

FEDERAL RAILROAD ADMINISTRATION
Rear End Marking Devices
(Title 49 Code of Federal Regulations Part 221)
SUPPORTING JUSTIFICATION
OMB Control No. 2130-0523

Summary of Submission

- This submission is a request for an extension without change of the last three-year approval granted by the Office of Management and Budget (OMB) on April 28, 2023, with an expiration date on April 30, 2026.
- The Federal Railroad Administration (hereafter “FRA” or “the Agency”) published a required 60-day Notice in the *Federal Register* on January 30, 2026. See 91 FR 4166. FRA received zero public comments in response to this Notice.
- The total number of burden hours requested for this information collection request (ICR) submission is two hours, which is unchanged from the last submission.
- The total number of responses requested for this information collection submission is two, which is unchanged from the last submission.

1. Circumstances that make collection of the information necessary.

On July 8, 1976, Congress enacted the Federal Railroad Safety Authorization Act of 1976 (Pub. L. No. 94-358). In addition to providing authorization for continued railroad safety appropriations, the statute included a provision that required the Secretary of the U.S. Department of Transportation (DOT) to issue within 180 days such rules as may be necessary to require that the rear car of passenger, commuter, and freight trains be equipped with highly visible markers. (49 U.S.C. § 20132).

On January 11, 1977, FRA issued Title 49 Code of Federal Regulations (CFR) part 221, *Rear End Marking Device - Passenger, Commuter and Freight Trains*. Through the requirements of this part, FRA ensures that marking devices used for any locomotive operating singly or for cars or locomotives operating at the trailing end of a train meet minimum requirements regarding visibility and display. The rule established the performance standards for “highly visible” marking devices to be approved by FRA’s Administrator.

On December 8, 1977, appendix A to part 221 was added, establishing the procedures railroads must use to get marking devices approved.

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

Railroads must provide FRA with detailed descriptions of marking devices used on single locomotives or at the trailing end of a train to ensure they meet visibility standards. Per part 221,

railroads must certify that these devices were tested according to the “Guidelines for Testing of Rear End Marking Devices.” They must also submit comprehensive test records—including testing organizations, methods, sample sizes, and results—to prove compliance.

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

FRA strongly encourages the use of advanced information technology, wherever feasible, to reduce the burden on respondents. Railroads may keep detailed test records electronically if they are equipped to do so.

4. **Efforts to identify duplication.**

To our knowledge, the information collection requirements are not duplicated elsewhere. Similar data are not available from any other source.

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

Many small railroads are specifically exempt from this regulation because, for example, they operate only one train at any given time. *See* 49 CFR § 221.3. Those that are not exempt can use a shortened approval procedure available to all railroads covered by the regulation. Under this shortened approval procedure, they can certify that they have installed a marking device that has already been approved for use under the regulation, eliminating additional expenses related to testing.

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

If this information was not collected or collected less frequently, railroad safety in the U.S. would be hindered. Specifically, if rear-end marking devices were not approved by FRA before being used by railroads, they might not meet Federal standards for visibility. This could result in rear-end passenger, commuter, and freight cars not being visible to other trains. Such a lack of visibility could, in turn, result in an increased number of accidents/incidents in which train crews and the traveling public are injured or possibly killed.

Submission frequency is minimal because railroads submit the required data to FRA one time. However, if a railroad changes manufacturers or design of the marking device or its components, then new information must be submitted to FRA.

7. **Special circumstances.**

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

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 January 30, 2026¹ soliciting comment from the public, railroads, and other interested parties on these information collection requirements. FRA received zero comments from the public.

Consultations with representatives of the affected population:

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

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.

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

12. Estimate of burden hours for information collected.

The burden is influenced by the number of new railroads (which do not fall under the exemption) that may come into being during the year. In addition, there may be a few railroads that seek approval of a different marking device to accommodate changes in their operations.

CFR	Respondent Universe	Total Annual Responses (A)	Avg. Time per Response (Hours) (B)	Total Annual Burden Hours (A*B=C)	Wage Rate ²	Total Cost Equivalent U.S.D. (D=C* wage rate)	PRA Analysis and Estimates
Appendix A to Part 221—Procedures for Approval of Rear End Marking Devices							
—Approval of marking devices in accordance with appendix procedures	754 railroads 30 manufacturers	2 submissions & records	1 hour	2 hours	\$90.19	\$180.38	Railroads are required to provide FRA with a detailed description of the type of

¹ 91 FR 4166.

² Surface Transportation Board (STB), *Quarterly Wage Form A&B Data* (2024). Compiled from Class I railroad data reported on Wage Form A&B for year 2024. Calculated as: Wage (\$/hour) = sum of *compensation for time worked and paid for straight time rates* (\$) for Class I railroads ÷ sum of *service hours for time worked and paid for straight time rates* (hours) for Class I railroads. Available: <https://www.stb.gov/reports-data/economic-data/quarterly-wage-ab-data/>. Using employee group 200 (Professional and Administrative) hourly wage rate of \$51.54 multiplied by 1.75 gives a total burdened wage rate of \$90.19.

							marking devices used for any locomotive operating singly or for cars or locomotives operating at the end of a train. Also, railroads are required to furnish detailed test records to demonstrate compliance with the performance standard.
Total	754 railroads 30 manufacturers	2 responses	N/A	2 hours	N/A	\$180.38	

13. Estimate of total annual costs to respondents.

There is no additional cost to the respondents outside of the burden hours accounted for under Item 12 above.

14. Estimate of cost to Federal Government.

FRA estimates that approximately four hours are spent processing the respondents' notifications. This excludes time spent during routine compliance and enforcement activities.

Task	No. of Employees	Grade	Time Spent	Burdened Wage Rate (wage rate ³ x 75%)	No. of Submissions	Total
File and assign approval request	1	GS13-5	30 minutes	\$115.73	2	\$115.74
Review and draft acceptance letter	1	GS13-5	3 hours	\$115.73	2	\$694.38
Finalize and send out letter.	1	GS13-5	30 minutes	\$115.73	2	\$115.74
Total Annual Cost						\$925.86

15. Explanation of program changes and adjustments.

This is an extension without change to a current ICR. FRA made no adjustments to the previously approved burden hours. The requested estimated burden hours remain 2 hours and 2 responses.

³ To calculate the government administrative cost, the 2025 Office of Personnel Management wage rates were used. Wages are considered at the burdened wage rate by multiplying the actual wage rate by an overhead cost of 75%. $\$66.13 \times 1.75 = \115.73 .

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 will be displaying the expiration date.

18. Exception to certification statement.

No exceptions are taken at this time.