

FEDERAL RAILROAD ADMINISTRATION
Report of Railroad Trespasser Form
FRA F 6180.178
SUPPORTING JUSTIFICATION
OMB Control No. 2130-0635

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 October 7, 2021, which expires October 31, 2024.
- The Federal Railroad Administration (hereafter “FRA” or “the Agency”) published the required 60-day Notice in the Federal Register on August 5, 2024. See 89 FR 63468. FRA received no comments in response to this Notice.
- Overall, FRA adjustments decreased the burden by 200 hours and responses by 700 after a thorough review of the data.
- The answer to question number 15 itemizes all adjustments.

1

1. Circumstances that make collection of the information necessary.

Trespassing along railroad rights-of-way and other railroad property is the leading cause of rail-related deaths in America. Nationally, more than 400 trespass fatalities and nearly as many injuries occur each year, the vast majority of which are preventable.

It is illegal to access private railroad property anywhere other than a designated pedestrian or highway-rail grade crossing. Trespassers are most often pedestrians who walk across or along railroad tracks as a shortcut to another destination. Some trespassers are loitering or engaged in recreational activities such as jogging, taking pictures, hunting, fishing, bicycling, or operating recreational off-highway vehicles.

FRA works in partnership with railroads, State governments, and other organizations to conduct outreach efforts to raise awareness about the inherent dangers and consequences of trespassing.

To address this serious issue, the railroad industry, governments (Federal, State, and local), and other interested parties must know more about the individuals who trespass. With such knowledge, effective education programs, materials, and messages concerning the hazards and consequences of trespassing on railroad property can be developed and effectively disseminated. Also, law enforcement efforts can be targeted more efficiently and constructively. Because the overall goal is to reduce trespassing and the number of

deaths and injuries among trespassers, developing summaries and generic trespasser profiles from specific individuals and incidents will provide essential information regarding the precise audience to be targeted with future education and enforcement efforts.

Since 2018 FRA has awarded more than half a million dollars in Railroad Trespassing Enforcement Grants to law enforcement agencies to support lifesaving, anti-trespass activities in multiple States. The objective of the grant program is to deter trespassing on railroad property in areas with high numbers of observed trespassing incidents through law enforcement activities. Completion and submission of form FRA F 6180.178, Report of Railroad Trespasser Form, is required for law enforcement agency grantees as a condition of FRA's Railroad Trespassing Enforcement Grant Program. For law enforcement agencies that do not receive FRA's Railroad Trespassing Enforcement grants, completion and submission of this form is voluntary.

FRA made two changes to FRA F 6180.178 based on internal feedback. FRA added a clarifying footnote noting that railroads must continue to submit any and all forms for an accident/incident that are required under 49 CFR part 225. FRA also added a data field in which law enforcement agencies can indicate whether the trespasser appears intoxicated. This field was inadvertently excluded on the original proposed form. FRA will work with its outreach partners to develop educational outreach initiatives and public service announcement campaigns targeted to establishments that are located near railroad tracks if intoxication is deemed to be a contributing factor to railroad trespassing.

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

The overall goal of this collection is to prevent trespassing on railroad rights-of-way and reduce the number of deaths and injuries among trespassers. Due to the lack of available root cause data, FRA collects data from law enforcement agencies (grantees and non-grantees) to develop general profiles of root causes. As noted above, law enforcement agency grantees participating in FRA's Railroad Trespassing Enforcement Grant Program are required to complete FRA F 6180.178. Other law enforcement agencies not receiving grant funding may voluntarily provide this data to FRA. These general profiles will allow FRA, railroads, governments (Federal, State, and local), and other interested parties, such as Operation Lifesaver, to target audiences with appropriate education and enforcement campaigns that will reduce the annual number of injuries and fatalities.

For convenience to the respondents, FRA provides an electronic option where the respondents can respond via a web-based form. The web-based form helps FRA maintain the data collected in a more useful and uniform manner, as the dropdown boxes facilitate more standardized responses.

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. This collection of information is generally completed through electronic means over the internet. The website portal contains form questions to be answered and submitted online by law enforcement agencies. FRA's Railroad Trespassing Enforcement Grant recipients are provided with a unique username and password to submit their forms. Having a unique username and account eases the burden on grantees, as some required fields auto-populate (i.e., agency name, agency email address, and agency city/State information).

Overall, the submission process to the agency is almost completely electronic (99 percent of responses).

4. Efforts to identify duplication.

To FRA's knowledge, the information collected is not duplicated anywhere.

5. Efforts to minimize the burden on small businesses.

There are no impacts on small businesses in this data collection.

6. Impact of less frequent collection of information.

Consistent with FRA's mission to enable the safe, reliable, and efficient movement of people and goods throughout the United States, FRA works to improve rail safety by reducing the number of rail accidents/incidents that occur annually and the injuries, property damage, and fatalities that accompany them.

Without accurate data on the locations, times, and frequency of railroad trespassing, FRA cannot effectively target audiences with the appropriate education and enforcement campaigns that will reduce the annual number of injuries and fatalities.

In sum, this collection of information serves to further FRA's work to promote rail safety, save lives, and reduce injuries and property damage.

FRA collects information from FRA's Railroad Trespassing Enforcement Grant recipients on a monthly basis to ease the reporting burden. If FRA collected these forms on a quarterly basis, the burden would increase and would not allow FRA to observe trends and identify trespasser hot spots in real time. FRA uses the information collected to observe trends and make recommendations based on those trends to grantees.

7. Special circumstances.

This information collection does not have any special circumstances.

8. Compliance with 5 CFR 1320.8.

As required by the Paperwork Reduction Act of 1995 (PRA) and 5 CFR part 1320, FRA published a notice in the *Federal Register* on August 5, 2024,¹ soliciting comment from the public, railroads, and other interested parties on these information collection requirements. FRA received no comments.

Consultations outside of agency to obtain other views:

As a part of FRA's oversight and enforcement activities, 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.

Throughout the last three years, FRA collected feedback from FRA's 2020 Railroad Trespassing Enforcement grantees. This feedback prompted FRA to make two changes to FRA F 6180.178. FRA added a clarifying footnote noting that railroads must continue to submit any and all forms for an accident/incident that are required under 49 CFR part 225. FRA also added a data field in which law enforcement agencies can indicate whether the trespasser appears intoxicated. With these changes, grant analysts determined it would take 8 minutes to complete the Report of Railroad Trespasser Form for each incident.

9. Payments or gifts to respondents.

There are no payments or gifts to the respondents of this collection. For law enforcement agency grantees, there is an obligation to complete and submit form FRA F 6180.178 for each railroad trespasser incident in their jurisdiction on a monthly basis in order to participate in FRA's Railroad Trespassing Enforcement Grant program.

10. Assurance of confidentiality.

As noted on the Report of Railroad Trespasser Form, no personally identifiable information is required, asked for, or retained. Therefore, there are no concerns with confidentiality.

11. Justification for any questions of a sensitive nature.

The questions on the form include items such as age, gender, and ethnicity for the purpose of developing general descriptions of trespassers in specific geographic locations in order to develop targeted education efforts and enforcement activities to reduce trespassing on railroad property and resulting casualties. However, there are no questions or information of a sensitive nature, or data that would normally be considered private, contained in this proposed information collection.

¹89 FR 63468.

12. Estimate of burden hours for information collected.

Completion and submission of form FRA F 6180.178 is required for law enforcement agency grantees, as a condition of FRA’s Railroad Trespassing Enforcement Grant program. The grantees complete the form for each railroad trespasser incident in their jurisdiction. For law enforcement agencies not receiving FRA’s Railroad Trespassing Enforcement grants, completion and submission of this form is voluntary.

Form	Respondent Universe	Total Annual Responses (A)	Average Time per Response (B)	Total Annual Burden Hours (C = A * B)	Total Cost Equivalent (D = C * wage rate) ²
Report of Railroad Trespasser Form (FRA F 6180.178)	Law enforcement agencies, grantees	2,500 forms	8 minutes	333.30 hours	\$20,184.65
	Law enforcement agencies, non-grantees	100 forms	10 minutes	16.70 hours	\$1,011.35
Total ³	Law enforcement agencies	2,600 responses	N/A	350 hours	\$21,196

13. Estimate of total annual costs to respondents.

There are no additional costs to respondents.

14. Estimate of cost to Federal Government.

There are no additional costs to the Federal Government.

15. Explanation of program changes and adjustments.

Throughout the last three years, FRA collected feedback from FRA’s 2020 Railroad Trespassing Enforcement grantees. This feedback prompted FRA to make two changes to FRA F 6180.178. FRA added a clarifying footnote noting that railroads must continue to submit any and all forms for an accident/incident that are required under 49 CFR part 225. FRA also added a data field in which law enforcement agencies can indicate whether the trespasser appears intoxicated.

With these changes and after thorough review of the data collected, FRA has determined that the burden for respondents to complete the Report of Railroad Trespasser Form will

² Source: U.S. Department of Labor, Bureau of Labor Statistics (BLS) Employer Cost for Employee Compensation – December 2023 for State and local governments. The hourly wage rate used is \$37.53 + overhead of 38%. Total burdened wage rate is \$60.56 (\$37.53 + \$23.03).

³ Totals may not add up due to rounding.

decrease, per incident, from 10 to 8 minutes. This reduction in average time to complete the form for grantees will reduce the burden by 200 hours.

16. Publication of results of data collection.

FRA will only release the collected data in limited situations. First, the agency that has submitted the information to FRA can receive a copy of that agency's data. Second, FRA may share the results from the entire data set, after FRA has cleansed the data by removing the agency name, location, and all other identifiable information. This cleansed information is only shared by FRA with educational stakeholders to determine future educational needs.

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.