# 111FEDERAL RAILROAD ADMINISTRATION Railroad Locomotive Safety Standards and Event Recorders (Title 49 Code of Federal Regulations (CFR) Part 229) SUPPORTING JUSTIFICATION OMB Control No. 2130-0004

#### Summary of Submission

- This submission is a request for a Reinstatement with change of a previously approved collection of the last three-year approval granted by the Office of Management and Budget (OMB) on April 15, 2022, with an expiration date on April 30, 2025.
- The Federal Railroad Administration (hereafter "FRA" or "the Agency") published a required 60-day Notice in the <u>Federal Register</u> on March 10, 2025. *See* 90 FR 11644.
- Overall, the adjusted estimates increased the burden hours by 12,675 hours and increased responses by 83,860.
- The answer to question number 12 itemizes all information collection requirements.
- The answer to question number 15 itemizes all adjustments.

### 1. <u>Circumstances that make collection of the information necessary</u>.

FRA has broad statutory authority to regulate railroad safety. Federal railroad safety laws at 49 U.S.C. 20701-20703 prohibit the use of unsafe locomotives and authorize FRA to issue standards for locomotive maintenance and testing. The Federal Railroad Safety Act of 1970 (Safety Act) also granted the Secretary of Transportation rulemaking authority over all areas of railroad safety. This authority was subsequently delegated to the FRA Administrator.<sup>1</sup>

Title 49 USC § 20701 states:

[a] railroad carrier may use or allow to be used a locomotive or tender on its railroad line only when the locomotive or tender and its parts and appurtenances: (1) are in proper condition and safe to operate without unnecessary danger of personal injury; (2) have been inspected as required under this chapter and regulations prescribed by the Secretary of Transportation under this chapter; and (3) can withstand every test prescribed by the Secretary under this chapter.

In 1980, FRA issued the majority of the regulatory provisions currently found at 49 CFR

<sup>&</sup>lt;sup>1</sup> 49 CFR 1.89

part 229 ("part 229"), addressing various locomotive related topics including inspections and tests, safety requirements for brake, draft, suspension, and electrical systems, and locomotive cabs. Since 1980, part 229 has been revised as necessary to address specific safety concerns or in response to specific statutory mandates. FRA's last significant amendments to locomotive safety standards in part 229 occurred in 2007<sup>2</sup> and 2012<sup>3</sup>.

#### 2. <u>How, by whom, and for what purpose the information is to be used</u>.

FRA's Locomotive Safety Standards (LSS) (49 CFR part 229) require locomotives and their appurtenances to be in proper condition and safe to operate in the service to which they are put and include specific inspection, repair, and maintenance requirements. Locomotive inspection, repair, and maintenance records are used to help ensure locomotives are safe to operate. Form FRA F 6180.49A is the main record used to collect required information from inspection, maintenance, and testing of each locomotive. The LSS also require collection of event recorder data. The data gathered from locomotive event recorders is used by the railroad industry to improve train handling and promote the safe and efficient operation of trains throughout the country. Locomotive event recorders also provide FRA and State railroad safety inspectors with verified data elements for use in their oversight responsibilities that show how trains are operated from lead locomotives. Information collected under this ICR is used for safety purposes, including but not limited to the following.

- Information collected under § 229.9 is used by FRA to ensure that locomotives with non-complying conditions are properly tagged for movement, and the engineer and other train crew members are notified of the maximum speed and other restrictions, so that a locomotive with one or more non-complying conditions can be safely moved as a lite or dead locomotive after a qualified person has made the determination regarding operational limitations.
- Under § 229.15, each remote-control locomotive (RCL) is required to be tagged at the locomotive control stand throttle when in RCL mode. This information is used by train crews and anyone else who would board the cab to immediately know that the locomotive is operating under remote control. The tag must be removed when the locomotive is placed back in manual mode. The records associated with inspection and testing requirements under § 229.15 are used by FRA to ensure that each remote-control locomotive is tested each time it is placed in use. This information is also used by train crews to ensure that the operator is aware of the testing and repair history of the locomotive.
- The information collected under § 229.17 regarding accident reports is used by FRA to obtain immediate information on any accident due to a failure from any cause of a locomotive or any part or appurtenance of a locomotive, or a person coming in contact with an electrically energized part or appurtenance, that results in

<sup>&</sup>lt;sup>2</sup> 72 FR 59216 (Oct. 19, 2007).

<sup>&</sup>lt;sup>3</sup> 77 FR 21342 (Apr. 9, 2012).

serious injury or death of one or more persons, Written confirmation of the initial telephone report required by § 229.17(a) must be immediately mailed to FRA and must contain a detailed description of the accident, including (to the extent known) the causes and the number of persons killed and injured. The information collected assists FRA (and the NTSB) in investigating the accident or incident.

- Under § 229.20, FRA has established standards for electronic recordkeeping. For each locomotive for which records of inspection or maintenance required by this part are maintained electronically, the electronic record system must automatically notify the railroad each time the locomotive is due for an inspection, other than the daily inspection, or maintenance that the electronic system is tracking and that is required by this part. The automatic notifications are used by railroads as a reminder that they must conduct necessary locomotive inspections.
- The information collected under § 229.21 is used by FRA inspectors to ensure that each locomotive in use undergoes at least one inspection by a qualified railroad employee during each calendar day to prevent defective locomotives from being placed in service. A written report of the inspection must be made. This report must contain the name of the carrier; the initials and the number of the locomotive; the place, date, and time of the inspection; a description of the non-complying conditions disclosed by the inspection; and the signature of the employee making the inspection. The report must be filed and retained for at least 92 days in the office of the carrier at the terminal at which the locomotive is cared for. A record must also be maintained on each locomotive showing the place, date, and time of the previous inspection. Thus, this record is displayed in the locomotives' cab for each succeeding crew until the next inspection and is used by the crew to know the history of the locomotive/train and to facilitate the safe operation of trains.
- Under § 229.23, railroads are required to maintain and provide employees
  performing inspections under this section with a list of the defects and repairs made
  on each locomotive over the last 92 days, or 184 days if the locomotive is equipped
  with advanced microprocessor-based on-board electronic condition monitoring
  controls. This information is used by employees to facilitate more complete,
  thorough, and effective inspections.
- Information collected under §229.25(d) is used to ensure that event recorders are inspected and maintained in accordance with the instructions of the manufacturer and as required by FRA before any maintenance work is completed on the event recorder. This information allows FRA to confirm railroad compliance with inspection and maintenance requirements, which in turn ensures that locomotive event recorders are functioning as designed and can be relied on for accident/incident investigations in particular. Event recorder data provide an invaluable resource for post-accident investigations and have been used to direct the attention of FRA, State, and railroad accident investigators to useful areas in analyzing possible causes of accidents/incidents that were not at first considered or suspected. Such information has then been used by FRA and railroads to establish measures/procedures to prevent (reduce the likelihood of) similar accidents from

recurring in the future.

- The information collected under §§ 229.27 and 229.29 is used by FRA inspectors to ensure that each locomotive in use undergoes required annual and biennial tests. All testing must be performed at intervals that do not exceed 368 days. While the locomotive is tied up for a periodic inspection, at the 184-day interval, various air brake components are cleaned repaired, tested, or replaced once every 368 or 736 days. Locomotives with load meters that indicate current (amperage) being applied to traction motors must also be tested. The date and place of the cleaning, repairing, and testing is recorded under Items 18 through 24 on form FRA-F-6180.49A. A record of the parts of the air brake system that are cleaned, repaired, and tested must be kept in the railroad's files or in the cab of the locomotive. Again, the information collected is also used by railroads to monitor and carry out their locomotive maintenance program and to provide a record of compliance with part 229.
- The information collected under § 229.301-§ 229.317 (subpart E) is used by FRA to ensure that all new or next-generation safety-critical electronic locomotive control systems, subsystems, and components (i.e., "products") are thoroughly tested and meet Federal safety requirements before being put into operation. Specifically, under § 229.307, railroads must develop a safety analysis (SA) for each product subject to this Subpart prior to the initial use of such product on their railroad. FRA reviews each safety analysis to confirm that it establishes and documents the minimum requirements that will govern the development and implementation of all products subject to this subpart, and be based on good engineering practice, and be consistent with the guidance contained in Appendix F of this art in order to establish that a product's safety-critical functions will operate with a high degree of confidence in a fail-safe manner.
- § 229.309 requires railroads to inform FRA whenever a safety critical change is made to a product subject to subpart E and to ensure that railroads do the following: (1) Conduct all safety critical changes in a manner that allows the change to be audited; (2) Specify all contractual arrangements with suppliers and private equipment owners for immediate notification of any and all electronic system safety critical changes to their system, subsystem, or components, and the reasons for such changes from the suppliers or equipment owners, whether or not the railroad has experienced a failure of that safety critical system, sub-system, or component; (3) Specify the railroad's procedures for action upon notification of a safety-critical change to the electronic system, sub-system, or component, and until the upgrade, patch, or revision has been installed; and (4) Identify all configuration/revision control measures designed to ensure that safety-functional requirements and safety-critical hazard mitigation processes are not compromised as a result of any such change, and that any such change can be audited.
- § 229.311 requires railroads to inform FRA in advance of initial planned used of a product subject to subpart E. The notification must provide a description of the product and identify the location where the complete safety analysis documentation

described in § 229.307 and the training and qualification program described in § 229.319 are maintained. Additionally, railroads are required to maintain and make available to FRA all documentation used to demonstrate the product meets the safety requirements of the safety analysis for the life cycle of the product. After the product is placed in service, the railroad must maintain a database of all safety relevant hazards encountered with the product.

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. <u>Extent of automated information collection</u>.

FRA strongly encourages the use of advanced information technology, wherever feasible, to reduce burden on respondents. Railroads may create, maintain, and transfer any of the records required by this part electronically as long as their system maintains appropriate levels of security, such as, recognition of an electronic signature, or other means, which uniquely identify the initiating person as the author of that record.

FRA estimates that approximately 98 percent of all responses are kept electronically.

# 4. <u>Efforts to identify duplication</u>.

This information is not duplicated anywhere. Similar data are not available from any other source.

### 5. <u>Efforts to minimize the burden on small businesses</u>.

The category of small businesses affected by part 229 is all Class III freight railroads. Federal agencies may adopt their own size standards for small entities in consultation with the Small Business Administration and in conjunction with public comment. Pursuant to that authority, FRA has published a final policy that formally establishes "small entities" as railroads which meet the line haulage revenue requirements of a Class III railroad, which is annual carrier operating revenues of \$40.4 million or less after applying the Surface Transportation Board's railroad revenue deflator formula, and commuter railroads or small governmental jurisdictions that serve populations of 50,000 or less.<sup>4</sup>

Out of the 829 railroads required to report accident and incidents to FRA under 49 CFR part 229 (excluding passenger service railroads that are subject to their own brake standards), FRA estimates there are approximately 812 Class III railroads; with 777 of them operating on the general system. These are of varying size, with some a part of

<sup>&</sup>lt;sup>4</sup> See 68 FR 24891 (May 9, 2003); 49 CFR part 209, app. C.

larger holding companies. Therefore, the information collection requirements of this part do apply to a substantial number of small railroads.

FRA generally intends to minimize burdens associated with part 229 for all railroads consistent with essential safety objectives, when possible. Class III railroads are required to comply with all generally applicable part 229 requirements. FRA estimates that Class III railroads generally experience burdens associated with train safety under part 229 that are similar in kind to large railroads, but less in terms of total burden hours, in proportion to the lesser volume of rail traffic handled by Class III railroads.

#### 6. <u>Impact of less frequent collection of information</u>.

If this collection of information were not conducted or conducted less frequently, railroad safety throughout the country would be lessened. For example, without the daily and periodic locomotive inspection records kept by railroads, FRA would have no way to verify that railroads are carrying out these critical inspections to maintain safety. Also, FRA would have no way to track or follow up on non-complying conditions that were disclosed by the daily inspection. FRA inspectors review these daily inspection reports to assure regulatory compliance and to confirm that necessary repairs are completed by qualified railroad personnel. Without a means of verifying locomotive inspection and repair, defective locomotives could be placed in service, causing avoidable accidents/incidents and preventable casualties.

Without the information collected under subpart E, FRA would have no way to review, assess, and approve new/novel safety-critical electronic locomotive control systems, subsystems, and components (i.e., "products" as defined in § 229.305) before they are put in service by railroads. Without prior review and evaluation of new locomotive technology/products before they are placed in service, new products may introduce a greater risk of equipment failure and potential rail accidents.

Without the locomotive accident report information collected under this regulation, FRA would have no reliable way to track all serious accidents caused by failure of a locomotive or any part of appurtenance of a locomotive. Without such data and the ability to collect locomotive accident reporting historical data over time, FRA and railroads would be unable to determine the cause(s) of such failures, detect trends, and devise necessary safety countermeasures to prevent such locomotive caused accidents from recurring. Without corrective or remedial measures to address locomotive failures, recurrence of such failures would be likely, leading to greater numbers of rail accidents/incidents and casualties that accompany them.

Without the collection of information provided by event recorders, FRA and railroads would be unable to monitor daily operations of locomotives, when necessary, to ensure safe train movement of passengers and goods across the United States. Without periodic

inspections of event recorders and without event recorder data verification readout records, there would be no way of ensuring that the locomotive event recorders are working properly and are truly capturing required data which are representative of the locomotive's actual operations. The lack of this essential information could have an extremely adverse impact on train handling and rail safety since railroads and train crews would be unaware of those critical areas where management and labor need to focus their efforts in order to eliminate problems or potential problems. This, in turn, could lead to increased numbers of accident/incidents, resulting in greater and more severe injuries and increased deaths and higher property damage and, in cases involving the transport of hazardous materials, greater harm to the environment and surrounding communities.

In sum, this collection of information aids FRA in fulfilling its primary mission of promoting and enhancing rail safety throughout the United States and contributes as well to DOT's Primary Strategic Goal of transportation safety.

### 7. <u>Special circumstances</u>.

There are no special circumstances associated with this information collection request.

### 8. <u>Compliance with 5 CFR 1320.8.</u>

As required by the Paperwork Reduction Act of 1995 (PRA) and 5 CFR part 1320, FRA published a notice in the <u>Federal Register</u> on May 10, 2025,<sup>5</sup> soliciting comment from the public, railroads, and other interested parties on these information collection requirements. FRA received no comments in response to this notice.

### Consultations with representatives of the affected population:

FRA maintains frequent contact with representatives from the rail industry to obtain their views and feedback on the information collection, as well as to solicit recommendations on how FRA can improve the collection of information to reduce the response burden.

For example, on December 13, 2024, the Association of American Railroads (AAR, on behalf of the Locomotive Committee membership, submitted a recommendation for revisions to the *Locomotive Inspection and Repair Record* (FRA form F6180-49A; OMB form 2130-0004), also known as the locomotive "Blue Card". In advance of the OMB expiration date of April 30, 2025, AAR recommended the following proposed changes to include additions, impacts, justification, and instructions:

AAR requested FRA add four new values for the propulsion technologies in Block #6: hydrogen electric; hydrogen ICE (Internal Combustion Engine); battery electric; and natural gas. AAR noted that the addition of these new values will facilitate data

<sup>&</sup>lt;sup>5</sup> 90 FR 11644

collection and analysis. Currently, in many cases, the "other" box is selected, and an explanation is manually entered to explain the type of propulsion system. AAR estimated that adding these additional values will reduce the average time to complete the form by 1 minute per record. Given the move towards alternative fuels in the rail industry, AAR projected that these new options will be used over the next three-years.

Additionally, under Block #15 – Item Code, AAR recommend adding one new code and value (*proposed* "8. Hand/Park Brake") to clarify and reference what is reported under the Tests-Type blocks for the block currently titled Hand Brake 232.105(c). AAR proposed that the current block should also be renamed "Hand/Park Brake 232.105(c)" for consistency with the newly proposed item Code #8. AAR stated that this addition will add clarity and facilitate information collection and analysis and will allow railroads to reference these test types in other parts of the form, thus eliminating duplicate entries. AAR estimates that this will result in a reduction in the average time per record of 30 seconds.

FRA supports AAR's recommendation for these revisions and is submitting a request to approve the proposed changes with this current submission.

#### 9. <u>Payments or gifts to respondents</u>.

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

#### 10. <u>Assurance of confidentiality</u>.

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

#### 11. <u>Justification for any questions of a sensitive nature.</u>

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, annual responses, and average time per responses are based on the experience and expertise of FRA's Office of Railroad Infrastructure and Mechanical Equipment.

CFR Section	Respondent	Total	Avg. Time	Total	Wage	Total Cost	PR Analyses	
	Universe	Annual	Per	Annual		Equivalent	and Estimates	
		Responses	Response	Burden	Rate <sup>6</sup>	U.S.D		
		(A)	(Hours)	Hours	(D)	(E =C*D)		
			(B)	(A*B=C)				
229.9 Movement of non-complying locomotives								
—(a)(3) Tagging to	745	1,886	1/60	31.43	89.13	\$2,801.36	Before a locomotive with one or more	
indicate "non-	railroads						conditions not in compliance with this part may	
complying							be moved as a lite locomotive or a dead	
locomotive"							locomotive, a tag bearing the words "non-	
							complying locomotive" must be securely	
							attached to the control stand on each MU or	

<sup>&</sup>lt;sup>6</sup> The dollar equivalent cost is derived from the 2023 Surface Transportation Board Full Year Wage A&B data series using the employee group 200 (Professional & Administrative) hourly wage rate of \$50.93, group 400 (Maintenance of Equipment & Stores) hourly wage rate of \$39.77, and group 500 (Transportation (Other than Train & Engine) hourly wage rate of \$45.93. The total burden wage rate (Straight time plus 75%) used in the table is \$89.13 (\$50.93 x 1.75 = \$89.13), \$39.77 (\$39.77 x 1.75 = \$69.60), and \$45.93 x 1.75 = \$80.38).

							control cab locomotive and to the isolation switch or near the engine start switch on every other type of locomotive. The tag must show the information listed under (2)(i) through (2)(ii) of this part. This section		
							includes the burden for 229.123(b)(3)—Train crew notification of locomotive restrictions		
							using labels or tabs.		
229.15 Remote control locomotives (RCL)									
—(a)(11) Tagging to indicate in remote control mode	745 railroads	3000	1/60	50	89.13	\$4,456.50	Each RCL must be tagged at the locomotive control stand throttle indicating the locomotive is being used in a remote-control mode. The tag must be removed when the locomotive is placed back in manual mode.		
229.17 Accident Reports									
The estimated paperwork burden for this regulatory requirement is covered under OMB control number 2130-0500 Accident Incident Reporting and Recordkeeping.									
229.20 Electronic Recordkeeping									
—(b) Design requirements for electronic record system	Since railroads have already received agency approval for their electronic recordkeeping systems under waiver petitions, FRA estimates that there will be zero (0) requests to modify their electronic recordkeeping systems. Consequently, there is no burden associated with the above requirement.								
-(c) Operational requirements— Automatic notice to railroads each time locomotive is due for inspection or maintenance (Note: This requirement does not apply to daily inspections)	745 railroads	40,000	1/3600	11.11	89.13	\$990.23	Any electronic record system used to create, maintain, or transfer a record required must be maintained. These notifications are programmed into the system. While the bigger Class I railroads are fully automated there are still a number of smaller railroads that do not have an electronic system and this notification will be done manually.		
229.21 Daily Inspection	1		1	1					
—(a) Locomotive daily inspection	745 railroads	744,302 paper	3/60	37,215.10	89.13	\$3,316,981.86	Except for MU locomotives, each locomotive in use must be inspected at least once during each		

reports		6,698,718 electronic	1/60	111,645.30	89.13	\$9,950,945.59	calendar day. A written report of the inspection must be made. This report must contain the name of the carrier; the initials and the number of the locomotive; the place, date, and time of the inspection; a description of the non- complying conditions disclosed by the inspection; and the signature of the employee making the inspection. <b>Note:</b> This section includes the burden hours for: §229.15(b)(3)—Inspection testing and repair records. §229.20—Electronic recordkeeping accessibility and availability of electronic records. \$229.23—Recordkeeping requirements and employee notifications.
—(b) Written reports of MU locomotive daily inspections	9 railroads	1,317,650	3/60	65,882.50	80.38	\$5,295,635.35	Each MU locomotive in use shall be inspected at least once during each calendar day and a written report of the inspection shall be made. This report may be part of a single master report covering an entire group of MU's. If any non- complying conditions are found, a separate, individual report shall be made containing the name of the carrier; the initials and number of the locomotive; the place, date, and time of the inspection; the non-complying conditions found; and the signature of the inspector.
229.23 Periodic Inspect	tion: general					-	
—Inspection & Repair Record—Form FRA F 6180.49A	701 railroads	71,428* Non- passenger	13.3/60	15,714.16	80.38	\$1,263,104.18	Each locomotive shall be inspected at each periodic inspection to determine whether it complies with this part. Except as provided in
	36 railroads	15,925 passenger	13.3/60	3,503.50	80.38	\$281,611.33	§229.9, all non-complying conditions shall be repaired before the locomotive is used. Except as provided in §229.33 and paragraph (b) of this section the interval between any two periodic inspections may not exceed 92 days.

		1	1	1	1		
							Each periodic inspection shall be recorded on Form FRA F 6180–49A. The form shall be signed by the person conducting the inspection and certified by that person's supervisor that the
							work was done. The form shall be displayed
							under a transparent cover in a conspicuous place
							in the cab of each locomotive. A railroad maintaining and transferring records as provided
							for in § 229.20 shall print the name of the person
							who performed the inspections, repairs, or
							that is displayed in the cab of each locomotive.
							The burden for the following sections is
							requirements under these sections are recorded
							on Form FRA F 6180.49
							229.27—Annual tests of event recorders
							229.31—Main reservoir tests
							229.33—Out of use credit
							229.135—Event recorders, duty to equip and
							* 26.875 - 184-day interval inspections
							44,553 - 92-day interval inspections
229.25 Tests: Every per	iodic inspection						
229.25(d) - Event	60	6,549	90/60	9,823.50	89.13	\$875,568.56	Event recorders that are other than self-
recorder periodic	railroads						monitoring shall be inspected and maintained in accordance with the manufacturer's instructions
hispections							
							A written or electronic copy of the instructions
							is performed and a hard-copy version, written in
							the English Language, shall be made available
							upon request to FRA.

							The event recorder shall be tested before any
							maintenance work is performed on it.
							When a successful test is accomplished, a copy
							of the data-verification results must be
							maintained in any medium with the maintenance
							records for the locomotive until the next one is
	-						filed.
229.46 Brakes: general							
—(4) Tagging	745	2,483	1/60	41.38	80.38	\$3,326.12	A tag shall immediately be placed on the
	railroads						isolation switch of the locomotive giving the
							date and location and stating that the unit may
							only be used in a trailing position and may not
							be used as a lead or controlling locomotive.
220 85 High voltage m	rkings: doors co	war platas or b	arriors				
	745	1 067	1/60	17 78	69.60	\$1 237 /9	All doors cover plates or barriers providing
doors cover plates or	railroads	1,007	1/00	17.70	05.00	φ1,237.43	direct access to high voltage equipment shall be
harriors	Tanitodus						marked "Danger-High Voltage" or with the
buillers.							word "Danger" and the normal voltage carried
							by the parts so protected
							by the parts so protected.
Subpart C: Steam Gene	erators						
229.113—Warning	There are currer	ntly no steam ge	nerators in use	. FRA keeps t	this provis	sion just in case a	a railroad decides to use one. Consequently, there
notice	is no burden ass	ociated with thi	s requirement.				
229.114—Steam	There are currer	ntly no steam ge	nerators in use	. FRA keeps t	this provis	sion just in case a	railroad decides to use one. Consequently, there
generator inspections	is no burden ass	ociated with thi	s requirement.				
and tests							
229.123 Pilots, snowplo	ws, end plates						
—(b)(1)	745	22	4/60	1.47	80.38	\$118.16	Each locomotive equipped with a pilot,
Marking/stenciling	railroads						snowplow, or end plate with clearance above 6
							inches shall be prominently stenciled at each end
							of the locomotive with the words "9-inch
							Maximum End Plate Height, Yard or Trail
							Service Only."
229.135 Event recorder	······································						·

229.135(e) Preserving locomotive event recorder accident data —reports	The estimated paperwork burden for this regulatory requirement is covered under OMB control number 2130-0500.									
229.303 Applicability.	229.303 Applicability.									
—(a)(5) Requests to FRA for on-track testing of products outside a facility	745 railroads	5	1	5	89.13	\$445.65	To obtain FRA approval of on-track testing outside of a test facility, a railroad shall submit a request to FRA that provides: (i) Adequate information regarding the function and history of the product that it intends to use; (ii) The proposed tests; (iii) The date, time, and location of the tests; and (iv) The potential safety consequences that will result from operating the product for purposes of testing.			
229.307 Safety analysis			1							
—Safety analysis for each product subject to this subpart— Document establishing minimum requirements	745 railroads	3	240	720	89.13	\$64,173.60	A railroad shall develop a Safety Analysis (SA) for each product subject to this Subpart prior to the initial use of such product on their railroad. Documents must be made available to FRA upon request. The total burden hours for this requirement includes the burden for handling and maintenance of safety critical components under \$229,315			
229.309 Safety-critical	chanaes and fail	ures					\$225.515			
229.309—(a) Safety critical changes to product subject to this subpart—Notice to FRA	745 railroads	5	8 hours	40	89.13	\$3,565.20	A railroad must notify FRA of all safety critical changes and ensure that the SA is updated. A railroad must conduct all safety critical changes in a manner that allows the change to be audited.			
—(b) and (c) Reports by product suppliers and private owners.	3 manufacturers	15	8 hours	120	89.13	\$10,695.60	Product suppliers and private equipment owners shall report any safety-critical changes and previously unidentified hazards to each railroad using the product.			

							Private equipment owners shall establish configuration/revision control measures for control of safety critical changes and identification of previously unidentified hazards.
229.311 Review of Sas 229.311(a)—Notice to FRA by railroad before placing product in service	745 railroads	3	2	6	89.13	\$534.78	Prior to the initial planned use of a product subject to this subpart, a railroad must inform the FRA Associate Administrator for Safety of the intent to place this product in service. The notification must provide a description of the product and identify the location where the complete Safety Analysis (SA) documentation described in § 229.307 and the training and qualification program described in § 229.319 are maintained. Documentation must be provided to FRA upon request.
—(d) Railroad maintenance of data base of all safety relevant hazards encountered after product is placed in service	745 railroads	3	2	6	89.13	\$534.78	After a product is placed in service, the railroad must maintain a database of all safety relevant hazards encountered with the product. The database must include all hazards identified in the SA and those that had not been previously identified in the SA. The total burden hours for this requirement includes the burden for §229.313—Product testing results and records.
—(d)(1) Written report to FRA disclosing frequency of safety-relevant hazards for product exceeding threshold set forth in Safety Analysis	745 railroads	1	2	2	89.13	\$178.26	(If the frequency of the safety-relevant hazards exceeds the threshold set forth in the SA, then the railroad must: Report the inconsistency by mail, facsimile, e- mail, or hand delivery to the Director, Office of Safety Assurance and Compliance, FRA, within 15 days of discovery. Provide a final report to FRA on the results of the analysis and countermeasures taken.

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229.315 Operations and	l Maintenance M	lanual						
229.315(c)— Configuration management control plan filing of updates	745 railroads	3	1/60	0.05	89.13	\$4.46	Hardware, software, and firmware revisions shall be documented in the OMM according to the railroad's configuration management control plan. The calculated burden estimate for this requirement is only for filing any updates with FRA.	
229.317 Training and q	ualification prog	iram.						
229.317(a)—Training and qualification program— Establishment and implementation of training qualification program for products subject to this subpart —(g) RR regular and	745 railroads 745	5 90	1/60	0.08	89.13	\$7.13 \$16,043.40	<ul> <li>A railroad shall establish and implement training and qualification program for products subject to this Subpart. These programs shall meet the requirements set forth in this section and in § 229.319.</li> <li>The training program is provided by the OMM. The estimated burden calculation is only for filing the training program.</li> <li>A railroad shall conduct regular and periodic</li> </ul>	
periodic evaluation of effectiveness of its training program	railroads						evaluations of the effectiveness of the training program, verifying the adequacy of the training material and its validity with respect to the railroad's products and operations.	
—(h) RR record of individuals designated as qualified under this section	745 railroads	11,000	1/60	183.33	89.13	\$16,340.50	A railroad shall maintain records that designate individuals who are qualified under this section until new designations are recorded or for at least one year after such persons leave applicable service.	
229.319 Operating Pers	sonnel Training							
229.319(a) and (b)— Operating Personnel Training Appendix F to Part 22	3.19 Operating Personnel Training         9.319 (a) and (b)—         erating Personnel         arring         2130-0533.							

Appendix F to Part	FRA anticipates	s zero railroad su	ubmissions dur	ing this 3-year	ICR peri	od.	
229 (c)—Guidance							
for verification and							
validation of products							
—Third Party							
Assessments							
—Final report of	FRA anticipates	s zero railroad su	ubmissions dur	ing this 3-year	ICR peri	od.	
Assessment							
Total <sup>7</sup>	745	8,913,163		245,200		\$21,109,300	
	railroads	Responses		Hours			

### 13. Estimate of total annual costs to respondents.

The table below provides specific information on the annual estimated cost to the railroad industry.

CFR Sections	Number of Items	Cost per Item <sup>8</sup>	Cost to Respondents (Annual Average)
229.9—Movement of non-complying locomotives— Tagging to indicate "non-complying locomotive"	1,886 tags	\$0.15	\$282.90
229.15(a)(11)—Remote control locomotives—Tagging to indicate in remote control	550 tags	\$0.15	\$82.50
229.46—Tagging locomotive with inoperative or ineffective automatic/independent brake that can only be used in trailing position	2,483 tags	\$0.15	\$372.45
229.85—Marking of all doors, cover plates, or barriers having direct access to high voltage equipment with words "Danger High Voltage" or with word "Danger"	1,067 decals or repainting	\$0.40	\$426.80

<sup>&</sup>lt;sup>7</sup> Totals may not add due to rounding.

<sup>&</sup>lt;sup>8</sup> Due to the many pricing variables when railroads order tags, decals and stencils the costs provided are a very general estimate based on the SMEs experience and knowledge of current industry standards.

229.123(b)(2)—Locomotives equipped with a pilot,	22	\$100.00	\$2,200
snowplow, & plate with clearance above 6 inches—	markings or		
Marking/stenciling with words ''9 inch Maximum End	stencils		
Plate Height, Yard or Trail Service Only''			
Total Annual Cost			\$3,364.65

Additionally, there is a constant replacement rate of 80 computers per year to the respondents. This accounts for each railroads computer refresher program which is typically every 3 - 4 years. *Calculation: Replacement 800 computers plus miscellaneous expenses times* \$1,000 = \$80,000

Total estimated annual cost: \$83,365.

#### 14. Estimate of Cost to Federal Government.

To calculate the government administrative cost, the 2024 Office of Personnel Management wage rates were used. The average wage, step 5, was used as a midpoint. Wages were considered at the burdened wage rate by multiplying the actual wage rate by an overhead cost of 75 percent. The follow table shows the estimated average annual cost to the Federal government to review all the required documents and conduct the external audits associated with this rule.

Resources	Pay Grade	Annual- Average Wage Rate	Total Wages (Wages * 1.75 of Overhead Cost)	# of Employees	Percent Share of Time Use	Total Annual Cost				
Staff Director	GS-15/5	\$162,899	\$285,073	1	15	\$42,761				
Program Staff	GS-14/5	\$138,492	\$242,361	1	30	\$72,708				
Estimated Average Annual Cost to Government \$										

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

This is a reinstatement with change of a previously approved collection of information. The current OMB inventory for this information collection shows a total burden of 232,525 hours and 8,829,303 responses, while the requesting inventory

estimates a total burden of 245,200 hours and 8,913,163 responses. Overall, the burden for this submission has increased by 12,675 hours and increased by 83,860 responses.

While the edits to FRA F 6180.49A reduced the average time per response from 15 minutes to 13.5 minutes, the overall burden increased by 12,675 hours. This is due to the aging fleet, a reduction of repair shops and optimization of their services. Furthermore, an increase in remote control locomotives, passenger and commuter services also significantly increased the annual number of periodic inspections being performed. For example, the increase in the number of non-passenger and passenger locomotives, which directly increases the number of periodic inspections, accounts for 85% of the annual burden hour increase. Similarly, the increased use of event recorders and the required inspections increased the annual burden by approximately 8%.

Finally, FRA determined that the burden reported under 229.317(b) is a recordkeeping requirement that is already accounted for under 229.317(h). The recordkeeping requirement for refresher training is now also included under (h). The burden hours have been updated accordingly and are reflected in the adjustments table below.

CFR Section	Annual	Annual	Difference	Total	Total	Differenc
	Responses	responses		Burden	Burden	е
	Current	Requesting		Current	Previous	
229.9—Movement of non-	1,307	1,886	579	21.79	31.43	9.64
complying locomotives—Tagging						
to indicate "non-complying						
locomotive"						
229.15(a)(11)—Remote control	349	3000	2,651	5.82	50	44.18
locomotives—Tagging to indicate						
in remote control						
229.20(c)—Operational	21,000	40,000	19,000	5.83	11.11	5.28
requirements—Automatic notice to						
railroads each time locomotive is						
due for inspection or maintenance						
(Note: This requirement does not						
apply to daily inspections.)						
229.21(b)—Written reports of MU	1,300,000	1,317,650	17,650	65,000.00	65,882.50	882.50
locomotive inspections						

229.23(d)-(g)—Periodic Inspection	28,627	71,428	42,801	7,156.75	15,714.16	8,557.41
—Locomotive Inspection &		Non-passenger				
Repair Record—Form FRA F						
6180.49A.	4,500	15,925	11,425	1,125.00	3,503.50	3,378.50
		passenger				
229.25(d)—Event recorder	5,908	6,549	641	8,862.00	9,823.50	961.50
periodic inspections						
229.46—Tagging locomotive with	2,269	2,483	214	37.81	41.38	3.57
inoperative or ineffective						
automatic/independent brake that						
can only be used in trailing						
position						
229.85—Marking of all doors,	1,080	1,067	-13	18.00	17.78	-0.22
cover plates, or barriers having						
direct access to high voltage						
equipment with words ''Danger						
High Voltage'' or with word						
"Danger"						
229.123(b)(2)—Locomotives	22	22	0	1.44	1.47	0.03
equipped with a pilot, snowplow,						
& plate with clearance above 6						
inches—Marking/stenciling with						
words "9 inch Maximum End						
Plate Height, Yard or Trail Service						
Only"						
229.315(b)—Railroad maintenance	3	0	-3	0.05	0	-0.05
of Operations and Maintenance						
Manual containing all documents						
related to installation,						
maintenance, re-pair, modification,						
& testing of a product subject to						
this Part			0.5	1.50	0.00	4.42
229.31/(a)—Training and	90	5	-85	1.50	0.08	-1.42
qualification program						
Establishment and implementation						
of training qualification program						

for products subject to this Subpart						
—(b) Employees trained under RR	10,000	0	-10,000	166.67	0	-166.67
program						
—(f) Periodic refresher training of	1,000	0	-1,000	16.67	0	-16.67
employees						
—(h) RR record of individuals	10,000	11,000	1000	167.67	183.33	16.66
designated as qualified under this						
Section						
Total	8,829,303	8,913,163	83,860	232,525	245,2009	12,675
			responses			hours

# 16. <u>Publication of results of data collection</u>.

FRA does not plan to tabulate or publish the responses.

# 17. <u>Approval for not displaying the expiration date for OMB approval</u>.

FRA is not seeking approval to not display the expiration date.

# **18.** <u>Exception to certification statement.</u>

No exceptions are taken at this time.