

1 FEDERAL RAILROAD ADMINISTRATION
Alleged Violation and Inquiry Form¹
Form FRA F 6180.151
SUPPORTING JUSTIFICATION
OMB Control No. 2130-0590

Summary of Submission

- 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 expires on July 31, 2024.
- The Federal Railroad Administration (hereafter “FRA” or “the Agency”) published the required 60-day Notice in the Federal Register on May 28, 2024. See 89 FR 46302. FRA received no comment in response to this Notice.
- Overall, FRA adjustments increased the burden by 50 hours and responses by 400 after a thorough review of the data.
- The answer to question number 15 itemizes all adjustments.

1. Circumstances that make collection of the information necessary

Since its inception, FRA has worked diligently and persistently to develop and implement a comprehensive rail safety program with the goal of reducing rail accidents/incidents and corresponding injuries, fatalities, and property damage. To have an effective program, FRA collects, organizes, analyzes, and assesses data provided by railroads. The data collected from railroads are usually submitted in conjunction with agency safety regulations, since this is the best means of maximizing the agency’s limited number of inspectors while promoting and maintaining a safe rail environment.

The data collected allow FRA to target its resources and refine and improve rail safety programs. Section 307(b) of the Rail Safety Improvement Act of 2008 (RSIA) came about with this goal in mind. That law, Public Law 110-432, enacted on October 16, 2008, mandates FRA to “provide a mechanism for the public to submit written reports of potential violations of Federal railroad safety and hazardous materials transportation laws, regulations, and orders to the Federal Railroad Administration.”

FRA has determined that the collection of information related to the submission of alleged violations is best received by means of this web inquiry agency form. The form’s structured format allows FRA to track the progress of an alleged violation during the investigation process. This congressionally mandated form provides the public with a vehicle to report alleged railroad safety and hazardous materials violations to FRA and thereby allows the public to actively participate in FRA’s vital safety mission to regulate

¹ FRA has revised the title of OMB Control Number 2130–0590 (formerly titled “Alleged Violation Reporting Form”).

and improve railroad safety throughout the United States.

FRA also has determined that using this web inquiry agency form to gather information and collect questions from the public about other issues (in addition to alleged violations) is an effective, efficient way for the public to engage with FRA and for FRA to provide information, answer questions, and address concerns.

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

The information collected by the FRA Alleged Violation and Inquiry Form² allows the public to submit alleged violations, complaints, or inquiries directly to FRA. The form allows FRA to collect information necessary to investigate the alleged violation, complaint, or inquiry, and to follow up with the submitting party. FRA may share the information collected with partnering States and law enforcement agencies.

The information collected by the web inquiry agency form, besides alleged violations, will be used to assist FRA in addressing other possible safety violations or concerns and to provide information and answers to the public. Active public participation highlighting alleged safety and hazardous materials regulatory violations allows FRA inspectors to better focus their investigations and resolve reported problems that might prove harmful to rail safety.

The form will guide the public to existing Federal informational resources and allow them to submit questions to FRA in one centralized location. This should allow the public to access information and submit inquiries to the correct Federal or other entity. This also should assist FRA and DOT in collecting data on areas of interest and improving its public resources.

3. Extent of automated information collection

For many years, FRA has strongly endorsed and highly encouraged the use of advanced information technology, wherever possible, to reduce burden on respondents. In particular, FRA has strongly advocated electronic recordkeeping on the part of railroads and, where feasible, electronic reporting. Section 307(b) of the RSIA mandates that FRA provide the alleged violation submission process on the home page of the agency's Website.

Thus, the public submission process to the agency is completely electronic (100 percent of responses).

4. Efforts to identify duplication

This collection of information is mandated by Congress and is, therefore, unique.

²Formerly titled "Alleged Violation Reporting Form."

Presently, no public or private entity specifically collects information relating to violations of Federal rail safety and hazardous materials regulations provided by the public. Similar data are not available from any other source.

5. Efforts to minimize the burden on small businesses

The information to be collected does not impose any burden on small businesses.

6. Impact of less frequent collection of information

If FRA were unable to collect this information or were to collect it less frequently, the agency would be unable to fulfill an important congressional mandate. As noted previously, the collection of information is required by section 307(b) of the RSIA. If FRA did not collect this information by providing a mechanism for members of the public to report alleged violations of Federal rail safety and hazardous materials regulations, FRA would not be in compliance with section 307(b).

Further, without this collection of information, FRA would be deprived of a unique and important resource to monitor rail safety throughout the nation. As noted earlier, FRA's limited number of inspectors cannot be everywhere that their presence is needed at all times. Having another resource—active public participation highlighting alleged safety and hazardous materials regulatory violations—allows these inspectors to better focus their investigations and resolve reported problems that might prove harmful to rail safety.

7. Special circumstances

All information collection requirements are in compliance with this section.

8. Compliance with 5 CFR 1320.8

As required by the Paperwork Reduction Act of 1995 (PRA) and 5 CFR 1320, FRA published a notice in the *Federal Register* on May 28, 2024,³ soliciting comment from the public, railroads, and other interested parties on these information collection requirements. FRA received no comments.

Consultations with representatives of the affected population:

As a part of FRA's oversight and enforcement processes, 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

³89 FR 46302.

There are no monetary payments provided or gifts made to respondents associated with this proposed collection of information.

10. Assurance of confidentiality

FRA fully complies with the Privacy Act of 1974 and other laws pertaining to privacy and the security of privacy data. Information collected as part of this information collection is used by FRA staff and government contractors to ensure all submissions of alleged violations, complaints, or inquiries are responded to in a timely manner and that FRA can gather appropriate details about the alleged violation, complaint, or inquiry for its investigation process.

All information submitted through Form FRA F 6180.151, including any identifying information, will be protected and will only be used to contact the submitters if FRA has any follow up questions.

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 matters contained in this proposed collection of information. However, FRA notes that submitters can voluntarily provide their names, email addresses, phone numbers, and addresses on the form. All information submitted through Form FRA F 6180.151, including any identifying information, will be protected and will only be used to contact the submitters if FRA has any follow up questions.

12. Estimate of burden hours for information collected

CFR Section	Respondent Universe	Total Annual Responses (A)	Average Time per Response (B)	Total Annual Burden Hours (C = A * B)	Total Cost Equivalent in U.S. Dollars (D = C * wage rates) ⁴
FRA Alleged Violation and Inquiry Form (Revised Form FRA F 6180.151)	Public	1000 forms	0.12 hours	120 hours	\$5,173
Total ⁵		1000 forms	N/A	120 hours	5,173

13. Estimate of total annual costs to respondents

⁴ Source: U.S. Department of Labor, Bureau of Labor Statistics (BLS) Employer Cost for Employee Compensation – December 2023. Hourly wage rate used is \$30.33 plus overhead of 30%. Total burdened wage rate is \$43.11.

⁵Totals may not add up due to rounding.

Other than the cost associated in question number 12 above, there will be no additional cost to the respondents of this form.

14. Estimate of cost to Federal Government

There is no additional cost to the Federal Government in connection with these information collection requirements. Reports of alleged violations, complaints, or inquiries are investigated by FRA inspectors as part of their regular enforcement activities.

15. Explanation of program changes and adjustments

Currently, the OMB inventory for this collection of information shows a total burden of 70 hours and 600 responses, while this submission reflects a total burden of 120 hours and 1000 responses.

Overall, the burden for this submission has increased by 50 hours and responses by 400. The increase in burden is a result of an increase in the estimated number of responses for the next three-year information collection period.

16. Publication of results of data collection

FRA plans no publication of this information.

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.