Department of Transportation
Office of the Chief Information Officer
Supporting Statement

Rail Carrier and Tank Car Tanks Requirements, Rail Tank Car Tanks – Transportation of Hazardous Materials by Rail
OMB Control No. 2137-0559

(Expiration Date: September 30, 2027)

Introduction

This is to request the Office of Management and Budget's (OMB) three-year renewal with change of the information collection titled, "Rail Carrier and Tank Car Tanks Requirements, Rail Tank Car Tanks – Transportation of Hazardous Materials by Rail" under OMB Control No. 2137-0559, which is currently due to expire on November 30, 2026. The Department of Transportation (DOT) has collected information related to transportation by rail car since the creation of the DOT in 1967. This OMB control number was first approved on March 7, 1984, and was initiated as a result of an information collection for the approval of tank cars for Hyrdocyancic Acid Service. This OMB Control Number was broadened on January 17, 1986, to include rail carrier and tank car requirements that contained information collections.

This proposed request for revision of this OMB control number is due to the publication of the HM-265 notice of proposed rulemaking (NPRM)[1] titled "Hazardous Materials: Advancing Safety of Highway, Rail, and Vessel Transportation" published in the federal register on October 28, 2024. This NPRM proposes to revise the HMR to adopt several modal-specific amendments that would enhance the safe transportation of hazardous materials in commerce. PHMSA, in consultation with the Federal Motor Carrier Safety Administration, the Federal Railroad Administration, and the United States Coast Guard, proposes amendments identified during Departmental review and from industry petitions for rulemaking.

Part A. Justification

1. Circumstances that make collection of information necessary

This is a request for a revision with change to OMB No. 2137-0559 for reporting requirements pertaining to the manufacture, inspection, and maintenance of rail tank cars used in the transportation of hazardous materials by rail. Additionally, this information collection supports the Departmental Strategic goal for safety. These regulations are promulgated in accordance with the Federal hazardous materials transportation law, 49 U.S.C. 5101-5127.

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

[1] 89 FR 85590 (Oct. 28, 2024)

This OMB control number consolidates and describes the information collection provisions in parts 172, 173, 174, 179, and 180 of the HMR pertaining to the transportation of hazardous materials by rail and the manufacture, qualification, maintenance, and use of tank cars. The types of information collected include:

(1) Tank Car Facility Registration – Section 107.905

This proposed information collection details the requirements for submitting a tank car facility registration, including the information required in the registration statement and where to send the information. This section requires all tank car facilities to register with PHMSA to legally qualify a DOT specification or special permit tank car.

(2) Design Certifying Engineer Registrations – Section 107.907

This proposed new information collection details the requirements for submitting a tank car DCE registration. This section requires a DCE to be registered with PHMSA in order to legally approve the design of a DOT specification or DOT special permit tank car, as well as service equipment, and details the required information in the registration statement and where to send the information. Each registrant is required to provide a list of the specific design approval functions that the DCE will perform and identify the types of DOT specification and special permit tank cars and service equipment that the DCE will review.

(3) Tank Car Facility and DCE Registration – Section 107.909(e)

This proposed new § 107.909 details the proposed administrative details of the tank car facility and tank car DCE registration, including renewal requirements, requirements to update PHMSA on changes in activity and personnel, and record retention. As proposed, DCE registrations must be renewed every six years, and registrants must keep PHMSA updated on changes in company name, address, ownership, personnel employed as tank car DCEs, and design approval activities performed by the registrant. PHMSA will inform FRA of these changes. PHMSA and FRA intend that this communication will increase our level of oversight on the activities of engineers who review and approve tank car and service equipment designs compared the existing AAR TCC closed system.

(4) Tank car facility and DCE Renew or Update Registration (recordkeeping) – Section 107.909(e)

This proposed information collection will require tank car facilities and DCE's to provide a copy of their registration to enforcement personnel during inspections.

(5) Tank Car Approvals - Section 172.102, special provisions B45, B46, B55, B61, B69, B77, B81

This information collection consists of special provisions that mandate the approval of the Associate Administrator or the Association of American Railroads (AAR) Committee on Tank

Cars before certain hazardous material packaging or packaging components can be used for transportation of hazardous materials by rail.

(6) DCE approval required when a tank car is proposed for commodity service other than specified on a certificate of construction - Section 173.31(a)(2)

This information collection consists of requirements for obtaining AAR Tank Car Committee approval for the use of a tank car for commodities other than those specified in part 173 and the certificate of construction. It also includes requirements for AAR approval of tank car design, materials, construction, conversion, alteration, or construction to a new specification. This information is used to ensure that tank cars are suitable for transporting specific commodities and that tank car design, construction, and modification comply with the relevant regulations.

(7) Annual tank car owner progress report to FRA - Section 173.31(b)(6)(ii)

This information collection consists of the requirement for tank car owners to submit progress reports to the Federal Railroad Administration (FRA) if their tank cars need to be modified to meet the requirements specified in § 173.31. The FRA uses this information to track progress and ensure that all affected tank cars are modified before the regulatory compliance date.

(8/9) Procedures for Closing and Securing All Openings on a Tank Car - § 173.31(d)(1) –

PHMSA proposes to revise § 173.31(d)(1) to require written procedures for closure and securement of all openings on a tank car prior to shipment for both existing and new tank cars.

(10) Compressed Gases and Cryogenic Liquids in Tank Cars and Multi Unit Tank Cars Reporting - Sections 173.314, 173.319

This information collection requires the shipper to notify the FRA whenever a tank car transporting hydrogen chloride, refrigerated liquids, or vinyl fluoride, stabilized is not received by the consignee within 20 days from the date of shipment.

(11) Record Required for Car Being Held Beyond 48 Hours– Section 174.14(a)

This information collection proposes a new requirement in § 174.14(a) to create a record when a tank car is being held beyond 48 hours.

(12) Hazardous Materials Train Consist Additional Information (Class I, II, III Railroads) – Section 174.26

This information collection requires railroads to create, maintain, and make available expanded hazardous material train consist information that includes the origin and destination a train transporting hazardous materials and the specific identification of hazardous material location in rail cars.

(13) Notification of Hazardous Materials Accidents or Incidents – Section 174.28(b)

This information collection requires railroads to provide advance notice and electronic train consist information to a primary Public Safety Answering Point (e.g., 9-1-1 call center) when an accident or incident involving hazardous material occurs.

(14) Creation of Test Records for Emergency System Notification Test (Class I, II, III) – Section 174.28(b)(2)

This information collection requires railroads to create test records and test their ability to provide train consist information to primary Public Safety Answering Points (PSAPs) and emergency responders.

(15) Retention of Test Records for Emergency System Notification Test – Section 174.28(b)(2)(iii)

This information collection requires that each railroad retain records of the tests required by § 174.28(b)(2).

(16) Creation of Class III alternative emergency response information plan – Section 174.28(c)

This information collection provides an option for Class III railroads transporting hazardous materials to comply with the alternative procedures to provide accurate train consist information to Federal, State, or local first responders, emergency response officials, and law enforcement personnel in the event of an incident, accident, or public health or safety emergency involving the rail transportation of hazardous materials.

(17) Retention of Class III alternative emergency response information plan (Retention Only) – Section 174.28(c)(4)

This information collection requires that Class III railroads retain the information required by the creation of the Class III alternative emergency response plan.

(18) Nonconforming bulk packages must be repaired or approved from movement by the FRA - Section 174.50

This information collection requires that a bulk packaging, such as a tank car tank, that no longer conforms to applicable HMR requirements may not be forwarded by rail unless repaired or approved for movement by the Associate Administrator for Safety, FRA. Notification and approval must be furnished in writing or through telephonic or electronic means, with subsequent written confirmation provided within two weeks.

(19) Nonconforming bulk packages must be repaired or approved from movement by the FRA - Recordkeeping- Section 174.50(d)

This proposed information collection will require rail carriers to provide a copy of their OTMA documentation to enforcement personnel during inspections.

(20) FRA Approval for transportation of bulk packages containing a hazardous material in COFC or TOFC service - Section 174.63

This information collection requires that the Associate Administrator for Safety, FRA approve the transportation of bulk packages, such as portable tanks and cargo tanks, containing a hazardous material in container-on-flatcar (COFC) or trailer-on-flatcar (TOFC) service if not otherwise authorized for transportation.

(21) Division 1.1 or 1.2 explosive material inspection and Car Certificate requirements - Section 174.104(c), (d), (e), (f)

This information collection requires that before a Division 1.1 or 1.2 explosive materials may be loaded into a rail car, the car must have been inspected and certified to be in compliance with the requirements of § 174.104(b) by a qualified person designated under 49 CFR 215.11.

(22) Record when a car seal is changed when the car is placarded with Division 1.1 or 1.2 explosive materials – Section 174.414

This information collection requires that when a rail car seal is changed on a rail car requiring "EXPLOSIVES 1.1 or EXPLOSIVES 1.2 (EXPLOSIVES A) placards" while en route or before delivery to a consignee a record of the change showing the following information must be made on or attached to the waybill or other form of memorandum which must accompany the car to its destination.

(23) Design Certifying Engineer develop written procedures to verify compliance with tank car design – Section 179.3(b) and 179.5

This is a proposed information collection requirement in § 179.3(b) for a DCE to develop written procedures to verify compliance with tank car design.

(24) DCE Providing DAC Requirements – Section 179.3(d), 179.5

This proposed information collection will required that the DCE provide a copy of the DAC to the tank car or service equipment owner following approval.

(25) Initial marking, requalification marking, and requalification reporting requirements - Sections 179.22, 180.515, 180.517

This information collection consists of the requirements for the detail marking of a newly manufactured tank car, requalification tank car marking requirements, and reporting of details for a requalified tank car.

(26) Quality Assurance Program - Sections 179.7, 180.505

This information collection requires facilities that build, repair, and ensure the structural integrity of tank cars are required to develop and implement a quality assurance program. This information is used by the facility and DOT compliance personnel to ensure that each tank car is constructed or repaired in accordance with the applicable requirements.

3. Extent of automated information collection

The burden has been made as simple as possible. The information requested is necessary to ensure safe operations and is critical in evaluating and assuring the safe transportation of hazardous materials. The Government Paperwork Elimination Act directs agencies to allow the option of electronic filing and recordkeeping by October 2003, when practicable. Electronic filing and recordkeeping are authorized. It is estimated that 90% of submissions are electronic, based on historical conversations with stakeholders and data from submissions to PHMSA and FRA.

4. Efforts to identify duplication

There is no duplication, as the information is unique to specific situations. PHMSA and FRA, along with other stakeholders, work together to ensure that requirements are not duplicated. FRA is an active participant in PHMSA's rulemaking process, providing input and concurring on rulemaking matters. This aides in the assurance of avoiding duplicative information collection. PHMSA has also worked with Transport Canada to develop reciprocity for one-time movements of non-compliant tank cars, in lieu of a DOT-issued One-Time Movement Approvals (OTMAs) when the tank car shipment's origin or destination is in Canada. Therefore, this reduces duplicative efforts as the tank car only needs one authorization for transportation.

5. Efforts to minimize the burden on small businesses

Small businesses may request approvals under this information collection. The requirements for an approval have been made as simple as possible to lessen the burden on small businesses and other applicants while allowing PHMSA to ensure they meet an adequate level of safety.

6. Impact of less frequent collection of information

The frequency is determined by those affected. Only individuals applying for an approval are subjected to information collection burden.

7. Special circumstances

This collection of information is generally conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2), with the following qualifications: Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records more than three years.

8. Compliance with 5 CFR 1320.8

PHMSA published a NPRM and request for comments on the proposed revisions to this OMB control number in the Federal Register on October 28, 2024 [89 FR 85590] under Docket No. PHMSA-2018-0080.

9. Payments or gift to respondents

There is no payment or gift provided to respondents associated with this collection of information.

10. Assurance of confidentiality

No guarantees of confidentiality are provided to applicants. None of the data collected contain personally identifiable information (PII) or business confidential information.

11. Justification for collection of sensitive information

Not applicable. No sensitive information is required.

12. Estimate of burden hours for information requested

Total Number of Respondents	Total Number of Responses	Total Burden Hours	Total Salary Cost	Total Burden Cost
9,304	170,101	102,092	$7,084,337	$500,000

(1) Tank Car Facility Registration – Section 107.905

PHMSA estimates that 280 tank car facilities will register for the proposed new tank car facility registration requirements in § 107.905. Each registration is anticipated to take two hours, for a total of 560 annual burden hours. Each registration is expected to cost $69.39 per hour in salary[2], for a total of $38,856 in salary cost (13 burden hours x $69.39/hour). PHMSA does not estimate that there are any out-of-pocket expenses associated with this information collection.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Hours per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Tank Car Facility Registration	280	1	280	2	560	$69.39	$38,856	$0

(2) DCE Registration – Section 107.907.

[2] Occupation labor rates based on 2022 Occupational and Employment Statistics Survey (OES) for "Transportation, Storage, and Distribution Managers (11-3071)" in the Transportation and Warehousing industry. The hourly mean wage for this occupation ($47.39) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

PHMSA estimates that 25 DCEs will register under the proposed new requirement in § 107.907 for DCE registration. Each registration is anticipated to take two hours to complete, for a total of 50 annual burden hours. Each registration is expected to cost $69.39 per hour in salary, for a total of $3,469 in salary cost (50 burden hours x $69.39/hour). PHMSA does not estimate any out-of-pocket expenses associated with this information collection.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Hours per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
DCE Registration	25	1	25	2	50	$69.39	$3,469	$0

(3) Tank Car Facility and DCE Retention

After the first initial registration period, PHMSA estimates there will be a burden associated with registration renewal and updating the requirements in §§ 107.909(c) and 107.909(d). As tank car facility and DCE registration are new requirements, PHMSA does not estimate the renewal and updating requirements in the first year. However, PHMSA plans to estimate that to renew or update a tank car facility or DCE registration, it will take approximately 30 minutes to complete. PHMSA will update this information collection one year after the implementation of the final rule.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Hours per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Tank Car Facility and DCE Retention	0	0	0	0.5	0	0	0	$0

(4) Tank Car Facility and DCE Registration Recordkeeping – Section 107.909(e)

PHMSA estimates that most of the requests for a registration copy will occur during FRA inspections, which occur approximately 45 times per year. It is anticipated that it will take five minutes to produce the paperwork, resulting in total of approximately four annual burdens hours. Each request is expected to cost $69.39 per hour in salary, for a total of $833 in salary cost (4 burden hours x $69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Hours per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Tank Car Facility and DCE Registration Recordkeeping	45	1	45	0.0833	4	$69.39	$833	$0

(5) **Tank Car Approvals -** Section 172.102, special provisions B45, B46, B55, B61, B69,

B77, B81)

Based on historical data, it is estimated that two requests are submitted annually for tank car approvals. PHMSA estimates that each approval takes 6.5 hours, based on discussions with stakeholders, for a total of 13 burden hours (2 responses x 6.5 hours). Each approval is expected to cost $69.39 per hour in salary[3], for a total of $892 in salary cost (13 burden hours x $69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Hours per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Tank Car Approvals	2	1	2	6.5	13	$69.39	$902	$0

(6) **DCE Approval Required when a Tank Car is Proposed for Commodity Service other than Specified on a Certificate of Construction** - Section 173.31(a)(2)

Each year, approximately 25 respondents will submit 48 responses to the AAR for transportation of a commodity other than what is authorized on the certificate of construction, for a total of 1,200 annual responses (25 respondents x 48 responses per respondent). PHMSA estimates that each response is estimated to take 10 minutes to complete, based on stakeholder feedback, for a total of 200 annual burden hours (1,200 responses x 10 minutes). PHMSA estimates that it costs $69.39 per hour in salary[4] cost for a total of $13,877 (200 burden hours x $69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

Information Collection Request	Number of Respondents	Response per Respondent	Number of Responses	Minutes per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
AAR Approval Required when a Tank Car is Proposed for Commodity Service other than Specified on a Certificate of Construction	25	48	1,200	10	200	$69.39	$13,877	$0

(7) **Annual Tank Car Owner Progress Report to FRA** - Section 173.31(b)(6)(ii)

Approximately 100 tank car owners will submit one report per year, based on FRA data. From historical stakeholder feedback, PHMSA estimates that each report takes 1 hour to prepare, for a total of 100 burden hours (100 responses x 1 burden hour). It is estimated to cost $69.39 per hour in salary cost[5] for a total of $6,939 in salary cost for this information collection (100 burden hours x $69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

[3] Occupation labor rates based on 2022 Occupational and Employment Statistics Survey (OES) for "Transportation, Storage, and Distribution Managers (11-3071)" in the Transportation and Warehousing industry. The hourly mean wage for this occupation ($47.39) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).
[4] Ibid.
[5] Ibid.

Information Collection Request	Number of Respondents	Response per Respondent	Number of Responses	Hours per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Annual Tank Car Owner Progress Report to FRA	100	1	100	1	100	$69.39	$6,939	$0

(8/9) Procedures for Closing and Securing All Openings on a Tank Car (New) - § 173.31(d)(1)

PHMSA is proposing a new requirement for written procedures for closure and securement of all openings on a tank car prior to shipment. PHMSA estimates that there are 4,619 tank car offerors who will be subject to this requirement. PHMSA estimates that 95 percent of these offerors (4,338) already have some form of procedures and thus the burden to review and update these procedures is limited to 16 hours resulting in a total of 70,209 annual burden hours (4,338 x 16 hours per response). The other five percent of offerors (230) will need to create new procedures, which is estimated to take 40 hours to develop, resulting in a total of 9,238 annual burden hours (230 responses x 40 hours per response). It is estimated to cost $69.39 per hour in salary cost for a total of $4,871,456 in salary cost for existing tank cars (70,209 burden hours x $69.39/hour) and $640,979 for new tank cars (9,238 burden hours x $69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

Information Collection Request	Number of Respondents	Response per Respondent	Number of Responses	Hours per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Procedures for Closing and Securing All Openings on a Tank Car - Existing	4388	1	4388	16	70,209	$69.39	$4,871,456	$0
Procedures for Closing and Securing All Openings on a Tank Car - New	231	1	231	40	9,238	$69.39	$640,979	$0

(10) **Compressed Gases and Cryogenic Liquids in Tank Cars and Multi-Unit Tank Cars Reporting** - Sections 173.314, 173.319

Based on historical data from stakeholders, it is estimated that there are 6 respondents, each reporting on these type of tank cars approximately 23.5 times per year, for a total of 141 annual responses (6 respondents x 23.5 responses). It is estimated to take 15 minutes to prepare each report for an approximate total of 35 annual burden hours (141 responses x 15 minutes). It is

estimated to cost $69.39 per hour in salary costs[6] to complete the report, for a total of $2,428 in total salary cost (35 burden hours x $69.39/hour). PHMSA does not estimate any out-of-pocket estimates.

Information Collection Request	Number of Respondents	Response per Respondent	Number of Responses	Minutes per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Compressed Gases and Cryogenic Liquids in Tank Cars and Multi Unit Tank Cars Reporting	6	23.5	141	15	35	$69.39	$2,428	$0

(11) Tank Cars Held Beyond 48 Hours – Section 174.14(a)

PHMSA proposes a new requirement in § 174.14(a) to create a record when a tank car is being held beyond 48 hours. PHMSA estimates that there are 100 railroads who create this record 100 times per year resulting in 10,000 responses per year. Each record takes approximately five seconds, resulting in a total of 14 annual burden hours (10,000 responses x 5 minutes per response). PHMSA does not estimate any out-of-pocket expenses.

Information Collection Request	Number of Respondents	Response per Respondent	Number of Responses	Hour per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Tank Cars Held Beyond 48 Hours	100	100	10,000	0.00138889	14	$69.39	$971	$0

(12) **Hazardous Materials Train Consist Additional Information (Class I, II, III Railroads)** - Section 174.26

PHMSA estimates that 658 Class 1, 2, and 3 railroads will be required to add the point of origin and destination of hazardous materials subject to already produced shipping papers. PHMSA is estimating it will take an additional 0.083 hours per response resulting in 10,876 additional burden hours for the railroads (Class I, II, and III) (131,042 responses × 0.083 hours). It is estimated that a railroad employee making $56.08 per hour[7] will perform this function resulting in an increased salary cost of $609.914 (10,876 burden hours × $56.08 per hour). Additionally, PHMSA estimates railroads will need to make an initial investment in building a system for electronic sharing of train consist information. PHMSA conservatively assumes that the initial cost of building out a system will result in $500,000 in burden cost associated with this information collection.

[6] Ibid.

[7] Occupation labor rates based on 2022 Statistics Survey (OES) for "43-5030 Locomotive Engineers)" the hourly mean wage for this occupation ($38.30) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Hours per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Hazardous Materials Train Consist Additional Information (Class I, II, III Railroads)	658	199.15	131,042	0.083	10,876	$56.08	$609,914	$500,000

(13) **Notification of Hazardous Materials Accidents or Incidents** - Class I, II, II Railroad - Section 174.26

PHMSA estimates that 658 railroads (Class I, II, and III) will need to notify local authorities of hazardous materials incidents 491 times annually. PHMSA estimates the additional burden will take 15 minutes resulting in 122.75 burden hours (491 hazardous materials incidents × 15 minutes per notification). It is estimated that a railroad employee making $52.64 [8]per hour will perform this function resulting in an increased salary cost of $6,460 (122.75 burden hours × $52.64 per hour). There are no additional burden costs associated with this information collection.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Minutes per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Notification of Hazardous Materials Accidents or Incidents by Rail (Class I, II, and III)	658	0.7462	491	15	122.75	$52.64	$6,460	$0

(14) **Creation of Test Records for Emergency System Notification Test (Class I, II, III)** - Section

PHMSA estimates 658 railroads (Class I, II, and III) will created 658 test records annually. PHMSA estimates will take over average 2.1854 hours on average to complete resulting in 1,438 burden hours (658 responses x 2.1854 hours per response). It is estimated that a railroad employee making $56.08[9] per hour will perform this function resulting in an increased salary cost of $80,637 (1,438 burden hours × $56.08 per hour). There are no additional burden costs associated with this information collection.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Hours per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Creation of Test Records	658	1	658	2.1854	1438	$56.08	$80,637	$0

[8] Occupation labor rates based on 2023 Statistics Survey (OES) for "53-4011 Locomotive Engineers)" the hourly mean wage for this occupation ($35.87) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

[9] Occupation labor rates based on 2022 Statistics Survey (OES) for "43-5030 Locomotive Engineers)" the hourly mean wage for this occupation ($38.30) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

for Emergency System Notification Test (Class I, II, III)								

(15) **Retention of Test Records for Emergency System Notification Test** – Section 174.28(b)

PHMSA estimates that 658 railroads will create 758 retention records for testing the emergency system notification test. PHMSA estimated each test retention will take 0.083 hours for a total of 63 burden hours (758 responses x 0.083 hours). It is estimated that a railroad employee making $56.08[10] per hour will perform this function resulting in an increased salary cost of $3,527 (63 burden hours × $56.08 per hour). There are no additional burden costs associated with this information collection.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Hours per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Retention of Test Records for Emergency System Notification Test	658	1.1519	758	0.0830	63	$56.08	$3,527	$0

(16) **Creation of Class III alternative emergency response information plan** – Section

PHMSA estimates that 388 Class III railroads will create 388 alternative emergency response plans per year. PHMSA estimates that each response plan will take 4 hours to complete resulting in 1,552 burden hours (388 Class III railroads x 4 hours per response plan). It is estimated that a railroad employee making $56.08[11] per hour will perform this function resulting in an increased salary cost of $87,030 (1,552 burden hours × $56.08 per hour). There are no additional burden costs associated with this information collection.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Hours per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Creation of Class III alternative emergency response information plan	388	1	388	4	1,552	$56.08	$87,030	$0

(17) **Retention of Class III alternative emergency response information plan (Retention Only)** - Section

PHMSA estimates that 388 Class III railroads will need to retain 388 alternative emergency response plans per year. PHMSA estimates that each response plan will take 0.083 hours to maintain this plan resulting in 32.20 burden hours (388 Class III railroads x 0.083 hours per

[10] Occupation labor rates based on 2022 Statistics Survey (OES) for "43-5030 Locomotive Engineers)" the hourly mean wage for this occupation ($38.30) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).
[11] Ibid

response plan). It is estimated that a railroad employee making $56.08 per hour will perform this function resulting in an increased salary cost of $1,805 (32.20 burden hours × $56.08 per hour). There are no additional burden costs associated with this information collection.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Hours per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Retention of Class III alternative emergency response information plan (Retention Only)	388	1	388	0.083	32.20	$56.08	$1,805	$0

(18) **Nonconforming Bulk Packages must be Repaired or Approved for Movement by the FRA** - Section 174.50

Based on historical stakeholder data, PHMSA estimates that approximately 354 rail carriers will each report 10.54 leaking tank car tanks each year, for a total of 3,732 responses (354 respondents x 10.54 responses). It is estimated to take approximately 24 minutes to develop the information necessary for the report, for a total of 1,469 burden hours (4,308 responses x 24 minutes). At an estimated salary cost of $69.39 per hour[12] it is estimated to cost a total of $101,926 in salary costs (1,469 burden hours x $69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Minutes per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Nonconforming Bulk Packages must be Repaired or Approved from Movement by the FRA	354	10.54	4,308	24	1,469	$69.39	$101,926	$0

(19) Nonconforming bulk packages must be repaired or approved from movement by the FRA (OTMA Documentation) - Recordkeeping- Section 174.50(d)

In § 174.50(d), PHMSA proposes to specify recordkeeping requirements for OTMAs. PHMSA estimates that these recordkeeping requests, which will mostly be through enforcement requests, occur 56 times per year. It takes approximately five minutes to produce the OTMA documentation, for a total of five annual burden hours. At an estimated salary cost of $69.39 per hour, it is estimated to cost a total of $347 in salary costs (5 burden hours x $69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

[12] Occupation labor rates based on 2022 Occupational and Employment Statistics Survey (OES) for "Transportation, Storage, and Distribution Managers (11-3071)" in the Transportation and Warehousing industry. The hourly mean wage for this occupation ($47.39) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).\.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Minutes per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Nonconforming bulk packages must be repaired or approved from movement by the FRA - Recordkeeping	56	1	56	5	5	$69.39	$347	$0

(20) **FRA Approval for Transportation of Bulk Packages Containing a Hazardous Material in COFC or TOFC service** - Section 174.63

PHMSA estimates that there are six requests per year, based on historical stakeholder data. Furthermore, it is estimated that each report will take approximately 30 minutes to develop, for a total of 3 burden hours (6 responses x 30 minutes). It is estimated to cost $69.39 per hour[13] in salary cost, for a total of $208 in salary cost (3 burden hours x $69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Minutes per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
FRA Approval for Transportation of Bulk Packages Containing a Hazardous Material in COFC or TOFC Service	6	1	6	30	3	$69.39	$208	$0

(21) **Division 1.1 or 1.2 Explosive Material Inspection and Car Certificate Requirements** - Section 174.104(c), (d), (e), (f)

Approximately 25 respondents make 2 shipments per month, for a total of 600 annual responses (25 respondents x 2 shipments x 12 months). Based on historical stakeholder data, it is estimated to take 20 minutes to prepare the certificate, for a total of 200 burden hours (600 responses x 20 minutes). It is estimated to cost $69.39 per hour[14] to prepare the certificate, for a total of $13,877 in total salary cost (200 burden hours x $69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Minutes per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Division 1.1 or 1.2 explosive material inspection and Car Certificate requirements	25	24	600	20	200	$69.39	$13,877	$0

(22) **Record when a Car Seal is Changed when the Car is Placarded with Division 1.1 or 1.2 Explosive Materials** - Section 174.114

[13] Ibid.
[14] Ibid.

Approximately 34 rail carriers will each change the seals on 5 railcars each annually, for a total of 170 responses (34 respondents x 5 responses). Each record is estimated to take 10 minutes to complete for a total of 28 total burden hours (17 responses x 10 minutes). These estimates are based on historical Stakeholder engagement. PHMSA estimates an hourly salary cost of $69.39 per hour[15], for a total salary cost of $1,943 (28 burden hours x $69.39/hour). PHMSA does not estimate any out-of-pocket expenses.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Minutes per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Record when a Car Seal is Changed when the Car is Placarded with Division 1.1 or 1.2 Explosive Materials	34	5	170	10	28	$69.39	$1,943	$0

(23) Design Certifying Engineer develop written procedures to verify compliance with tank car design – Section 179.3(b) and 179.5

PHMSA estimates that it takes eight hours for each of the 25 DCEs to develop written procedures, resulting in a total of 200 annual burden hours (25 responses x 8 hours per response). PHMSA estimates an hourly salary cost of $69.39 per hour[16], for a total salary cost of $13,877 (200 burden hours x $69.39/hour). PHMSA does not estimate any out-of-pocket expenses. Furthermore, as this is a one-time requirement, PHMSA plans to reduce this information collection one year after the effective date of this rulemaking.

[15] Ibid.
[16] Ibid.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Hours per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Design Certifying Engineer develop written procedures to verify compliance with tank car design	25	1	25	8	200	$69.39	$1,943	$0

(24) Design Certifying Engineer providing Design Approval Certificate – Section 179.3(b), 179.5

PHMSA estimates that the 25 DCEs will review and approve approximately 14 tank cars or service equipment designs per year, resulting in a total of 350 DACs produced (25 respondents x 14 responses per year). PHMSA estimates it will take 10 hours to develop the DAC resulting in 3,500 annual burden hours (350 responses x 10 hours per response). PHMSA estimates an hourly salary cost of $69.39 per hour , for a total salary cost of $242,848 (200 burden hours x $69.39/hour). PHMSA estimates that there are no out-of-pocket expenses for development of the DAC.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Hours per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Design Certifying Engineer providing Design Approval Certificate	25	14	350	10	3500	$69.39	$242,848	$0

(25) **Initial Marking, Requalification Marking, and Requalification Reporting Requirements** - Sections 179.22, 180.515, 180.517

It is estimated that approximately 100 companies manufacture or retest approximately 150 tanks cars each per year for a total of 15,000 responses (100 companies x 150 responses). Based on historical stakeholder data, it is estimated that the documentation for each tank car takes approximately 7 minutes to complete for a total of approximately 1,768 total burden hours (15,000 responses x 7 minutes). PHMSA estimates a salary cost of $69.39 per hour[17], for a total salary of $122,673 (1,768 burden hours x $69.39/hour). PHMSA does not anticipate any out-of-pocket expenses.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Minutes per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Initial Marking, Requalification Marking, and Requalification Reporting Requirements	100	150	15,000	7	1,768	$69.39	$122,673	$0

[17] Ibid.

(26) **Quality Assurance Program** - Sections 179.7, 180.505

Approximately 75 companies will develop and maintain a Quality Assurance Program. Based on stakeholder feedback, is estimated that it will take approximately 5.5 hours to develop for a total of 413 burden hours (74 responses x 5.5 hours). It is estimated to cost $67.39 per hour[18] for this burden, for a total of $28,656 in salary cost (413 burden hours x $67.39/hour). PHMSA does not estimate any out-of-pocket expenses.

Information Collection Request	Number of Respondents	Response per Carrier	Number of Responses	Hours per Response	Total Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Quality Assurance Program	75	1	75	5.5	413	$69.39	$28,656	$0

13. Estimate of total annual costs to respondents

To comply with the requirements in the HM-263 final rule, PHMSA estimates railroads will need to make an initial investment in building a system for electronic sharing of train consist information. PHMSA conservatively assumes that the initial cost of building out a system will result in $500,000 in burden cost associated with this information collection.

14. Estimate of cost to the Federal Government

PHMSA estimates approximately 4,608 requests or reports are submitted to the Federal Government annually. It is estimated that each document will take approximately 3 hours to review, approve and prepare for a total of 13,824 burden hours (4,608 responses x 3 hours). The hourly salary is estimated at $76.43[19] per hour for a total of $1,056,568 (13,824 burden hours x $76.43).

Number of Responses	Hours per Responses	Total Burden Hours	Salary Cost per Hour	Total Salary Cost
4,608	3	13,824	$73.68	$1,018,586

15. Explanation of program changes or adjustments

This information collection request reflects a proposed increase in responses, burden hours and salary cost. The proposed increases stem from the publication of the HM-265 notice of proposed rulemaking (NPRM) titled “Hazardous Materials: Advancing Safety of Highway, Rail, and Vessel Transportation” published in the federal register on October 28, 2024. The revisions include 10 new information collections, modify two existing information collections, and remove

[18] Ibid.

[19] Cost to review and approve approvals PHMSA used annual wage data from the Office of Personnel Management (OPM) to estimate wages for its staff at the 2023 General Schedule (GS) level 13, step 1, wage class for the Washington-Baltimore-Northern Virginia metropolitan area. In accordance with the OMB Circular No. A-76 (M-07-02; 2006), PHMSA included a load factor of 36.45 percent for the Federal wage to account for fringe benefits.

one information collection associated with this OMB control number. Responding to these information collections is mandatory. These information collections include both reporting and recordkeeping requirements.

16. Publication of results of data collection

There is no publication for statistical use and no statistical techniques are involved. Approval letters are published on the PHMSA website.

17. Approval for not displaying the expiration date of OMB approval

This information collection OMB Control number is prominently displayed in the HMR, specifically under § 171.6, entitled, “Control Numbers under the Paperwork Reduction Act.”

18. Exceptions to certification statement

There is no exception to PHMSA's certification of this request for information collection approval.