

1111FEDERAL RAILROAD ADMINISTRATION
State Safety Participation Program and Reporting of Remedial Actions
(Title 49 Code of Federal Regulations (CFR) Parts 209 and 212)
SUPPORTING JUSTIFICATION
OMB Control No. 2130-0509

Summary of Submission

- This submission is a request for an extension without change (with changes in estimates) of the last three-year approval granted by the Office of Management and Budget (OMB) on May 31, 2022, with an expiration date on November 30, 2025.
- The Federal Railroad Administration (hereafter “FRA” or the “Agency”) published a required 60-day Notice in the Federal Register on August 08, 2025. See 90 FR 38585. FRA received no comments in response to this Notice.
- Overall, adjusted estimates decreased burden by 2,107 hours and decreased responses by 841.
- The answer to question number 12 itemizes all information collection requirements.

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1. Circumstances that make collection of the information necessary.

The State Safety Participation Program (“Program”) is authorized under 49 U.S.C. 20105 and implemented by FRA through 49 CFR Part 212, State Safety Participation Regulations. The Program allows States to employ safety inspectors with specified authority in one or more rail safety inspection disciplines regulated by FRA. State programs emphasize planned, routine compliance inspections. States may also undertake additional investigative and surveillance activities consistent with overall Program needs and individual State capabilities.

Before a State begins participation in FRA’s rail safety inspection activities, that State must enter into an agreement with FRA. This agreement delegates investigative and surveillance authority regarding specific parts of Federal railroad safety laws and regulations.

The training of State inspectors is one of FRA’s most important activities related to Part 212. FRA reimburses States for travel expenses associated with State safety inspector technical training. The training program helps States to develop rail safety programs and enables qualified State inspectors to maintain technical proficiency.

FRA requires States to document inspections completed under Part 212 by the completion and submittal to FRA of standard forms. These are the same forms used by

FRA inspectors. Most commonly, State inspectors are required to complete form FRA F 6180.96 to document an inspection for compliance with any safety regulation under a discipline that the State has agreed to participate in. In addition, when a State inspector recommends to FRA that enforcement action be taken to address a regulatory violation, that inspector must complete the form for recommending violations in the relevant discipline.

This ICR also includes remedial action reporting, authorized under 49 U.S.C. 20111(d). If a railroad or other regulated entity receives written notification from an FRA or State safety inspector, it is required to report to FRA actions taken to remedy certain alleged violations of law. This requirement and related procedures are codified at 49 CFR Part 209, Subpart E. The required information is provided by the railroad or other regulated entity under this regulation, unlike the other burdens itemized in this ICR, which apply to States participating in FRA safety inspection programs under Part 212.

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

FRA's State Safety Participation Regulations (49 CFR Part 212) requires qualified State inspectors to provide various reports to FRA for monitoring and enforcement purposes concerning State investigation, inspection, and surveillance activities regarding railroad compliance with the Federal railroad safety laws and regulations. Additionally, under 49 CFR Part 209, Subpart E, railroads are required to report to FRA actions taken to remedy certain alleged violations of the Federal railroad safety laws and regulations.

3. Extent of automated information collection.

FRA strongly encourages the use of advanced information technology, wherever possible, to reduce burden on respondents. Like FRA inspectors, State inspectors report inspection findings on automated inspection reports using notebook computers and software developed by the agency.

The Railroad Inspection System for Personal Computers (RISPC) provides State inspectors with the capability to enter inspection data via their PCs. The electronic RISPC generated inspection report entries are the preferred method to be used by FRA and State inspectors. However, State inspectors can use the printed inspection forms when necessary (e.g., computer failure). Most recently, the State inspectors have been using the electronic method 100 percent of the time.

4. Efforts to identify duplication.

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

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

State Participation

The collection of State participation information does not involve small businesses or organizations.

Remedial Actions Reporting

The reporting of remedial actions applies to railroads that are subject to the Federal railroad safety laws and regulations. While this reporting does not significantly impact a substantial number of small railroads, where remediation of a safety issue has been noted, it is required of all railroads regardless of size and promotes improved railroad safety for the employees, passengers, and the public.

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

If this collection of information were not conducted or conducted less frequently, FRA would be less able to fulfill its mandate from Congress to reduce rail-related accidents and incidents. Participating States are required to submit their reports on investigation and surveillance activities either on a monthly or more frequent basis to ensure swift corrective actions if safety is either deteriorating or is questioned. To be effective, a safety program requires timely information, and collecting this information less frequently would impair FRA's safety program.

Regarding remedial action reporting, FRA would also be less able to meet the mandate in 49 U.S.C. 20111(d) to require railroads to report remedial actions. Federal and State inspectors monitor the day-to-day rail environment to ensure compliance with the Federal safety laws and regulations and to highlight violations so that they can be quickly corrected. Without the remedial action reports, FRA may not know whether railroads actually took the appropriate action(s) to correct a failure detected by a Federal or State inspector (or receive an appropriate written explanation from the railroad that no violation occurred).

7. **Special circumstances.**

Under 49 U.S.C. 20111(d)(1), remedial action reports must be made within 30 days after the end of the month in which each such notification is received. FRA is constrained by this law from extending the collection period or reducing the frequency of collection.

All other information collection requirements are in compliance with this section.

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

As required by the Paperwork Reduction Act of 1995 (PRA) and 5 CFR Part 1320, FRA published a notice in the Federal Register on August 08, 2025,¹ 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.

Individuals from the railroad industry and public authorities are generally in direct contact with FRA and can provide any comments or concerns to FRA.

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.

The 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.

¹ 90 FR 38585

12. Estimate of burden hours for information collected.

The estimates for the respondent universe, annual responses, and average time per response are based on the experience and expertise of FRA's Office of Regional Operations and Outreach.

CFR Section	Respondent Universe	Total Annual Responses (A)	Avg. Time Per Response (B)	Total Annual Burden Hours (A*B=C)	Wage Rate ² (D)	Total Cost Equivalent U.S.D. (E =C*D)	PRA Analyses and Estimates
212.105 Agreements							
—Railroad Safety State Participation Agreement (SPA) Annual updates, technical training plans, and revised schedules to existing agreements	34 States	34 updates	1 hour	34 hours	\$88.36	\$3,004.24	The principal method by which States may participate in investigative and surveillance activities is by agreement with FRA. An agreement may delegate investigative and surveillance authority with respect to all or any part of the Federal railroad safety laws and regulations.
—New State Participation Agreement. Includes: • Opinion of Counsel • Schedule of Current Participation • State Railroad Technical Training and Funding	15 States	1 agreement	32 hours	32 hours	\$88.36	\$2,827.52	An agreement may be amended to expand or contract its scope by consent of FRA and the State. The agreement includes the training plan and schedules related to reimbursement and other costs associated with inspector training.

² For State respondents, the dollar equivalent cost is derived from the May 2024, Bureau of Labor Statistics (BLS) data for management occupations, NAICS 999100—State Government, excluding schools and hospitals. <https://data.bls.gov/oes/#/industry/999200>. To calculate the hourly wage of \$88.36 for this category of workers, FRA included a 75-percent charge for overhead costs (50.49 x 1.75=88.36). The dollar equivalent cost for railroad respondents is derived from the Surface Transportation Board's 2024 Full Year Wage A&B data series using employee group 200 (Professional & Administrative) hourly wage rate \$50.93. The total burden wage rate (straight time plus 75%) used in the table is \$89.13 (\$50.93 x 1.75 = \$89.13).

Agreement							
—State Inspector travel planning and reimbursement	34 States	600 vouchers	1.5 hours	900 hours	\$88.36	\$79,524.00	
212.107 Certification							
—State to file annual certification in the event that FRA and the State agency do not agree on terms for the participation under § 212.105	FRA anticipates zero submissions for this paperwork requirement over the next three-year period.						
212.113 Program termination							
—30-day notice provided by State agency of its intent to terminate its participation	FRA anticipates zero submissions for this paperwork requirement over the next three-year period.						
212.115 Enforcement actions							
— FRA F 6180.96 Inspection Report – All disciplines submitted by State inspectors	34 States	19,400 forms	15 minutes	4,850 hours	\$88.36	\$428,546.00	This inspection form is used by State inspectors to document rail safety inspections, defects, and railroad compliance with Federal railroad safety laws and regulations.
—FRA F 6180.33 Hours of Service Law Violation Report	19 States	2 reports	4 hours	8 hours	\$88.36	\$706.88	This report is used by both Federal and State inspectors to document violations of the Hours of Service Laws.
—FRA F 6180.61 Accident/Incident Reporting Rules Violation Report	19 States	2 reports	4 hours	8 hours	\$88.36	\$706.88	This report is used by State inspectors to document violations of FRA’s Accident/Incident Reporting Regulations.

—FRA F 6180.67 Operating Practices Regulations Violation Report	19 States	194 reports	4 hours	776 hours	\$88.36	\$68,567.36	This report is used by State inspectors to document violations of the Operating Practices Regulations.
— FRA F 6180.109 Motive Power and Equipment Regulations Violation Report	19 States	215 reports	4 hours	1,440 hours	\$88.36	\$75,989.60	This form is used by State inspectors to document violations of the Motive Power and Equipment Regulations.
— FRA F 6180.110 Hazardous Materials Regulations Violation Report	17 States	171 reports	4 hours	1,680 hours	\$88.36	\$60,438.24	This report is used by State inspectors to document violations of the Hazardous Materials Regulations.
— FRA F 6180.111 Track Safety Regulations Violation Report	26 States	66 reports	4 hours	440 hours	\$88.36	\$23,327.04	This report is used by State inspectors to document violations of the Track Safety Regulations.
—FRA F 6180.112 Signal and Train Control Regulations Violation Report	14 States	40 reports	4 hours	320 hours	\$88.36	\$14,137.60	This report is used by State inspectors to document violations of the Signal and Train Control Regulations.
209.405 Reporting of remedial actions							
—(a) Completion of remedial actions report on FRA F 6180.96 after receipt of written notification from an FRA or State Safety Inspector	745 railroads	2,400 reports	30 minutes	1,200 hours	\$89.13	\$106,956.00	Each railroad that has received written notification on FRA's Inspection Report (FRA F 6180.96) from an FRA or State Safety Inspector both that assessment of a civil penalty will be recommended for the railroad's failure to comply with a provision of the Federal railroad safety laws and regulations and that it must submit a remedial actions report is required to report to FRA, within 30 days after the calendar month in which the notification is received, all actions taken to remedy that failure.
—(b) Violation report challenge by the	745 railroads	50 challenges	45 minutes	37.50 hours	\$89.13	\$3,342.38	If any railroad concludes that the violation alleged on the violation report may not

railroads—Remedial action reports							have occurred, it may submit the remedial actions report with an appropriate written explanation.
209.407 Delayed Reports							
—Delayed reports	745 railroads	50 reports	45 minutes	37.50 hours	\$89.13	\$3,342.88	If a railroad cannot initiate or complete remedial actions within 30 days after the end of the calendar month in which the notification is received, it must prepare, in writing, an explanation of the reasons for such delay and a good faith estimate of the date by which it will complete the remedial actions.
Total ³	34 States 745 Railroads	23,225 responses	N/A	9,851 hours		\$871,416.12	

³ Totals may not add up due to rounding.

13. Estimate of total annual costs to respondents.

There are no additional costs to respondents in addition to those in question number 12 above.

14. Estimate of Cost to Federal Government.

To calculate the government administrative cost, the 2025 Office of Personnel Management (OPM) wage rates were used.

FRA estimates that approximately one person at the GS-14, step 5 level, for the locality pay area of Washington-Baltimore-Arlington, DC-MD-VA-WV-PA, will be spending 100 percent of their time reviewing all the documentation associated with the requirements of Part 212. This excludes time spent doing routine compliance and enforcement activities. Multiplying an annual salary of \$161,486 times 1.75 (to include 75-percent overhead cost) equals an annual Federal cost of \$282,601.

15. Explanation of program changes and adjustments.

This submission is an extension without change (with changes in estimates) of a currently approved ICR. FRA has made multiple adjustments to its estimated paperwork burden that has decreased the previously approved burden hours from 11,958 hours to 9,851 hours and the responses from 24,066 to 23,225.

FRA previously combined the burden estimates for several sections and reported the combined burden under 49 U.S.C. 20105, the statute that authorizes Part 212.⁴ Updated estimates are now provided on a section-by-section basis. Additionally, § 212.109 has been removed from this ICR because it was recently repealed by FRA as obsolete.⁵ Because it was obsolete and required no actual information collection even before it was repealed, removing § 212.109 from this ICR does not affect the overall PRA burden under Part 212. This decrease, after a thorough review, is the result of the changes described in the following sections summarized below:

- FRA reduced the estimated number of annual violation reports submitted by State inspectors in various disciplines from 1,154 to 690 violation reports. Accordingly, the estimated burden hours for these reports were decreased by 1,856.
- For violation report challenges authorized under § 209.405(b), FRA adjusted the estimated number of challenges from 240 to 50 annually. This adjustment more accurately reflects the estimated number of burden hours, decreasing the burden by 143.

⁴ 87 FR 8083 (Feb. 11, 2022).

⁵ 90 FR 28130 (July 1, 2025).

- Under § 209.407, Delayed reports, FRA decreased the estimated number of reports from 240 to 50 annually, reducing the reported burden by 143 hours.

These revised estimates contributed to an overall reduction of 2,107 burden hours and 841 responses.

16. Publication of results of data collection.

FRA does not plan to publish the information collected.

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

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

18. Exception to certification statement.

No exceptions are taken at this time.