

Justification

**Railroad Service and Compensation Reports/
System Access Application/Report Certification**
RRB Forms BA-3 (Internet), BA-4 (Internet), BA-12 and G-440

1. Circumstances of information collection - Under Section 9 of the Railroad Retirement Act (RRA) (45 U.S.C. 231h) railroad employers are required to submit reports of their employees' service and compensation. In addition, under Section 9 of the RRA and Section 6 of the Railroad Unemployment Insurance Act (RUIA) (45 USC 231e), the Railroad Retirement Board (RRB) maintains, for each railroad employee, a record of the compensation paid by all railroad employers for whom the employee worked after 1936. This record, which is used by the RRB to determine eligibility for, and the amount of, benefits due under the laws it administers, is conclusive as to the amount of compensation paid to an employee during the period(s) covered by the report(s) of compensation by the employee's railroad employer(s), except in cases when an employee files a protest pertaining to his or her reported compensation within the statute of limitations cited in Section 9 of the RRA and Section 6 of the RUIA.

2. Purposes of collecting/consequences of not collecting the information - To enable the RRB to establish and maintain the record of compensation, employers are required under Section 6 of the RUIA and Section 9 of the RRA to file with the RRB, reports of their employees' compensation in such manner and form and at such times as the RRB by rules and regulations may prescribe. These information-reporting requirements are identified in 20 CFR 209.8 through 209.9. The prescribed reporting formats are Forms BA-3 and BA-4. Details about each of the reports follow.

Form BA-3 (Internet), Annual Report of Creditable Compensation, is submitted by employers who have authorization to access the RRB's Employer Reporting System (ERSNet). Access to ERSNet is granted only to employers who have completed RRB Form BA-12, *Application for Employer Reporting Internet Access*. Form BA-12 provides information used by the RRB to evaluate, grant, and document the level of access requested (view/only, data entry/modification, or approval/submission). Once the appropriate access is secured, an employer can complete and submit the BA-3 report online.

The online version of Form BA-3 *collects essentially the same information as the other approved versions of the BA-3*, however, it consists of a series of screens, which collect the necessary information and provide for the required notices and certifications, as well as help messages designed to guide the user through the system and complete a successful transaction.

Different from the other formats for filing a BA-3 report, filing online does not require the employer to sign the certification statement on Form G-440, *Report Specifications Sheet*, and submit it with every report. Instead, the employer signs the certification statement on Form BA-12 once; at the time that they apply for access to ERSNet.

The RRB proposes no changes to Form BA-3 (Internet).

Form BA-4 (Internet), Report of Creditable Compensation Adjustments, is submitted by employers who have authorization to access the RRB's Employer Reporting System

(ERSNet). Access to ERSNet is granted only to employers who have completed RRB Form BA-12, *Application for Employer Reporting Internet Access*. Form BA-12 provides information used by the RRB to evaluate the level of access requested and document the level of access granted (view/only, data entry/modification, or approval/submission). Once the appropriate access is secured, an employer can complete and submit the BA-4 (Internet) online.

The BA-4 (Internet) *collects essentially the same information as the other approved versions of the BA-4*, however, it consists of a series of screens (which collect the necessary information and provide for the required notices and certifications) and help messages designed to help the user navigate through the system and complete a successful transaction.=

Different from the other formats for filing a BA-4 report, filing online does not require the employer to sign the certification statement on the Form G-440, *Report Specifications Sheet*, and submit it with every report. Instead, the employer signs the certification statement on Form BA-12 once; at the time that they apply for access to ERSNet.

The RRB proposes no changes to Form BA-4 (Internet).=

Form BA-12, Application for Employer Reporting Internet Access, is used by the RRB to obtain identifying information from railroad employers about the employees they have selected to use the RRB's Employer Reporting System (ERSNet) and the appropriate level of access (read only, update (data entry/modification), and approval (certify and submit). Form BA-12 is completed by both the railroad employee seeking system access as well as by an authorized employer representative who approves the request. Within 7 days of the receipt of an acceptable application, the RRB mails a logon identification and a password to the employee that provides initial access to ERSNet. Upon initial entry to the system, the employee is prompted to establish a unique password. Form BA-12 is also used by an employer to terminate an employee's access. Completion of the BA-12 is voluntary and is necessary only if an employer wants to submit data and reports online.

The RRB proposes the creation of trusted referees from contact officials and updating the BA-12 to ensure the user is identity-proofed, in accordance with the National Institute of Standards and Technology (NIST) Special Publication 800-63A guidelines for proofing at an Identity Assurance Level 2, which requires ERSNet users to have their identity resolved, validated, and verified with a piece of superior or strong evidence, such as a state or federal government-issued photo ID of the applicant.

Contact officials will serve as trusted referees between the employer and the RRB. Rather than have the RRB collect a significant amount of PII, the trusted referee will perform the identity-proofing process for their rail employer's ERSNet applicants, which is permitted in NIST guidelines. Contact officials are maintained through Form G-117a, *Designation of Contact Officials* (3220-0200). Form G-117a (Paper) will be updated to inform contact officials of their dual role as trusted referees, should they seek online reporting access.

The proposed BA-12 will bind in signature both the ERSNet applicant to providing a state or federal government-issued photo ID to the contact official/trusted referee who signs off on their application, and the contact official/trusted referee to resolving, validating, and verifying the state or federal government-issued photo ID of the applicant.

Additionally, when delivering login information to new users, the RRB proposes allowing the deliverance of username and temporary password by phone, not just through mail. While mailing out the login information is preferable, calling is allowed as in "NIST 800-63A 4.4.1.6 Address Confirmation, 5C: The CSP (Credential Service Provider) SHOULD send the enrollment code to the postal address that has been validated in records. The CSP MAY send the enrollment code to a mobile telephone (SMS or voice), landline telephone, or email if it has been validated in records." Access to ERSNet will be expedited through phone calls and we estimate that time and paper resources will be saved.

The RRB proposes Form BA-12 to add the statement "I understand that I am acting as a trusted referee on behalf of the RRB and I have identity proofed the applicant by resolving, validating, and verifying a state and/or federal government-issued photo ID from the applicant. I also understand that I am responsible for notifying the RRB if, in the future, this individual's access should be terminated.

Form G-440, Report Specification Sheet, is submitted with all BA-series Employer Reporting forms submitted via paper, CD-ROM, secure Email and FTP that require a certification statement. It also identifies the type of report and specifications, if necessary, for the computer. Signing of the certification serves as validation that the certifying officer submitting the report is an authorized official of the railroad employer for whom the data is being reported and acknowledgment of the penalties that may be imposed for submitting a false or fraudulent report.

The RRB proposes no changes to Form G-440 CD-ROM, secure Email and FTP versions. The RRB proposes to remove Form G-440 (Paper) from the Information Collection due to less than 10 responses per year.

3. Planned use of improved information technology or technical/legal impediments to further burden reduction – Currently, the RRB allows for an internet version of Forms BA-3, BA-4 and G-440. Consistent with various OMB/PRA directives, the RRB continues to strive to replace the use of paper with electronic processing. Due to agency technology limitations, Form BA-12 does not allow for electronic submission as described in the Government Paperwork Elimination Act (GPEA). However, we will reevaluate electronic signatures after the completion of our IT Modernization project.
4. Efforts to identify duplication and other improvements - To our knowledge, no other agency uses similar forms, and this information collection does not duplicate any other RRB information collection.
5. Small business respondents - N.A.
6. Consequences of less frequent collections - Obtaining service and compensation information less frequently would affect the payment of benefits under the RRA and the RUIA. An up-to-date record is essential for the timely and accurate payment of benefits.
7. Special Circumstances - N.A.
8. Consultations outside the agency - In accordance with 5 CFR 1320.8(d), comments were invited from the public regarding the information collection. The notice to the public was

published on page 29377 of the April 22, 2024, Federal Register. No comments pertinent to the information collection were received.

9. Payments or gifts to respondents – None
10. Confidentiality - Privacy Act System of Records, RRB-5, Master File of Railroad Employee's Creditable Compensation. In accordance with OMB Circular M-03-22, a Privacy Impact Assessment for this information collection was completed and can be found at <https://www.rrb.gov/sites/default/files/2017-06/PIA-BPO.pdf>.
11. Sensitive questions - N.A.
12. Estimate of respondent burden - The current annual burden for this collection is shown as follows:

Current Burden

Reporting	Responses	Time (minutes) ^{1/}	Burden (Hours)
BA-3			
Electronic Media ^{2/}	96	46.25 (2,775 min)	4,440
BA-3 (Internet)	617	46.25 (2,775 min)	28,536
Total BA-3	713		32,976
BA-4			
Electronic Media ^{2/}	355	1.00 (60 min)	355
BA-4 (Internet)	3,942	.33 (20 min)	1,314
Total BA-4	4,297		1,669
BA-12			
Initial Access	295	.33 (20 min)	98
Access Termination	38	.166 (10 min)	7
Total BA-12	333		105
G-440 (certification)			
Form BA-3 (no employees)	19	.25 (15 min)	5
Form BA-11 (no employees)	60	.25 (15 min)	15
Paper forms (without recap)	7	.25 (15 min)	1
Form BA-15	600	.25 (15 min)	150
Electronic transactions	94	.50 (30 min)	47
BA-3 and BA-4 (with recap)	125	1.25 (75 min)	156
Total G-440	905		374
Grand Total	6,248		35,194

^{1/} Includes time for accumulating and summarizing the data.

^{2/} Includes CD-ROM, FTP, and secure Email.

13. Estimated annual cost to respondents or record keepers - N.A.
14. Estimate of cost to Federal Government - N.A.

15. Explanation for changes in burden – N.A.
16. Time schedule for data collection and publication - The results of this collection will not be published.
17. Request to not display OMB expiration date - The RRB started an extensive multi-year IT Modernization Initiative at the beginning of Fiscal Year 2019 to transform our operations into the 21st Century using multiple contractor services to improve mission performance, expand service capabilities, and strengthen cybersecurity. We provided OMB with a consolidated project timeline.

Given that the forms in this collection are seldom revised; the costs associated with redrafting, reprinting, and distributing forms to keep the appropriate OMB expiration date in place; and our desire to reevaluate after the completion of the modernization project, **the RRB requests the authority to not display the expiration date on the forms.**

18. Exceptions to Certification Statement – None