedures — Written waiver of right to hearing	203 railroads	1 written waiver	10 minutes	0.17 hours	\$59.00	\$10.03	A person may waive their right to a hearing. That waiver shall: (i) Be in writing; (ii) Reflect the fact that the person has knowledge and understanding of these rights and voluntarily surrenders them; and (iii) Be signed by the person making the waiver. FRA estimates that it will take 10 minutes to complete each waiver.
—(e) Revocation Decision Requirements—Written decisions by railroad official	203 railroads	5 written decisions and service of decisions	2 hours	10.00 hours	\$115.24	\$1,152.40	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 as to whether the railroad is revoking the dispatcher’s certification. FRA estimates that it will take 2 hours to complete a written decision.
—(g) Revocation of certification based on information that another railroad has done so	203 railroads	1 revoked certification	10 minutes	0.17 hours	\$115.24	\$19.59	A railroad shall revoke a dispatcher’s certification if, during the period that certification is valid, the railroad acquires information which convinces it that another railroad has revoked the person’s dispatcher certification in accordance with the provisions of this section. Such revocation shall end on the same date that the revocation period ends for the railroad that initially revoked the

							<p>person's certification. The requirement to provide a hearing under this section is satisfied when any single railroad holds a hearing. No additional hearing is required prior to a revocation by more than one railroad arising from the same facts.</p> <p>FRA estimates that it will take 10 minutes to revoke a certificate.</p>
—(j) Placing relevant information in record if sufficient evidence meeting the criteria in paragraph (h) or (i) of this section becomes available	The paperwork requirement for this burden is covered under § 245.307(b)(7).						
—(k) Good faith determination	203 railroads	1 good faith determination	1 hour	1.00 hour	\$77.44	\$77.44	<p>If a railroad makes a good faith determination, after performing a reasonable inquiry, that the course of conduct provided for in paragraph (h) or (i) of this section is warranted, the railroad will not be in violation of paragraph (b)(1) of this section if it decides not to suspend the dispatcher's certification.</p> <p>FRA estimates that it will take one hour for each good faith determination.</p>
Subpart E—Dispute Resolution Procedures—§ 245.401 through § 245.411	The requirements under these provisions are exempted from the PRA under 5 CFR 1320.4(a)(2). Since these provisions pertain to an administrative action or investigation, there is no PRA burden associated with these requirements.						

Appendix A to Part 245 – Procedures for Obtaining and Evaluating Motor Vehicle Driving Record Data	The paperwork requirements described in this appendix are accounted for throughout this table.						
Appendix B to Part 245 – Medical Standards Guidelines	The paperwork requirements described in this appendix are accounted for throughout this table.						
Totals ⁹	203 railroads + ASLRRA and holding companies	9,487 responses	N/A	3,996 hours	N/A	\$425,087	

13. Estimate of total annual costs to respondents.

⁹ Totals may not add due to rounding throughout this document.

There are additional costs to respondents in addition to those in question number 12 above. Thus, the cost for certification cards for certified dispatchers is \$2,151.

	Number of dispatchers	Cost per card (\$)	Annual Cost (\$)
Annualized	522	4.12	2,151

14. Estimate of Cost to Federal Government.

FRA estimates that approximately one employee (at the GS-14 step 5 level; 2022 OPM Pay Schedule for the locality pay area of Washington-Baltimore-Arlington, DC-MD-VA-WV-PA) will review all the documentation associated with the requirements of Part 245.

Staff	Annual Salary (\$)	Salary Overhead Multiplier (75%)	Average Annual Government Cost (\$) Years 1 through 3
Railroad Safety Specialist (GS-14)	137,491	1.75	240,609

15. Explanation of program changes and adjustments.

This is a new collection of information associated with FRA’s new 49 CFR part 245 final rule. The total burden requested for this submission amounts to 3,996 hours, and the total number of responses requested is 9,487. The entire requested burden is a program change.

16. Publication of results of data collection.

There are no plans for publication regarding this information collection.

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 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 is not seeking approval to not display the expiration date.

18. Exception to certification statement.

No exceptions are taken at this time.