

FEDERAL RAILROAD ADMINISTRATION
Track Safety Standards
(Title 49 Code of Federal Regulations Part 213)
SUPPORTING JUSTIFICATION
RIN 2130-AC96; OMB Control No. 2130-0010

Summary of Submission

- This submission is a revision to the last approved submission pertaining to Title 49 Code of Federal Regulations (CFR) Part 213 (Track Safety Standards) approved by the Office of Management and Budget (OMB) on February 7, 2024, which expires on February 28, 2027.
- The Federal Railroad Administration (hereafter “FRA” or “the Agency”) published a Notice of Proposed rulemaking (NPRM) revising Part 213 titled Track Geometry Measurement System (TGMS) Inspections in the Federal Register on Oct 24, 2024. See 89 FR 84845. FRA plans to respond to any comments received in response to the NPRM in the final rule.
- The total number of burden hours previously approved by OMB for this collection is 234,294, and the total number of responses previously approved is 1,432,181.
- The total number of burden hours requested is 244,782 hours and the total number of responses requested is 1,468,401.
- Program change increased the burden by 10,488 hours and responses by 36,220.
- The answer to question 12 itemizes all information collection requirements.
- The answer to question 15 itemizes all adjustments.

1. Circumstances that make collection of the information necessary.

Section 20103 of title 49 of the United States Code (U.S.C.) provides that, “[t]he Secretary of Transportation, as necessary, shall prescribe regulations and issue orders for every area of railroad safety.” This statutory section codifies the authority granted to the Secretary of Transportation under the Federal Railroad Safety Act of 1970. The Secretary’s authority to act under section 20103 is delegated to the Federal Railroad Administrator.¹

FRA first published track safety standards (Standards) on October 20, 1971. The most comprehensive revision of the Standards resulted from the Rail Safety Enforcement and

¹ See 49 CFR 1.89.

Review Act of 1992 (RSERA),² later amended by the Federal Railroad Safety Authorization Act of 1994,³ which led to FRA issuing a final rule titled Track Safety Standards, amending the Standards.⁴

Following the 1998 revisions, FRA amended the Track Safety Standards as noted below.

In 2009, FRA amended the Track Safety Standards to promote the safety of railroad operations over continuous welded rail (CWR).⁵

In 2011, FRA amended the Track Safety Standards, adding minimum safety standards for track built with concrete cross-ties, and requiring automated inspections at certain frequencies.⁶

In 2013, FRA amended the Track Safety Standards to require additional automated inspections and new minimum safety thresholds on high-speed track.⁷

In 2014, FRA amended the Track Safety Standards to establish minimum qualification requirements for rail flaw detection equipment operators, as well as revising requirements for rail inspection frequencies, rail flaw remedial actions, and rail inspection records.⁸

In 2020, FRA amended the Track Safety Standards to allow for what is commonly referred to as “continuous rail testing,” as an alternative to traditional stop and verify ultrasonic rail testing.⁹ Railroads that elect to use continuous testing must provide an annual report to FRA.

FRA is proposing to publish a Notice of Proposed Rulemaking (NPRM) to revise its regulations governing the minimum safety requirements for railroad track that would require all Class I and II railroads, as well as intercity passenger railroads and commuter railroads to operate a qualifying Track Geometry Measurement System (TGMS, a type of ATI technology, at specified frequencies on Class 1 through 5 mainline and controlled siding track that transport annual tonnage greater than 10 million gross tons (MGT), regularly scheduled passenger rail service, or trains containing hazardous materials. In addition, FRA also proposes increasing the required frequency of TGMS inspections on Class 6 track.

² Pub. L. 102-365, (Sept. 3, 1992).

³ Pub. L. 103-440 (Nov. 2, 1994).

⁴ See 63 FR 34029 (Jun. 22, 1998) and 63 FR 54078 (Oct. 8, 1998)

⁵ See 74 FR 42988

⁶ See 76 FR 18073

⁷ See 78 FR 16052

⁸ See 79 FR 4234

⁹ See 85 FR 63387.

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

The information collected under Part 213 is used by FRA to ensure and enhance rail safety. Railroads initially use inspection reports/records to see that tracks are inspected periodically, to confirm that the inspectors are properly qualified in carrying out their duties, and to ensure that tracks are in safe condition for train operations.

Railroads also use these reports/records for maintenance planning, particularly where defective track is discovered and where repetitive unsafe conditions occur. This information helps railroads address and correct track problems and provides invaluable information in the event of a train derailment, collision, or other train accident/incident.

Under § 213.4, FRA uses the information collected to ensure that railroads properly identify a segment(s) of track as excepted either in their timetables, special instructions, general orders, or other appropriate records. When a piece of track is designated excepted, that is not listed in its timetables, a railroad will issue special instructions or a general order identifying the excepted track so that its employees know what procedures or practices to follow. Also, FRA uses the information collected to verify that the FRA has been notified by the railroad, at least 10 days in advance, when a segment of track is removed from excepted status. Ensuring the safety of railroad employees and the traveling public is FRA's paramount concern.

The information collected under § 213.7 and § 213.305 is used by FRA to ensure that individuals designated by railroads/track owners as properly qualified to perform their assigned tasks.

The information collected under § 213.118, § 213.119, § 213.341, and § 213.343 is used by FRA to ensure that railroads/track owners develop and implement plans containing written procedures which address the installation, adjustment, maintenance, and inspection of CWR, inspection of CWR joints, and a training program for the application of those procedures.

The information collected under § 213.110 is used to ascertain those line segments on which Gage Restraint Measurement Systems (GRMS) technology—supplemented by the use of Portable Track Loading Fixtures (PTLF)—needs to be implemented by track owners. Specifically, FRA reviews the information to ensure that certain minimal data are provided by railroads, including the segment's timetable designation milepost limits, track class, million gross tons of traffic per year, and any other identifying characteristics of the segment. FRA uses the information provided to evaluate the appropriateness of implementing GRMS technology on a given segment of track. FRA uses the technical data provided to ensure that minimum GRMS design requirements have been met and that GRMS vehicles have been properly calibrated in order to maintain the integrity of the data they provide.

Under § 213.5 and § 213.303, FRA uses the information collected to verify that the agency is properly informed in writing, at least 30 days in advance, when a track owner assigns responsibility for the track to another person by lease or otherwise. FRA reviews the notifications provided by railroads to make sure essential information is transmitted to the agency.

Under § 213.17 and § 213.317, FRA reviews waiver petitions to see if it is safe and in the public interest to grant exemptions from any or all requirements prescribed in this Part to a railroad.

Under § 213.57 and § 213.329, FRA uses the information collected to ensure that the track owner notifies the agency at least 30 calendar days in advance before a proposed implementation of the higher curving speeds allowed under the formula specified in paragraph (c) of this section.

Under § 213.234 and § 213.333, railroads are required to conduct automated inspections at certain frequencies on track constructed with concrete crossties and highspeed track and maintain inspections records.

Under § 213.237, Classes 4 and 5 track, as well as Class 3 track over which passenger trains operate, are required to be tested for internal rail defects at least once every accumulation of 30 million gross tons (MGT) or once a year (whichever time is shorter), and Class 3 track over which passenger trains do not operate are required to be tested at least once every accumulation of 30 MGT or 18 months (whichever time is longer), but in no instances longer than 5 years. The railroads then utilize this information to generate and maintain a service failure performance target.

The information collected under § 213.237, § 213.339, and § 213.341, is used by FRA to ensure and enhance rail safety. Specifically, railroads are required to send a detailed request to FRA to change the designation of a rail inspection segment or establish a new segment. Collecting service failure rates that are averaged over excessively large segments of track (such as segments longer than a subdivision length) might fail to identify discrete areas of weakness with chronically high concentrations of service failures. At the same time, if a segment size is too small, one random failure could trigger a service failure rate in excess of the railroad's/track owner's performance target under these sections. In order to maintain consistency and uniformity, FRA requires that if a railroad wishes to change or deviate from its segment lengths, the railroad must receive FRA approval to make that change.

Also, under § 213.237, railroads/track owners must notify FRA and all affected employees of the designation's effective date after FRA's approval or conditional approval. FRA inspectors use this notification to ensure that railroads conduct necessary

internal rail inspections over these specified segments as appropriate. Further, this information is used by railroad employees to understand any changes to their duties, particularly pertaining to maintenance activities and conducting internal rail inspections over these designated segments.

Additionally, under § 213.237, if the service failure rate identified in paragraph (a) of this section is not achieved, railroads/track owners must inform FRA of this fact within 45 days of the end of the defined 12-month period in which the performance target is exceeded, and they must provide an explanation as to why the performance target was not achieved. FRA uses this information to determine whether railroads are properly carrying out their internal rail inspections and whether they need to take additional measures to meet their performance targets, reduce rail defects, and maintain rail safety.

Under § 213.238, each provider of rail flaw detection must have a documented training program to ensure that a flaw detection equipment operator is qualified to operate each of the various types of equipment currently utilized in the industry for which they are assigned.

Under § 213.241 and § 213.369, track owners to which this Part applies must keep a record of each inspection required to be performed on its track under this subpart. FRA reviews this information to ensure that inspections are completed as required and to ensure that essential records are maintained and available to railroad inspectors so they can carry out their duties. Federal and State investigators examine these inspection records to determine a railroad's compliance with the inspection frequency requirement of the Track Safety Standards and to verify that persons assigned to inspect tracks have been properly designated. In the event of an accident/incident, these records provide extremely valuable information, particularly if a problem with track caused the unfortunate event. The absence of these inspection records would substantially harm the Federal Government's railroad safety program.

Under § 213.345, railroads operating highspeed trains are required to qualify vehicles to ensure that the vehicle/track system will not exceed the wheel/rail force safety limits and the car body and truck acceleration criteria specified in § 213.333.

Moreover, railroads use the information mentioned above. Railroad companies initially use inspection reports/records to see that tracks are inspected periodically, to confirm that the inspectors are properly qualified in carrying out their duties, and to ensure that tracks are in safe condition for train operations. Railroad companies also use these reports/records for maintenance planning, particularly where defective track is discovered and where repetitive unsafe conditions occur.

With this NPRM, FRA proposes to add §213.236, Automated vehicle-based inspection systems, to 49 CFR part 213, subpart F, making conforming changes to § 213.333 requiring TGMS inspections at least three times within a 365-day period by all Class I

and II railroads, as well as intercity passenger railroads and commuter railroads, on all Class 1 through 6 mainline and siding tracks that transports: (1) annual tonnage greater than 10 MGT; (2) regularly scheduled passenger rail service; or (3) trains containing hazardous materials. The proposed §213.236(d) would require that track owners maintain a copy of the inspection reports for a period of two years. Additionally, under the new proposed §213.236(i), specific training related to TGMS inspections would be required. The track owners must make available to FRA sufficient records to show compliance with the requirements of proposed paragraph (i).

Sections 213.241 and 213.369, Inspection records, proposes adding §§213.239 and 213.367, special inspections, to the list of inspections that track owners are required to keep a record of. These special inspections are conducted after fire, flood, severe storms, or other events that might have damaged track, and a record of them is vitally important both to document their findings as well as oversight to ensure track owners are completing such inspections when required.

FRA proposes to revise § 213.333, Automated vehicle-based inspection systems. The proposed revision will increase the number of required TGMS inspections on track Class 6 from once per calendar year to three times within any 365-day period, with not less than 90 days between inspections. § 213.333(i) will also require specific training related to TGMS inspections. The track owners must make available to FRA sufficient records to show compliance with the requirements of proposed paragraph (i).

3. Extent of automated information collection.

FRA strongly encourages the use of advanced information technology, wherever feasible, to reduce paperwork burdens on respondents. The Track Safety regulations allow flexibility in the methods employed to create and store records. Part 213 allows each railroad to design its own electronic system, so long as the system meets the specified criteria to safeguard the integrity and authenticity of each record. Currently, approximately 85% of all responses are submitted/collected electronically by railroads/track owners.

4. Efforts to identify duplication.

To FRA's knowledge, the information collection requirements are not duplicated elsewhere. Similar data is not available from other sources.

5. Efforts to minimize the burden on small businesses.

FRA believes that this collection of information has no new significant economic impact on a substantial number of small entities.¹⁰

While requirements of this Part are applicable to all railroads, not all requirements will be relevant to all railroads. The Track Safety Standards are primarily based around reducing risk based on maximum authorized train speed. To accomplish this, the minimum standards are often tiered based on risk factors such as train speed, tonnage, passenger service, location, hazmat, etc. Likewise, reporting requirements increase as risk increases, so small entities, generally operating at lower speed are not subjected to the same burden as higher speed, higher tonnage railroads shipping hazmat or conducting passenger service. Many of the requirements discussed in this document will not apply to small entities.

FRA does not expect projected reporting, recordkeeping, and other costs of compliance with this NPRM to effect small entities because the proposed requirements only affect Class I and II railroads, as well as intercity passenger railroads and commuter railroads.

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 under Part 213 allows railroads to better understand their safety critical infrastructure assets, plan maintenance, and ensure safe train operations, as well as allowing FRA to verify that track inspections are being done in accordance with the regulation.

Due to the unique nature of railroad operations, 24 hours per day, 365 days per year, across vast geographic areas, record requirements of the Track Safety Standards require railroads to document safety critical inspections, maintenance, testing, qualifications, to ensure safety. Without these requirements, railroad safety would be significantly compromised.

Inspection records are extremely important and are used by Federal and State

¹⁰ “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. Additionally, 5 U.S.C. 601 defines as “small entities” governments of cities, counties, towns, townships, villages, school districts, or special districts with populations less than 50,000. Pursuant to the authority provided to it by SBA, FRA has published a final statement of agency policy that formally establishes small entities as railroads, contractors, and hazardous materials shippers that meet the revenue requirements of a Class III railroad.

investigators in the enforcement of the Track Safety Standards and, thus, help promote rail safety. In the event of a train accident/incident, particularly one implicating track structure, these inspection records provide invaluable investigatory assistance in determining the exact cause(s) of the accident/incident and keen insight into designing appropriate remedial measures.

7. Special circumstances.

This information collection does not have any special circumstances.

8. Compliance with 5 CFR 1320.8.

FRA published a NPRM in the Federal Register on October 24, 2024,¹¹ titled Track Geometry Measurement System (TGMS) Inspections, soliciting comments on the proposed rule and its accompanying information collection requirements. FRA will respond to any comments received concerning the proposed rule and its associated collection of information at the final rule stage.

Consultations with representatives of the affected population:

As a part of FRA's oversight and enforcement, individuals from the railroad industry are generally in direct contact with FRA's inspectors at the time of on-site inspections and can provide any comments or concerns to them.

9. Payments or gifts to respondents.

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

10. Assurance of confidentiality.

No assurances of confidentiality were made by FRA. Information collected is not of a private nature.

11. Justification for any questions of a sensitive nature.

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

¹¹89 FR 84845

12. Estimate of burden hours for information collected.

The estimates for the respondent universe, annual responses, and average time per response are based on the experience and expertise of FRA’s Office of Railroad Safety.

CFR Section	Respondent universe	Total Annual Responses (A)	Average Time per Response (B)	Total Annual Burden Hours (C=A*B)	Wage Rate	Total Cost Equivalent in U.S. dollar (D = C * wage rates) ¹²	Section Analyses and Estimates
213.4(f)—Excepted track —Notification to FRA about removal of excepted track	784 railroads	15 notices	10 minutes	2.50 hours	89.13	\$222.83	A track owner shall advise FRA at least 10 days prior to removal of a segment of track from excepted status.
213.5(c)—Responsibility for compliance —Notification of assignment to FRA	784 railroads	15 notices	1 hour	15.00 hours	89.13	\$1,336.95	If an owner of track to which this part applies assigns responsibility for the track to another person (by lease or otherwise), written notification of the assignment must be provided to FRA at least 30 days in advance of the assignment. The notification may be made by any party to that assignment, but must be in writing and include: 1) The name and address of the track owner or the person to whom responsibility is assigned (assignee); 2) A statement of the exact relationship between the track owner and the assignee; 4) A precise identification of the track; 5) A statement as to the competence and ability of the assignee to carry out the duties of the track owner under this part;

¹² The dollar equivalent cost is derived from the 2023 Surface Transportation Board Full Year Wage A&B data series using the appropriate employee group hourly wage rate that includes 75-percent overhead charges.

							and 6) A statement signed by the assignee acknowledging the assignment to him of responsibility for purposes of compliance with this part.
213.7(a)(b)— Designations: Names on list with written authorizations	784 railroads	2,500 names	10 minutes	416.67 hours	89.13	\$37,137.80	Designation of qualified persons to supervise certain renewals and inspect track for defect.
213.17(a)—Waivers	784 railroads	10 petitions	2 hours	20.00 hours	89.13	\$1,782.60	Any owner of track to which this part applies, or other person subject to this part, may petition the Federal Railroad Administrator for a waiver from any or all requirements prescribed in this Part. Each petition for waiver must be filed in the manner and contain the information required by Part 211 of this chapter.
213.57(e)—Curves; elevation and speed limitations —Request to FRA for vehicle type approval	784 railroads	4 requests	8 hours	32.00 hours	89.13	\$2,852.16	The track owner or railroad shall transmit the results of the testing specified in paragraph (d) of this section to FRA's Associate Administrator for Railroad Safety/Chief Safety Officer requesting approval for the vehicle type to operate at the desired curving speeds allowed under the formula in paragraph (b) of this section. The request shall be made in writing.
—(f) Written notification to FRA prior to implementation of higher curving speeds	784 railroads	4 notifications	2 hours	8.00 hours	89.13	\$713.04	In approving the request made pursuant to paragraph (e) of this section, FRA may impose conditions necessary for safely operating at the higher curving speeds. Upon FRA approval of the request, the track owner or railroad shall notify FRA in writing no less than 30 calendar days prior to the proposed implementation of the approved higher curving speeds allowed under the formula in paragraph

							(b) of this section. The notification shall contain, at a minimum, identification of the track segment(s) on which the higher curving speeds are to be implemented.
—(g) Written consent of track owners obtained by railroad providing service over that track	784 railroads	4 written consents	45 minutes	3.00 hours	89.13	\$267.39	The documents required by this section must be provided to FRA by the track owner or railroad that provides service over the track.
213.110(a)—Gage restraint measurement systems (GRMS) —Implementing GRMS — notices & reports	784 railroad	1 notification	45 minutes	0.75 hours	89.13	\$66.85	A track owner may elect to implement a Gage Restraint Measurement System (GRMS), supplemented by the use of a Portable Track Loading Fixture (PTLF), to determine compliance with the crosstie and fastener requirements specified in §§213.109 and 213.127 provided that: (1) The track owner notifies FRA at least 30 days prior to the designation of any line segment on which GRMS technology will be implemented; and (2) The track owner notifies FRA at least 10 days prior to the removal of any line segment from GRMS designation.
—(g) GRMS vehicle output reports	784 railroad	1 report	5 minutes	0.08 hours	89.13	\$7.13	The GRMS vehicle shall be capable of producing output reports that provide a trace, on a constant-distance scale, of all parameters specified in paragraph (l) of this section.
—(h) GRMS vehicle exception reports	784 railroad	1 report	5 minutes	0.08 hours	89.13	\$7.13	The GRMS vehicle shall be capable of providing an exception report containing a systematic listing of all exceptions, by magnitude and location, to all the parameters specified in paragraph (l) of this section. The exception reports required by this section shall be provided to the appropriate person designated as fully qualified under §213.7 prior to the

							next inspection required under §213.233 of this part.
—(j) GRMS/PTLF— procedures for data integrity	784 railroad	1 data procedure	1 hour	1.00 hour	89.13	\$89.13	The track owner shall institute the necessary procedures for maintaining the integrity of the data collected by the GRMS and PTLF systems.
—(n) GRMS inspection records	784 railroad	2 records	30 minutes	1.00 hour	89.13	\$89.13	The track owner shall maintain a record of the two most recent GRMS inspections at locations which meet the requirements specified in §213.241(b) of this part. FRA estimates, after careful review, that it will take approximately 30 minutes to document and store each record.
213.118(a)-(c)— Continuous welded rail (CWR) —Revised plans w/procedures for CWR	438 railroads	10 plans	4 hours	40.00 hours	89.13	\$3,565.20	Each track owner with track constructed of CWR must have in effect and comply with a plan that contains written procedures which address: the installation, adjustment, maintenance, and inspection of CWR; inspection of CWR joints; and a training program for the application of those procedures. The track owner must file its CWR plan with the FRA Associate Administrator for Safety/Chief Safety Officer (Associate Administrator). Within 30 days of receipt of the submission, FRA will review the plan for compliance with this subpart. FRA will approve, disapprove, or conditionally approve the submitted plan, and will provide written notice of its determination. The track owner's existing plan shall remain in effect until the track owner's new plan is approved or conditionally

							approved and is effective pursuant to paragraph (d) of this section.
—(d) Notification to FRA and RR employees of CWR plan effective date	438 railroads	750 notices	15 seconds	3.13 hours	89.13	\$278.98	The track owner shall, upon receipt of FRA's approval or conditional approval establish the plan's effective date. The track owner shall advise in writing FRA and all affected employees of the effective date.
—(e) Written submissions after plan disapproval	438 railroads	5 written submissions	2 hours	10.00 hours	89.13	\$891.30	FRA, for cause stated, may, subsequent to plan approval or conditional approval, require revisions to the plan to bring the plan into conformity with this subpart. Notice of a revision requirement shall be made in writing and specify the basis of FRA's requirement. The track owner may, within 30 days of the revision requirement, respond and provide written submissions in support of the plan.
—(e) Final FRA disapproval and plan amendment	438 railroads	5 amended plans	1 hour	5.00 hours	89.13	\$445.65	FRA renders a final decision in writing. Not more than 30 days following any final decision requiring revisions to a CWR plan, the track owner must amend the plan in accordance with FRA's decision and resubmit the conforming plan. The conforming plan becomes effective upon its submission to FRA.
213.234(e)— Automated inspection of track constructed with concrete crossties —Exception reports listing all exception to § 213.109(d)(4)	30 railroads	125 reports	15 minutes	31.25 hours	\$69.60	\$2,175.00	The automated inspection measurement system shall produce an exception report containing a systematic listing of all exceptions to § 213.109(d)(4), identified so that an appropriate person(s) designated as fully qualified under § 213.7 can field-verify each exception. The burden hours for this requirement were previously captured in OMB Control No. 2130-0592 Concrete Crossties.

—(f) Automated inspection of track constructed with concrete crossties —Recordkeeping requirements	30 railroads	2,000 records	30 minutes	1,000.00 hours	89.13	\$89,130.00	The track owner shall institute the necessary procedures for maintaining the integrity of the data collected by the measurement system.
—(g) Procedure for integrity of data — Track owners to institute procedures for maintaining the integrity of the data collected by the measurement system	30 railroads	30 revised procedures	2 hours	60.00 hours	\$118.46	\$7,107.60	The track owner shall institute the necessary procedures for maintaining the integrity of the data collected by the measurement system. The burden hours for this requirement were previously captured in OMB Control No. 2130-0592 Concrete Crossties.
—(h)(3) Training Track owners to provide annual training in handling rail seat deterioration exceptions to all persons designated as fully qualified under § 213.7 and whose territories are subject to the requirements of § 213.234— Recordkeeping	30 railroads	2,250 records of trained employees	5 minutes	187.50 hours	\$69.60	\$13,050.00	The track owner shall provide annual training in handling rail seat deterioration exceptions to all persons designated as fully qualified under § 213.7 and whose territories are subject to the requirements of § 213.234.
*213.236(d)(3)— Automated vehicle-based inspection systems. TGMS Track classes 1 through 5 report records <i>(New proposed requirement)</i>	64 railroads	7,500 report records	10 minutes	1,275 hours	89.13	\$113,640.75	A qualifying TGMS shall provide a report containing a comprehensive listing of all track geometry exceptions detected by the TGMS vehicle. Any revision to this information and/or the raw data from the vehicle must be documented, signed, and certified by a § 213.7(b) qualified employee in accordance with paragraph (f) below in a manner that correctly identifies the person who made the revisions, and must show the original information along with the subsequent

							revision(s) and the basis or reason for the revision. Records of these reports are to be maintained by the railroads.
*—(i) training records (New proposed requirement)	9,500 employees	3,167 training records	5 minutes	250.96 hours	89.13	\$22,368.06	The track owner shall ensure 213.7 qualified persons who review and/or interpret reports under this section are properly trained and records of this training are kept and maintained.
213.237(b)(2)— Inspection of Rail —Detailed request to FRA to change designation of a rail inspection segment or establish a new segment	65 railroads	4 requests	15 minutes	1.00 hour	89.13	\$89.13	To change the designation of a rail inspection segment or to establish a new segment pursuant to this section, a track owner must submit a detailed request to the FRA. pursuant to this section, a track owner must submit a detailed request to FRA.
—(b)(3) Notification to FRA and all affected employees of designation’s effective date after FRA’s approval/conditional approval	65 railroads	1 notice to FRA + 15 bulletins	15 minutes	4.00 hours	89.13	\$356.52	To change the designation of a rail inspection segment or to establish a new segment pursuant to this section, a track owner must submit a detailed request to FRA.
—(d) Notice to FRA that service failure rate target in paragraph (a) of this section is not achieved	65 railroads	4 notices	15 minutes	1.00 hour	89.13	\$89.13	If the service failure rate target identified in paragraph (a) of this section is not achieved, the track owner must inform FRA of this fact within 45 days of the end of the defined 12-month period in which the performance target is exceeded. In addition, the track owner may provide to FRA an explanation as to why the performance target was not achieved and provide a remedial action plan.
—(d)—Explanation to FRA as to why performance target was	65 railroads	4 letters of explanation /	15 minutes	1.00 hour	89.13	\$89.13	If the service failure rate target identified in paragraph (a) of this section is not achieved, the track owner must inform

not achieved and provision to FRA of remedial action plan		plans					FRA of this fact within 45 days of the end of the defined 12-month period in which the performance target is exceeded. In addition, the track owner may provide to FRA an explanation as to why the performance target was not achieved and provide a remedial action plan. .
213.238—Qualified operators —Written or electronic of qualification	3 railroads + 5 testing entities	250 records	5 minutes	20.83 hour	89.13	\$1,856.58	Each provider of rail flaw detection shall have a documented training program in place and shall identify the types of rail flaw detection equipment for which each equipment operator it employs has received training and is qualified. A provider of rail flaw detection may be the track owner.
213.240(b)— Continuous Rail Testing —Procedures for conducting continuous testing	12 railroads	4 procedures	8 hours	32.00 hour	89.13	\$2,852.16	The track owners conducting continuous rail testing will be required to adopt procedures addressing how (1) test data will be transmitted and analyzed; (2) suspect locations will be identified for field verification; (3) suspect locations will be categorized and prioritized according to their potential severity; (4) suspect locations will be field verified; and (5) suspect locations will be designated following field verification.
—(c) Type of rail test (continuous or stop-and-verify) —Record	12 railroads	25,000 records	2 seconds	13.89 hours	89.13	\$1,238.02	The track owners will be required to designate and record the type of rail test to be conducted, whether continuous or stop-and-verify, prior to commencing the testing. FRA estimates, after careful review, that it will take 2 seconds to record each rail test.
—(c)—Type of rail test (continuous or stop-and-verify)	12 railroads	100 documents	1 minute	1.67 hour	89.13	\$148.85	If the type of rail testing changes after the test has commenced, FRA will then require the track owners to document the

—Documented changes							changes and include the time the test was started and when it changed, and the milepost where the test started and where it was changed.
—(g) Annual reports to FRA	12 railroads	12 reports	4 hours	48.00 hour	89.13	\$4,278.24	Track owners utilizing continuous rail testing will be required to submit an annual report to the FRA Associate Administrator for Railroad Safety/Chief Safety Officer no later than 45 days following the end of each calendar year. This will apply only to track owners that have conducted continuous rail testing under § 213.240 within the previous calendar year. The annual report must be in a reasonably usable format, or its native electronic format, and contain at least all the information required by paragraphs (g)(1) through (10) for each track segment requiring internal rail inspection under either § 213.237 or § 213.339.
*213.241— Inspection records Class I through 5. <i>(Revised requirement)</i>	784 railroads	1,400,000 records	10 minutes	238,000.00 hours	89.13	\$21,212,940.00	Each owner of track to which this part applies shall keep a record of each inspection required to be performed on that track under this subpart. FRA is amending § 213.241 by adding §§ 213.239 & 213.367, special inspection, to the list of inspections that are required to be documented. The burden associated with track and rail inspections is based on track mileage by type and track class.
213.303(b)— Responsibility for compliance	2 railroad	5 notices	30 minutes	2.50 hours	89.13	\$222.83	If an owner of track to which this subpart applies assigns responsibility for the track to another person (by lease or otherwise),

—Notification of assignment to FRA							notification of the assignment must be provided to FRA at least 30 days in advance of the assignment. The notification may be made by any party to that assignment.
213.305(c)(4)— Designation of qualified individuals; general qualifications —Written authorization for remedial actions	2 railroads	20 written documents	30 minutes	10.00 hours	89.13	\$891.30	Each track owner to which this subpart applies shall designate qualified individuals responsible for the maintenance and inspection of track in compliance with the safety requirements prescribed in this subpart. Each designated individual must have written authorization to prescribe remedial actions.
—(e) Railroads produced designation record upon FRA request	2 railroads	200 records	10 minutes	33.33 hours	89.13	\$2,970.70	With respect to designations under paragraphs (a), (b), (c) and (d) of this section, each track owner shall maintain all designation records.
213.317(a)-(b)— Waivers	2 railroads	2 petitions	8 hours	16.00 hours	89.13	\$1,426.08	Any owner of track to which this subpart applies may petition the Federal Railroad Administrator for a waiver from any or all requirements prescribed in this subpart. Each petition for exemption under this section must be filed in the manner and contain the information required by §§ 211.7 and 211.9.
213.329(e)—Curves, elevation, and speed limitations—FRA approval of qualified vehicle types based on results of testing	2 railroads	2.00 cover letters + 2.00 technical reports + 2.00 diagrams	30.00 minutes + 16.00 hours + 15.00 minutes	33.50 hours	89.13	\$2,985.86	FRA estimates that approximately 2 documents for vehicle type approval with all the necessary information (including cover letters, technical reports, and diagrams) will be submitted to FRA under the above requirement.
—(f) Written notification to FRA 30 days prior to implementation of higher curving speeds	2 railroads	2 notices	2 hours	4.00 hours	89.13	\$356.52	The track owner or railroad shall notify FRA prior to the proposed implementation of the approved higher curving speeds allowed under paragraph (b) of this

							section.
—(g) Written consent of other affected track owners by railroad	2 railroads	2 written consents	45 minutes	1.50 hours	89.13	\$133.70	The documents required by this section must be provided to FRA.
*213.333(d)— Automated vehicle-based inspection systems. TGMS track classes 6 – 9 report records. <i>(Revised requirement)</i>	5 railroads	150 reports	10 minutes	25.50 hours	89.13	\$2,272.82	The proposed revision will increase the number of required TGMS inspections on track Class 6 from once per calendar year to three times within any 365-day period, with not less than 90 days between inspections.
*—(i) training records <i>(New proposed requirement)</i>	500 employees	167 training records	5 mins	13.36 hours	89.13	\$1,190.78	Section 213.333(i) will also require specific training related to TGMS inspections. The track owners must make available to FRA sufficient records to show compliance with the requirements of proposed paragraph (i).
213.341(b)-(d)— Initial inspection of new rail & welds —Inspection records	2 railroads	800 records	2 minutes	26.67 hours	89.13	\$2,377.10	The track owner shall obtain a copy of the manufacturer’s report of inspection. The track owner shall also retain a record of initial CWR inspections under § 213.339.
213.343(a)-(e)— CWR —Procedures for installations and adjustments of CWR	2 railroads	2 plans	4 hours	8.00 hours	89.13	\$713.04	Each track owner with track constructed of CWR shall have in effect written procedures which address the installation, adjustment, maintenance, and inspection of CWR, and a training program for the application of those procedures, which shall be submitted to FRA. The track owner shall have in effect a comprehensive training program for the application of these written CWR procedures, with provisions for periodic re-training, for those individuals designated under §213.305(c) of this part as qualified to supervise the installation, adjustment, and maintenance of CWR

							track and to perform inspections of CWR track. The track owner shall prescribe recordkeeping requirements necessary to provide an adequate history of track constructed with CWR.
—(h) Recordkeeping requirements	2 railroads	8,000 records	2 minutes	266.67 hours	89.13	\$23,768.30	FRA estimates that approximately 8,000 records will be kept by track owners under the above requirement.
213.345(a)-(c)— Vehicle qualification testing —Vehicle qualification program for all vehicle types operating at track Class 6 speeds or above	2 railroads	2 program plans	120 hours	240.00 hours	89.13	\$21,391.20	All vehicle types intended to operate at track Class 6 speeds or above, or at any curving speed producing more than 5 inches of cant deficiency, shall be qualified for operation for their intended track classes in accordance with this Subpart. A qualification program shall be used to ensure that the vehicle/track system will not exceed the wheel/rail force safety limits and the car body and truck acceleration criteria specified in § 213.333.
—(d) Previously qualified vehicle types of qualification programs	2 railroads	2 program plans	8 hours	16.00 hours	89.13	\$1,426.08	Vehicle types previously qualified under this Subpart for a track class and cant deficiency on one route may be qualified for operation at the same class and cant deficiency on another route through analysis or testing, or both, to demonstrate compliance with paragraph 213.345(a).
—(h) Written consent of other affected track owners by railroad	2 railroads	4 written consents	30 minutes	2.00 hours	\$118.46	\$236.92	Based on the test results and all other required submissions, FRA will approve a maximum train speed and value of cant deficiency for revenue service, normally within 45 days of receipt of all the required information. FRA may impose conditions necessary for safely operating at the maximum approved train speed and

							can't deficiency. (i) The documents required by this section must be provided to FRA by (2) The track owner; or (3) A railroad that provides service with the same vehicle type over trackage of one or more-track owner(s), with the written consent of each affected track owner.
213.369— Visual track inspection Records (Revised requirement)	5 railroads	15,273 records	10 minutes	2,596.41 hours	89.13	\$231,418.02	Each owner of track to which this part applies shall keep a record of each inspection required to be performed on that track under this subpart. FRA is amending § 213.241 by adding §§ 213.239 & 213.367, special inspection, to the list of inspections that are required to be documented.
Total ¹³	784 railroads	1,468,401 responses		244,782 hours		\$21,814,944	

13. Estimate of total annual costs to respondents.

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.

To estimate the government administrative cost, the 2024 Office of Personnel Management (OPM) wage rates at the GS-13 to GS-15, for the Washington, D.C. area were used. The average wage (step 5) was used as a midpoint. Wages were considered at the burdened wage rate by multiplying the actual wage rate by an overhead cost of 75 percent.

¹³ Totals may not add up due to rounding.

CFR Section		Pay Grade	Employee s	Hours	Total Annual Hours	Hourly Wage	Burdened Wage Rate	Cost
Subpart G - Train Operations at Track Classes 6 and Higher								
§213.333—Automated vehicle-based inspection systems.	Reviewing requests for alternate location of a device for measuring lateral accelerations, reports on monitoring data collected and other associated tasks.	GS-15	3	16	48	89.04	155.82	7,479.36
		GS-14	6	27	162	75.70	132.48	21,461.76
§213.345—Vehicle/track system qualification.	Reviewing railroad vehicle type qualification programs and other associated tasks.	GS-15	8	40	320	89.04	155.82	49,862.40
		GS-14	6	40	240	75.70	132.48	31,795.20
Subtotal								\$ 110,598.72
Subpart D - Track Structure								
§213.118—Continuous welded rail (CWR); plan review and approval.	FRA staff to review CWR revised procedures/plans and provide written notice of its determination.	GS-14	1	100	100	75.70	132.48	13,248.00
		GS-13	6	167	1,002	64.06	112.11	112,334.22
Subtotal								\$ 125,582.22
GRAND TOTAL ANNUAL COST								\$ 236,180.94

15. Explanation of program changes and adjustments.

This information collection request is a revision to the last approved submission. The current OMB agency inventory exhibits a total burden of 234,294 hours and 1,432,181 responses, while the present submission reflects a total burden of 244,782 hours and 1,468,401 responses. Overall, the burden for this submission has increased by 10,488 hours and 36,220 responses. The increase in burden is solely due program change.

Program Change

CFR Section	Total Annual Responses			Total Annual Burden Hours		
	Previous Submission	Current Submission	Difference	Previous Submission	Current Submission	Difference
213.236(d)(3)—Automated vehicle-based inspection systems. TGMS Track classes 1 through 5 report records. (New requirement)	0	7,500 report records	7,500	0	1,275.00 hours	1,275.00
—(i) Training records (New requirement)	0	3,137 training records	3,137	0	250.96 hours	250.96
213.241 — Inspection records (Revised requirement)	1,375,000 records	1,400,000 records	25,000	229,166.67 hours	238,000.00 hours	8,833.33
213.333(d) — Automated vehicle-based inspection systems — Track Geometry Measurement System (TGMS) output/exception reports (Revised requirement)	7 reports	150 reports	143	7.00 hours	25.50 hours	18.50
—(i) Training records (New requirement)	0	167 records	167	0	13.36 hours	13.36

213.369(d) — Inspection Records — Record of inspection of track (Revised requirement)	15,000 records	15,273 records	273	2,500.00 hours	2,596.41 hours	96.41
Total	1,432,181 responses	1,468,401 responses	36,220	234,294 hours	244,782 hours	10,488

16. Publication of results of data collection.

FRA does not plan to publish the results of the data collection.

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.