

**1111FEDERAL RAILROAD ADMINISTRATION**  
**Passenger Equipment Safety Standards**  
**(Title 49 Code of Federal Regulations (CFR) Part 238)**  
**SUPPORTING JUSTIFICATION**  
**OMB Control No. 2130-0544**

Summary of Submission

- This submission is an extension without change (with changes in estimates) of the last three-year approval granted by the Office of Management and Budget (OMB) on January 31, 2022, which expires May 31, 2025.
- The Federal Railroad Administration (hereafter “FRA” or the “Agency”) published the required 60-day Federal Register Notice on March 21, 2025. See 90 FR 13401. FRA received no comments related to the information collection request.
- Overall, the adjusted estimates increased the burden by one (1) hour and decreased responses by 102.
- The answer to question number 12 itemizes all information collection requirements.
- The answer to question number 15 itemizes all adjustments.

**1. Circumstances that make collection of the information necessary.**

FRA has broad statutory authority to regulate all areas of railroad safety.<sup>1</sup> The regulations pertaining to Passenger Equipment Safety were first issued in 1999, as mandated by law in 1994,<sup>2</sup> and most recently amended in 2018.

On May 12, 1999, FRA published the Passenger Equipment Safety Standards (PESS) final rule.<sup>3</sup> The PESS final rule established comprehensive safety standards for railroad passenger equipment, including requirements for carbody structure and emergency systems. FRA subsequently amended the final rule to address petitions seeking FRA’s reconsideration of certain requirements contained in the rule; FRA grouped issues together and published three sets of amendments to the final rule.<sup>4</sup>

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<sup>1</sup> 49 U.S.C. 20103(a); 49 CFR 1.89.

<sup>2</sup> Federal Railroad Safety Authorization Act of 1994 (the Act), Public Law 103-440, 108 Stat. 4619, 4623-4624.

<sup>3</sup> 64 FR 25540.

<sup>4</sup> 65 FR 41284, 67 FR 19970, and 67 FR 42892.

On October 19, 2006, FRA published a final rule addressing various requirements related to the inspection, testing, and operation of passenger equipment, as well as the attachment of safety appliances.<sup>5</sup>

On February 1, 2008, FRA published the Passenger Train Emergency Systems final rule promoting passenger occupant safety by addressing emergency communication, emergency egress, and rescue access requirements.<sup>6</sup> FRA also established additional requirements for passenger train emergency systems on November 29, 2013.<sup>7</sup>

On January 8, 2010, FRA published a final rule enhancing requirements for the structural strength of the front end of cab cars and multiple-unit (MU) locomotives.<sup>8</sup>

On March 13, 2013, FRA published a final rule to amend the Federal Track Safety Standards to promote the safe interaction of rail vehicles and the tracks they operate on at speeds up to 220 mph.<sup>9</sup>

On December 7, 2015, FRA published a final rule amending FRA's PESS to address the safety of passenger train exterior side doors.<sup>10</sup>

Lastly, FRA published a final rule on November 21, 2018, that amended FRA's PESS using a performance-based approach to adopt new and modified requirements governing the construction of conventional and high-speed passenger rail equipment.<sup>11</sup> The final rule added a new tier of passenger equipment safety standards (Tier III) to facilitate the safe implementation of high-speed passenger rail service at speeds up to 220 mph. The final rule also established crashworthiness and occupant protection performance requirements in the alternative to those currently specified for Tier I passenger trainsets.

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

The information collection under 49 CFR part 238 is used by FRA to promote passenger train safety by ensuring requirements are met for railroad equipment design and performance, fire safety, emergency systems, inspection, testing, and maintenance, and other provisions for the safe operation of railroad passenger equipment. FRA also uses the collection of information after an incident or accident to assist its investigators in determining the cause(s) of the incident or accident, as well as possible contributing factors to the event.

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<sup>5</sup> 71 FR 61835.

<sup>6</sup> 73 FR 6370.

<sup>7</sup> 78 FR 71786.

<sup>8</sup> 75 FR 1180.

<sup>9</sup> 78 FR 16052.

<sup>10</sup> 80 FR 76118.

<sup>11</sup> 83 FR 59182.

For instance:

- Under § 238.7, waiver petitions are reviewed to determine whether it is safe and in the public interest to grant exceptions to any of the requirements of part 238.
- Under §§ 238.15 and 238.17, the information collected regarding passenger trains in consists with defective equipment found during a Class I or Class IA brake test is used by railroads and by FRA to track defective equipment and to ensure the safe movement of trains and equipment. The information (tagging and use of automated tracking systems) from passenger equipment that develops defects en route enables railroad employees to take appropriate safety measures to reduce the likelihood of accident and incidents.
- Under § 238.111, Pre-revenue service acceptance testing plan, FRA uses the information to ensure that passenger equipment is safe and suitable before such equipment is placed in passenger service.
- Under §§ 238.229 and 238.230, regarding safety appliances, FRA reviews the information collected to ensure that all new and existing safety appliances directly attached to the equipment by welding are properly identified, inspected, and handled.
- Under §§ 238.231 and 238.303, FRA reviews brake system information and air compressor information to ensure that railroads demonstrate through verifiable data, analysis, or actual testing that the safety of the train is being maintained.
- Under § 238.103, new passenger equipment design information submitted by equipment manufacturers on behalf of railroads is used to ensure that fire safety considerations and features in the design of this equipment reduce the risk of personal injury to passengers and crewmembers in the event of fire and reduce the risk of equipment damage.
- Under § 238.703, FRA uses the information collected to verify railroad compliance with the quasi-static requirements of this section for Tier III trainsets.
- Under § 238.705, the information collected is used to validate that the occupied volume integrity (OVI) for each individual vehicle of Tier III trainsets in a dynamic collision scenario has been demonstrated and maintained, thus protecting all occupants of the trainset.
- Under §§ 238.707 and 238.709, the information collected is used to ensure that Tier III trainsets comply with the vertical override protection and with the fluid entry inhibition requirements stipulated in this regulation.

- Under § 238.731, FRA uses the information collected to ensure that the maximum safe operating speed for a railroad's Tier III trainsets results in no thermal damage to equipment or infrastructure during normal operations of the brake system.
- Under § 238.741, each passenger railroad must submit a plan to FRA for approval if a passenger car employs the use of emergency egress panels or additional door exits instead of emergency window exits or rescue access windows. FRA reviews these plans to ensure that performance-oriented requirements are met for an emergency window egress and rescue access plan.
- Under § 238.751, if a railroad uses alternate technology to an alerter, an alternate technology analysis must be conducted and approved by FRA. The information collected by FRA can then be reviewed in order to confirm that the alternate technology provides at least an equivalent level of safety.

In sum, this collection of information is used by FRA to accomplish its primary mission, which is to promote and enhance rail safety throughout the United States.

**3. Extent of automated information collection.**

To date, FRA estimates that approximately 85 percent of all responses are completed electronically by the railroads. FRA strongly encourages the use of advanced information technology, wherever feasible, to reduce the burden on respondents.

**4. Efforts to identify duplication.**

To FRA's knowledge, this information is not duplicated anywhere. Similar data is not available from any other source.

**5. Efforts to minimize the burden on small businesses.**

This information collection has no significant impact on small businesses.

**6. Impact of less frequent collection of information.**

If this collection of information were not conducted or conducted less frequently, rail safety throughout the United States would be lessened. For example, the number and severity of railroad accidents and incidents and accompanying injuries and fatalities might rise if FRA were unable to collect this information and adequately monitor railroad operations and safety practices. Safety programs and safety oversight require timely and accessible information in order to be effective.

The information collected helps ensure that proper inspections, tests, and maintenance of

railroad equipment are performed by appropriately trained personnel at prescribed intervals. Through such inspections, tests, and maintenance, passenger cars with defective safety appliances or defective power brakes or other defective components can be identified and properly handled or repaired in a safe and effective manner.

Failure to collect this information, or to do so less frequently, might mean more passenger cars operating with defective equipment that would go undetected, or more unskilled or unqualified individuals performing safety-sensitive tasks that lead to derailments, collisions, and other adverse rail events.

In sum, this collection of information advances the mission of FRA, which is to ensure, enhance, and promote safety throughout the U.S. rail system.

**7. Special circumstances.**

The recordkeeping requirement under § 238.309, Periodic brake equipment maintenance, must be kept in the railroad's files, the cab of the locomotive, or a designated location in the passenger car until the next such periodic test. Additionally, some of these records will be kept up to six years depending on the next periodic test.

Furthermore, under § 238.103(b), fire safety certifications for materials in passenger equipment are kept as long as the equipment is owned by the railroad and will be transferred with the equipment when sold by one railroad to another railroad.

No other information collection requirements contained in the rule require respondents to report information or maintain records outside OMB guidelines due to special circumstances.

**8. Compliance with 5 CFR 1320.8.**

As required by the Paperwork Reduction Act of 1995 (PRA) and 5 CFR part 1320, FRA published a notice in the Federal Register on March 21, 2025,<sup>12</sup> soliciting comment from the public, railroads, and other interested parties on these information collection requirements. FRA received no comments from the public.

**Consultations with representatives of the affected population:**

FRA regularly engages with the railroad industry, as part of FRA's oversight of railroads' compliance with passenger equipment safety standards. Individuals from the industry are generally in direct contact with FRA inspectors at the time of the site inspection and can provide any comments or concerns to the inspector.

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<sup>12</sup> 90 FR 13401.

On an annual basis, FRA typically participates with the passenger railroad industry in the development and the updating of industry standards for passenger equipment safety. Additionally, FRA hosts the Passenger Safety Working Group through the Railroad Safety Advisory Committee. Through these activities, FRA is regularly engaged in consultation with the industry.

**9. Payments or gifts to respondents.**

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

**10. Assurance of confidentiality.**

Information collected is not of a confidential nature, and FRA pledges no confidentiality.

**11. Justification for any questions of a sensitive nature.**

There are no questions of a sensitive or private nature involving this regulation and its associated information collection requirements.

**12. Estimate of burden hours for information collected.**

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

CFR Section	Respondent Universe	Total Annual Responses (A)	Average Time Per Response (B)	Total Annual Burden in Hours (C) = A * B	Wage Rate (D) <sup>13</sup>	Total Cost Equivalent (E) = C * D	Section Analyses and Estimates
229.47 Emergency brake valve							
—(a) through (b) “Emergency Brake Valve” shall be legibly stenciled or marked near each valve or shall be shown on an adjacent badge plate	FRA anticipates zero submissions for this regulatory requirement over the next three years.						
238.7 Waivers							
—(a) through (c) Petition for waiver of compliance under this section.	34 railroads	12	6 hours	72	\$89.13	\$6,417.36	A person subject to a requirement of this part may petition the Administrator for a waiver of compliance with such requirement.
238.15 Movement of passenger equipment with power brake defects <sup>14</sup>							
—(b)(1)(iii) Passenger equipment with a power brake defect at the time a Class I or IA brake test is performed must be tagged before it is moved.	34 railroads	1,000	3 minutes	50	\$89.13	\$4,456.50	A commuter or passenger train that has in its consist passenger equipment containing a power brake defect at the time that a Class I or IA brake test (or, for Tier II trains, the equivalent) is

<sup>13</sup> Throughout the tables in this document, the dollar equivalent cost is derived from the 2023 Surface Transportation Board’s Full Year Wage A&B data series using the appropriate employee group hourly wage rate that includes 75 percent overhead charges.

<sup>14</sup> Paragraph 238.15(c)(4), Conditional requirement, has been removed from this submission. FRA determined that this regulatory requirement does not create a paperwork burden.

							performed may only be moved without civil penalty liability if certain conditions are met. One of those conditions requires that passenger equipment is tagged, or information is recorded, as prescribed in § 238.15(c)(2) of this section.
—(c)(2) Limitations on movement of passenger equipment in passenger service that becomes defective en route after a Class I or IA brake test—Tagging of defective equipment	34 railroads	288	3 minutes	14.40	\$89.13	\$1,283.48	When a brake defect is found en route the railroad is required to place a tag or card on both sides of the defective passenger equipment with the following information: (i) The reporting mark and car or locomotive number; (ii) The name of the inspecting railroad; (iii) The name of the inspector; (iv) The inspection location and date; (v) The nature of each defect; (vi) The destination of the equipment where it will be repaired; and (vii) The signature, if possible, and job title of the person reporting the defective condition.
<b>238.17 Movement of passenger equipment with other than power brake defects</b>							
—(c)(4) and (e)(3) Tagging of defective equipment	34 railroads	200	3 minutes	10	\$89.13	\$891.30	The railroad shall maintain a record of all defects reported



							<p>and their subsequent repair in the defect tracking system required in § 238.19. In addition, prior to movement of the defective equipment, a tag or card placed on both sides of the defective equipment, or an automated tracking system, shall record the following information about the defective equipment:</p> <p>(i) The reporting mark and car or locomotive number;</p> <p>(ii) The name of the inspecting railroad;</p> <p>(iii) The name of the inspector, inspection location, and date;</p> <p>(iv) The nature of each defect;</p> <p>(v) Movement restrictions and safety restrictions, if any;</p> <p>(vi) The destination of the equipment where it will be repaired; and</p> <p>(vii) The signature, if possible, as well as the job title and location of the person making the determinations required by this section.</p> <p>Note: The burden associated with (e)(4) crewmember notifications is included under this section.</p>
<b>238.19 Reporting and tracking of repairs to defective passenger equipment</b>							

—(b) and (c) Retention or availability of records	For Tier I trainsets, FRA determined that since the 1990s railroads retain and make available records for reporting and tracking defective passenger equipment as part of their normal business operations.						
—(d) List of repair points— Railroads operating long-distance intercity and long-distance Tier II passenger equipment	FRA anticipates zero submissions under this paperwork requirement over the next three years.						
<b>238.21 Special approval procedure</b>							
—(b) Petitions for special approval of alternative standard	34 railroads	1	16 hours	16	\$89.13	\$1,426.08	Railroads may petition to FRA for special approval to use an alternative standard. Each petition for special approval of an alternative standard shall contain— (1) The name, title, address, and telephone number of the primary person to be contacted with regard to review of the petition; (2) The alternative proposed, in detail, to be substituted for the particular requirements of this part; (3) Appropriate data or analysis, or both, establishing that the alternative will provide at least an equivalent level of safety; and (4) A statement affirming that the railroad has served a copy of the petition on designated representatives of its employees, together with a list of the names and addresses of

							the persons served. Note: The burden associated with seeking special approval under § 238.229(j)(2)(iv), when mechanically fastening a safety appliance to equipment is impractical, is reflected under this section for special approvals.
—(c) Petitions for special approval of alternative compliance	34 railroads	1	40 hours	40	\$89.13	\$3,565.20	Railroads may petition for special approval of alternative compliance. Each petition for special approval of alternative compliance shall contain— (1) The name, title, address, and telephone number of the primary person to be contacted with regard to the petition; (2) The elements prescribed in <a href="#">§§ 238.201(b)(1)</a> , <a href="#">238.229(j)(2)</a> , and <a href="#">238.230(d)</a> ; and (3) A statement affirming that the railroad has served a copy of the petition on designated representatives of its employees, together with a list of the names and addresses of the persons served.
<b>238.103 Fire safety</b>							
—(c) Fire safety analysis for procuring new passenger cars and locomotives	1 new railroad	1	150 hours	150	\$89.13	\$13,369.50	In procuring new passenger cars and locomotives, each railroad shall ensure that fire safety considerations and features in the design of this

							equipment reduce the risk of personal injury caused by fire to an acceptable level in its operating environment using a formal safety methodology such as MIL-STD-882. To this end, each railroad shall complete a written fire safety analysis for the passenger equipment being procured.
—(d)(4) New fire safety analysis prior to transferring existing passenger cars and locomotives to a new category of rail service	34 railroads	1	10 hours	10	\$89.13	\$891.30	Where possible prior to transferring existing passenger cars and locomotives to a new category of rail service, but in no case more than 90 days following such a transfer, the passenger railroad shall complete a new fire safety analysis taking into consideration the change in railroad operations and shall affect prompt action to reduce any identified risk to an acceptable level.
<b>238.105 Train electronic hardware and software safety</b>							
Train electronic hardware and software safety program plans	1 new railroad	1	150 hours	150	\$89.13	\$13,369.50	The railroad shall develop, adopt, and comply with a hardware and software safety program to guide the design, development, testing, integration, and verification of safety-critical passenger equipment electronic software and hardware. The program plan will include a safety

							analysis as outlined under paragraph (c) through (e) of this section.
<b>238.107 Inspection, testing and maintenance plan (ITM)</b>							
—(b) Development of ITM plan for new railroads	1 new railroad	1	150 hours	150	\$89.13	\$13,369.50	Each railroad shall develop, and provide to FRA upon request, a detailed inspection, testing, and maintenance plan consistent with the requirements of this part. This plan shall include a detailed description of the following: (1) Inspection procedures, intervals, and criteria; (2) Test procedures and intervals; (3) Scheduled preventive maintenance intervals; (4) Maintenance procedures; and (5) Special testing equipment or measuring devices required to perform inspections and tests.
—(d) ITM plan annual review	34 railroads	34	20 hours	680	\$89.13	\$60,608.40	The inspection, testing, and maintenance plan required by this section shall be reviewed by the railroad annually.

<b>238.109 Training, qualification, and designation program</b>							
—(a) Development of training program/curriculum for new railroads	1 new railroad	1	160 hours	160	\$89.13	\$14,260.80	Each railroad shall adopt a training, qualification, and designation program for employees and contractors that perform any of the inspections, tests, or maintenance required by this part, and shall have trained such employees and contractors in accordance with the program.
—(b)(13) Recordkeeping— Employees and trainers— Training qualifications	34 railroads	488	3 minutes	24.40	\$89.13	\$2,174.78	Railroads shall maintain records adequate to demonstrate that each employee and contractor performing safety-related tasks on passenger equipment is currently qualified to do so. These records shall be adequate to distinguish the qualifications of the employee or contractor as a qualified person or as a qualified maintenance person. These records include those qualifications for inspection personnel under 238.229(h).
<b>238.111 Pre-revenue service acceptance testing plan<sup>15</sup></b>							
—(a) Passenger equipment that has previously been used in service in the U.S.—New and modified plans	35 railroads	1.33	16 hours	21.28	\$89.13	\$1,896.69	For passenger equipment that has previously been used in revenue service in the United States, each railroad shall test

<sup>15</sup> Subsequent equipment orders have been removed from this submission. After further review, this is not a requirement specified under this section and therefore there is no associated burden.

							the equipment on its system prior to placing such equipment in revenue service for the first time on its railroad to ensure the compatibility of the equipment with the railroad's operating system (including the track, and signal system). A description of such testing shall be retained by the railroad and made available to FRA for inspection and copying upon request.
—(b)(1) and (2) Passenger equipment that has not been previously used in revenue service in the U.S.	35 railroads	1	192 hours	192	\$89.13	\$17,112.96	Before using passenger equipment for the first time on its system that has not been used in revenue service in the United States, each railroad shall prepare a pre-revenue service acceptance testing plan for the equipment. A copy of the plan is to be submitted to FRA at least 30 days before testing the equipment and include with that submission notification of the times and places of the pre-revenue service tests to permit FRA observation of such tests. Note: The burden for § 238.731 analysis and testing of maximum safe operating speed for tier III trainsets of the brake system is included under this section.

—(b)(4) Documenting in writing the results of the tests	35 railroads	1 letter	4 hours	4	\$89.13	\$356.52	Before using passenger equipment for the first time on its system that has not been used in revenue service in the United States, each railroad shall document in writing the results of the equipment's tests. For Tier II and Tier III passenger equipment, the railroad shall report the results of the tests to the Associate Administrator at least 90 days prior to its intended operation of the equipment in revenue service. Note: The burden for § 238.201(b)(ii) alternative compliance is included in with this section.
—(b)(7) and (c) Plan submitted to FRA for Tier II or Tier III equipment before being placed in service	1 railroad	0.33	3 hours	1	\$89.13	\$89.13	For Tier II or Tier III passenger equipment, obtain approval from the Associate Administrator before placing the equipment in revenue service. The Associate Administrator will grant such approval if the railroad demonstrates compliance with the applicable requirements of this part.
<b>238.131 Exterior side door safety systems – new passenger cars and locomotives used in passenger service</b>							
—(a)(2)—Failure Modes, Effects, Criticality Analysis (FMECA)	1 new railroad	1	80 hours	80	\$89.13	\$7,130.40	Each railroad is to conduct a Criticality Analysis on exterior side doors to ensure that the



							train is not able to move unless all doors are closed.
<b>238.133 Exterior side door safety systems – all passenger cars and locomotives used in a passenger service</b>							
—(a)(2) Functional test plans	1 new railroad	1	4 hours	4	\$89.13	\$356.52	Instead of a visual inspection of the door by-pass devices, the railroad may develop a plan to perform a functional test to determine that the door summary status indicator is functioning as intended. The functional test plan shall be made available for inspection by FRA.
—(d) Records of door by-pass activation, unintended opening, and exterior side door safety system inspections	34 railroads	100	2 minutes	3.33	\$89.13	\$296.81	The railroad shall maintain a record of each door by-pass activation and each unintended opening of a powered exterior side door, including any repair(s) made, in the defect tracking system as required by <a href="#">§ 238.19</a> .
<b>238.135 Operating practices for exterior side door safety systems</b>							
—(c) Railroads' request to FRA for special consideration to operate passenger trains with exterior side doors or trap doors, or both, open between stations	The estimated paperwork burden for this regulatory requirement is covered above under § 238.7 or § 238.21.						
—(c)(4) Railroads' response to FRA request for additional information concerning special consideration request	The estimated paperwork burden for this regulatory requirement is covered above under § 238.7 or § 238.21.						
—(d) Operating rules on how to safely override a door summary circuit or no-motion	1 new railroad	1	8 hours	8	\$89.13	\$713.04	Each railroad shall adopt and comply with operating rules on how to safely override a door

system, or both, in the event of an en route exterior side door failure or malfunction on a passenger train (Note: Includes burden under § 238.137)							summary circuit or no-motion system, or both, in the event of an en route exterior side door failure or malfunction on a passenger train. Railroads shall provide these written rules to their crewmembers and control center personnel and make them available for inspection by FRA.
—(e) Railroads’ training of train crewmembers on requirements of this section	The estimated paperwork burden associated with training recordkeeping for crewmembers per this requirement is covered under § 238.109 and under OMB control numbers, 2130-0596 Conductor Certification and 2130-0533, Locomotive Engineer Certification.						
<b>238.229 Safety appliances - general</b>							
—(c) Welded safety appliances—Written lists submitted to FRA by the railroads	1 new railroad	1	1 hour	1	\$89.13	\$89.13	Railroad will submit a written list to FRA identifying each piece of passenger equipment equipped with a welded safety appliance bracket or support as described in <a href="#">paragraph (c)(1)(i)</a> and <a href="#">(c)(1)(ii)</a> of this section and provide a description of the specific safety appliance bracket or support.
—(d) Defective welded safety appliance or welded safety appliance bracket or support—Tagging	34 railroads	4	3 minutes	0.20	\$69.60	\$13.92	Passenger equipment with a welded safety appliance or a welded safety appliance bracket or support will be considered defective and shall have a tag placed on both sides of the passenger equipment or an automated tracking system.
—(d) Notification to crewmembers about non-compliant equipment	34 railroads	2	1 minute	0.03	\$89.13	\$2.68	Each passenger railroad shall notify the crewmember in charge of the movement who

							will in turn notify other crewmembers of the defective equipment.
—(g) Inspection plans	1 new railroad	1	16 hours	16	\$89.13	\$1,426.08	Each passenger railroad shall adopt and comply with and submit to FRA upon request a written safety appliance inspection plan.
—(k) Records of the inspection and repair of the welded safety appliance brackets	The estimated paperwork burden for this requirement is covered under OMB control number 2130-0004 (§ 229.21).						
<b>238.230 Safety appliances—new equipment</b>							
—(b)(1)(ix) Inspection record of welded equipment by qualified employee	FRA estimates zero submissions for this paperwork requirement for this 3-year ICR period.						
—(b)(3) Welded safety appliances: Documentation for equipment impractically designed to mechanically fasten safety appliance support	FRA estimates zero submissions for this paperwork requirement for this 3-year ICR period.						
<b>238.231 Brake system</b>							
—(h)(3) Inspection and repair of hand/parking brake: Records (under FRA Form 6180.49A)	The estimated paperwork burden for this requirement is covered under § 238.303(g) and under OMB control number 2130-0004.						
—(h)(4)(iv) Procedures verifying hold of hand/parking brakes	1 new railroad	1	2 hours	2	\$89.13	\$178.26	Each new passenger railroad shall develop, adopt, and comply with a procedure to verify the hold of hand/parking brakes.

<b>238.237 Automated monitoring</b>							
—(b) Documentation for alerter/deadman control timing	1 new railroad	1	2 hours	2	\$89.13	\$178.26	Alerter or deadman control timing shall be set by the operating railroad taking into consideration maximum train speed and capabilities of the signal system. The railroad shall document the basis for setting alerter or deadman control timing and make this documentation available to FRA upon request.
—(d)(2)(i) Defective alerter/deadman control: Tagging	34 railroads	25	3 minutes	1.25	\$69.60	\$87.00	If the alerter or deadman control fails en route and causes the locomotive to be in non-compliance, a tag shall be prominently displayed in the locomotive cab to indicate that the alerter deadman control is defective, until such device is repaired.
<b>238.303 Exterior calendar day mechanical inspection of passenger equipment</b>							
—(b)(2) Notice of previous inspection	FRA anticipates zero railroad submissions for this 3-year ICR period.						
—(e)(15)(i)(A) & (ii)(A) Tagging of inoperative dynamic brakes	34 railroads	50.00	3 minutes	2.50	\$69.60	\$174.00	MU locomotives and conventional locomotives equipped with dynamic brakes found not to be in operating mode or are known to have a defective condition which prevents their proper operation

							at the time that the exterior mechanical inspection is performed or at any other time while the locomotive is in service a tag bearing the words “inoperative dynamic brakes” shall be securely displayed in a conspicuous location in the cab of the locomotive and contain the locomotive number, the date and location where the condition was discovered, and the signature of the individual who discovered the condition.
—(e)(17) Multiple unit (MU) passenger equipment found with inoperative/ineffective air compressors at exterior calendar day inspection: Documents	FRA anticipates zero railroad submissions for this 3-year ICR period.						
—(e)(17)(v) Written notice to train crew about inoperative/ineffective air compressors	The estimated paperwork burden for this regulatory requirement is covered above under § 238.303(e)(15).						
—(g) Record of exterior calendar daily mechanical inspections (Other than locomotives) *Note: Includes burden for records of inoperative air compressors under § 238.303(e)(18)(iv)	34 railroads	1,734,115	1 minute	28,901.92	\$89.13	\$2,576,028.1 3	A record shall be maintained of each exterior calendar day mechanical inspection performed. (1) This record may be maintained in writing or electronically provided FRA has access to the record upon request. (2) The written or electronic record must contain the

							<p>following information:</p> <p>(i) The identification number of the unit;</p> <p>(ii) The place, date, and time of the inspection;</p> <p>(iii) Any non-complying conditions found; and</p> <p>(iv) The signature or electronic identification of the inspector.</p> <p>(3) This record may be part of a single master report covering an entire group of cars and equipment.</p> <p>(4) This record shall be maintained at the place where the inspection is conducted or at one central location and shall be retained for at least 92 days.</p>
<b>238.305 Interior calendar day mechanical inspection of passenger cars</b>							
—(c)(10) Tagging of defective end/side doors	34 railroads	540.00	3 minutes	27	\$89.13	\$2,406.51	<p>As part of the interior calendar day mechanical inspection all end doors and side doors operate safely and as intended. A noncomplying car may continue in passenger service pursuant to <a href="#">paragraph (d)</a> of this section—</p> <p>(i) If at least one operative and accessible door is available on each side of the car;</p> <p>(ii) The train crew is provided written notification of the</p>

							noncomplying condition; and (iii) A notice is prominently displayed directly on the defective door indicating that the door is defective.
—(f) Records of interior calendar day inspection	34 railroads	3,102,865	1 minute	51,714.42	\$89.13	\$4,609,306.26	A record shall be maintained of each interior calendar day mechanical inspection performed. This record may be maintained in writing or electronically provided FRA has access to the record upon request. This record shall be maintained at the place where the inspection is conducted or at one central location and shall be retained for at least 92 days.
<b>238.307 Periodic mechanical inspection of passenger cars and unpowered vehicles used in passenger trains</b>							
—(a)(2) Alternative inspection intervals: Notifications	34 railroads	2	5 hours	10	\$89.13	\$891.30	A railroad may, upon written notification to FRA's Associate Administrator for Safety, adopt and comply with alternative periodic mechanical inspection intervals for specific components or equipment in lieu of the requirements of this section.
—(c)(1) Notice of seats and seat attachments broken or loose	34 railroads	200	2 minutes	6.67	\$69.60	\$464.24	The periodic mechanical inspection requires that a notice/tag is prominently displayed on any seat that has been identified as defective and

							unusable. A record is to be maintained with the date and time that the non-complying condition was discovered.
—(e)(1) Records of each periodic mechanical inspection	34 railroads	5,184	1 hour	5,184	\$69.60	\$360,806.40	A record shall be maintained of each periodic mechanical inspection required to be performed by this section. This record shall be maintained in writing or electronically, provided FRA has access to the record upon request. The record shall be maintained either in the railroad's files, the cab of the locomotive, or a designated location in the passenger car.
—(e)(2) Detailed documentation of reliability assessments as basis for alternative inspection interval	34 railroads	2	100 hours	200	\$89.13	\$17,826.00	Detailed documentation of any reliability assessments depended upon for implementing an alternative inspection interval under <a href="#">paragraph (a)(2)</a> of this section, including underlying data, shall be retained during the period that the alternative inspection interval is in effect. Data documenting inspections, tests, component replacement and renewals, and failures shall be retained for not less than three (3) inspection intervals.



<b>238.311 Single car test</b>							
—(f) Tagging to indicate need for single car test	34 railroads	50.00	3 minutes	2.50	\$69.60	\$174.00	If the single car test cannot be made at the point where repairs are made, the car may be moved in passenger service to the next forward location where the test can be made. A railroad may move a car in this fashion only after visually verifying an application and release of the brakes on both sides of the car that was repaired, and provided that the car is appropriately tagged to indicate the need to perform a single car test. The single car test shall be completed prior to, or as a part of, the car's next calendar day mechanical inspection.
<b>238.313 Class I brake test</b>							
—(h) Record for additional inspection for passenger equipment that does not comply with § 238.231(b)(1)	34 railroads	15,600	30 minutes	7,800	\$69.60	\$542,880.00	A record shall be maintained of each Class I brake test performed. This record may be maintained in writing or electronically, provided FRA has access to the record upon request. These records shall be maintained at the place where the inspection is conducted or at one central location and shall be retained for at least 92 days.

238.321 Out-of-service credit							
Passenger car: Out-of-use notation	The estimated paperwork burden for this regulatory requirement is covered in this ICR under § 238.307 and under OMB control number 2130-0004 under § 229.23(d) through (g).						
238.703 Quasi-static compression load requirements							
—(b)(3) Document to FRA on Tier III trainset compliance	1 new railroad	0.33	40 hours	13.20	\$89.13	\$1,176.52	To demonstrate resistance to loss of occupied volume, Tier III trainsets shall comply with both the quasi-static compression load requirements in <a href="#">paragraph (b)</a> of this section and the dynamic collision requirements in <a href="#">§ 238.705</a> . Compliance with the requirements of <a href="#">paragraph (b)</a> of this section shall be documented and submitted to FRA for review and approval.
238.705 Dynamic collision scenario							
—(a)(10) Dynamic collision scenario—Model validation document to FRA for review and approval	1 new railroad	0.33	40 hours	13.20	\$89.13	\$1,176.52	The model used to demonstrate compliance with the dynamic collision requirements for each new passenger railroad must be validated. Model validation shall be documented and submitted to FRA for review and approval.
238.707 Override protection							
—Anti-climbing performance evaluation for Tier III trainsets	1 new railroad	0.33	40 hours	13.20	\$89.13	\$1,176.52	Each new passenger railroad must conduct an evaluation of the anti-climbing performance for Tier III trainsets.
238.709 Fluid entry inhibition							

—(b) Information to demonstrate compliance with this section of a Tier III trainset	1 new railroad	0.33	20 hours	6.60	\$89.13	\$588.26	Information used to demonstrate compliance with the requirements of fluid entry inhibition shall at a minimum include a list and drawings of the structural elements considered in satisfying the thickness-strength requirement of this section, and calculations showing that the thickness-strength requirement is satisfied.
<b>238.721 Glazing</b>							
—(a)(3)(i) Cab glazing; end-facing—Documentation containing technical justification	3 glass manufacturers	0.33	60 hours	19.80	\$89.13	\$1,764.78	Each end-facing exterior window in a cab of a Tier III trainset shall comply with the requirements for Type I glazing in appendix A to <a href="#">part 223 of this chapter</a> , except as provided in <a href="#">paragraphs (a)(2) through (4)</a> of this section. <b>All</b> certification/re-certification documentation shall be made available to FRA upon request.
—(b) Cab glazing; side-facing exterior windows in Tier III cab—Each end-facing exterior window in a cab shall, at a minimum, provide ballistic penetration resistance that meets the requirements of appendix A to part 223 (Certification of Glazing	3 glass manufacturers	0.33	10 hours	3.30	\$89.13	\$294.13	Each passenger railroad shall certify that ballistic penetration resistance meets the requirements for end-facing windows.

Materials)							
—(c) Non-cab glazing; side-facing exterior windows—Tier III—compliance document for Type II glazing	3 glass manufacturers	0.33	20 hours	6.60	\$89.13	\$588.26	Glass manufacturers are required to document that Type II glazing meets the requirements specified in this section.
—(c)(2) Alternative standard to FRA for side-facing exterior window intended to be breakable and serve as an emergency window exit (option to comply with an alternative standard)	3 glass manufacturers	0.67	5 hours	3.35	\$89.13	\$298.59	Glass manufacturers may submit an alternative analysis for side-facing windows if they choose not to use the standard in this section.
<b>238.731 Brake system</b>							
—(d)(1) Tier III trainsets’ passenger brake alarm—Legible stenciling/markings of devices with words “Passenger Brake Alarm” (including the design of the sticker)	1 new railroad	53.33	1 hour (design) + 2 minutes (marking)	55.11	\$69.60	\$3,835.66	Each new passenger railroad is required to stencil/mark the passenger brake alarms either on the device or on an adjacent badge plate.
—(f) Main reservoir test/certification	1 new railroad	0.33	6 hours	1.98	\$69.60	\$137.81	Each new passenger railroad is required to certify that the main reservoir test meets the requirements of this section.
—(h) Main reservoir tests—Inspection, testing and maintenance program	1 railroad	0.33	10 hours	3.30	\$89.13	\$294.13	Each new passenger railroad is required to develop and submit an ITM program to FRA.
—(j) Brake application/release—Brake actuator design with approved brake cylinder pressure as part of design review process	1 railroad	0.33	40 hours	13.20	\$89.13	\$1,176.52	Brake actuators shall be designed to provide brake pad and shoe clearance when the brakes are released. The minimum brake cylinder pressure shall be established by the railroad, as approved by FRA, to provide adequate

							adjustment from minimum service to full service for proper train operation.
—(o) Train securement—Tier III equipment: demonstrated securement procedure	1 railroad	0.33	8 hours	2.64	\$89.13	\$235.31	Independent of the pneumatic brakes, Tier III equipment shall be equipped with a means of securing the equipment against unintentional movement when left standing and unmanned in such a manner that the brake system of the equipment cannot be readily controlled by a qualified person. The railroad shall develop the procedures used to secure the equipment and shall also demonstrate that those procedures effectively secure the equipment on all grade conditions identified by the railroad, as approved by FRA.
<b>238.733 Interior fixture attachment</b>							
—Analysis for FRA approval (Tier III)	1 railroad	0.33	20 hours	6.60	\$89.13	\$588.26	Each passenger railroad requesting an alternative standard must submit an analysis on interior fixture attachment strength for FRA approval.
<b>238.735 Seat crashworthiness standard (passenger &amp; cab crew)</b>							
—Analysis for FRA approval (Tier III)	1 railroad	0.33	40 hours	13.20	\$89.13	\$1,176.52	Each passenger railroad requesting an alternative standard must submit a seat crashworthiness analysis to

							FRA.
<b>238.737 Luggage racks</b>							
—Analysis for FRA approval (Tier III)	1 railroad	0.33	20 hours	6.60	\$89.13	\$588.26	Each passenger railroad requesting an alternative standard must submit an analysis on luggage racks for FRA approval.
<b>238.741 Emergency window egress and rescue access</b>							
—Plan to FRA for passenger cars in Tier III trainsets not in compliance with § 238.113 or § 238.114	1 railroad	0.33	60 hours	19.80	\$89.13	\$1,764.78	Each passenger railroad must submit a plan to FRA for approval if a passenger car employs the use of emergency egress panels or additional door exits instead of emergency window exits or rescue access windows.
<b>238.743 Emergency Lighting</b>							
—Analysis for FRA approval (Tier III)	1 railroad	0.33 analysis/test	60 hours	19.80	\$89.13	\$1,764.78	Each passenger railroad must submit an analysis of emergency lighting to FRA for approval.
<b>238.751 Alerters</b>							
—Alternate technology— Analysis for FRA approval (Tier III)	1 railroad	0.33 analysis/test	40 hours	13.20	\$89.13	\$1,176.52	An alerter shall be provided in the operating cab of each Tier III trainset. If alternate technology to the alerter is used, the railroad shall conduct an analysis that confirms the ability of the technology to provide an equivalent level of safety. This analysis shall be approved by FRA.

Total <sup>16</sup>	35 railroads	4,860,838 Responses	N/A	95,947 hours	N/A	\$8,296,770	
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**13. Estimate of total annual costs to respondents.**

There are additional costs to respondents in addition to those in question number 12 above.

- Printing of defective tags (2,157 TAGS @ 15 cents each) = \$323.55 rounded to \$324.

**14. Estimate of cost to Federal Government.**

To calculate the Federal Government administrative cost, the 2025 Office of Personnel Management wage rates using the Washington D.C. locality were used. Wages were considered at the burdened wage rate by multiplying the actual annual salary by an overhead cost of 75 percent. The following table shows the estimated average annual cost to the Federal Government to review all the required documents associated with this rule.

Resources	Pay grade	2025 Annual Salary	2025 Annual Salary with 75% Overhead	Number of employees	Percent share	Total Cost
Division director	GS-15-5	\$189,950	\$332,413	1	25	\$83,103
General engineers	GS-14-5	\$161,486	\$282,601	2	75	\$423,902
Specialists	GS-13-5	\$136,658	\$239,152	3	5	\$35,873
Field inspector	GS-12-5	\$114,923	\$201,115	1	10	\$20,112
Total Annual Cost (rounded)						\$562,990

**15. Explanation of program changes and adjustments.**

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<sup>16</sup> Totals may not add up due to rounding.

This is an extension without change (with changes in estimates) to a current collection of information. The current OMB inventory for this information collection shows a total burden of 95,946 hours and 4,860,940 responses, while the requesting inventory estimates a total burden of 95,947 hours and 4,860,838 responses.

Under §§ 238.133(c), En route failure safety briefing and 238.21(f), Comment on petitions, after further review, FRA determined that these requirements are not considered information collections under 5 CFR 1320.3(b) and (c). Therefore, the burden hour estimates associated with these requirements were removed. Additionally, a small increase in the estimated number of submissions under § 238.111, Pre-revenue service acceptance testing plans for Tier III resulted in the overall increase in burden of one (1) hour. The changes are solely the result of adjustments.

**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.