

11FEDERAL RAILROAD ADMINISTRATION
Railroad Police Officers
(Title 49 Code of Federal Regulations (CFR) Part 207)
SUPPORTING JUSTIFICATION
OMB Control No. 2130-0537

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 July 3, 2023, with an expiration date of July 31, 2026.
- The Federal Railroad Administration (hereafter “FRA” or “the Agency”) published a required 60-day Notice in the *Federal Register* on April 23, 2026. See 91 FR 21864. FRA received zero comments in response to this Notice.
- Overall, adjustments decreased the burden by three (3) hours and responses by 88.

1. Circumstances that make collection of the information necessary.

Title 49 U.S.C. 28101 authorizes railroad employees commissioned or certified as police officers by any State to enforce, consistent with the U.S. Department of Transportation’s regulations, the laws of any State where the railroad police officer’s employer owns property to protect railroad property, personnel, passengers, and cargo. FRA’s regulations at 49 CFR Part 207 implement Section 28101.

In 2015, the Fixing America’s Surface Transportation (FAST) Act¹ Section 11412 revised Section 28101 to allow: (1) railroads to hire contractors as railroad police officers; (2) railroad police officers to transfer from one State to another without immediately needing to be commissioned or certified in the new State; and (3) a State to recognize an officer’s training at another State’s recognized police academy or a Federal law enforcement training center meets the State’s basic police officer certification or commissioning requirements.²

The Secretary delegated rulemaking responsibility to the FRA Administrator per 49 CFR § 1.89. In 2016, FRA published the Railroad Police Officers final rule.³ The rule amended FRA’s regulations on railroad police officers to implement certain provisions of

¹ Pub. L. 114-94 (Dec. 4, 2015)

² Section 11412 of the FAST Act also contained provisions modifying 49 U.S.C. 24305(e) (authorizing Amtrak to employ railroad police officers) and 18 U.S.C. 922(z)(2)(B) (excepting railroad police officers from certain restrictions related to handguns). These provisions are self-executing and require no revision to Part 207 or any other FRA regulation.

³ 81 FR 88127, Dec. 7, 2016.

the FAST Act. Specifically, the Railroad Police Officers final rule incorporated the new Section 11412 statutory language into existing Part 207 and updated Part 207 to ensure consistent application of the regulation.

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

The information collected under 49 CFR Part 207 requires railroads to notify States of all designated police officers who perform duties in their respective jurisdictions who were commissioned as police officers by another State or States. Specifically, the information collected under § 207.6 will be used by States to facilitate the transfer of railroad police officers from one State, where they are certified or commissioned and have primary employment or residence under the laws of that State, to another State to be certified or commissioned as a police officer under the laws of the State of new primary employment or residence.

The purpose of the notice provisions in § 207.4 is to provide a mechanism whereby States can determine which railroad police officers have authority to act in their States by virtue of the designation procedures authorized by the Crime Control Act of 1990, as opposed to individuals commissioned by the States themselves. The required notice will fully identify railroad police officers by name, badge number, identification number, rank code, or other identifying information, date of commission, State or States where the officers are commissioned, the date(s) of training, and the names of the designating railroad officials. Also, the required notice must include color photographs of badges, identification cards, and other identifying materials the railroad uses to identify its railroad police officers. These records will provide positive proof of the authority of such railroad police officers to operate in such States in the event this authority is ever questioned. The railroad companies are also required to maintain this information on file at a central location in the event the designation is questioned by State officials.

Under § 207.5, *Transfers*, if a railroad police officer certified or commissioned as a police officer under the laws of a State or jurisdiction transfers primary employment or residence the railroad police officer must apply to be certified or commissioned as a police officer in the State of the new primary residence. The transfer of certification must be done not later than one (1) year after the date of transfer. This allows the railroad police officer immediate authority to enforce the laws of the new State where the railroad owns property. The railroad police officer may enforce only the relevant laws in the new State for the protection of the following: (1) the railroad's employees, passengers, or patrons; (2) the railroad's property or property entrusted to the railroad for transportation purposes; (3) the intrastate, interstate, or foreign movement of cargo in the railroad's possession or in possession of another railroad or non-rail carrier while on the railroad property; and (4) the railroad movement of personnel, equipment, and materials vital to the national defense.

The records that must be maintained are used by FRA to ensure compliance with the

program. The reporting requirements are used by State authorities as a method of implementing the Crime Control Act of 1990.

3. Extent of automated information collection.

Though the regulation requires notification by certified mail, FRA strongly supports and highly encourages the use of advanced information technology, wherever possible, to reduce the paperwork burden. If railroads are so equipped, FRA recommends sending the information required in § 207.4 electronically. FRA supports the goal set forth both in the Paperwork Reduction Act (PRA) and the Government Paperwork Elimination Act to reduce paperwork burdens on respondents.

The paperwork burdens associated with the information collection requirements within 49 CFR Part 207 are minimal. Accordingly, electronic filing does not substantially decrease the burden.

4. Efforts to identify duplication.

The information collection requirements to our knowledge are not duplicated anywhere. Similar data is not available from any other source.

5. Efforts to minimize the burden on small businesses.

The paperwork and reporting requirements of this information collection do not significantly impact small entities, as most Class III railroads (small entities) do not employ railroad police officers.

6. Impact of less frequent collection of information.

If this information were not collected, the safety of railroad employees, passengers, property, and cargo might be considerably jeopardized in States where there was no valid method of determining who is and who is not a genuinely commissioned railroad police officer from another State. Consequently, crime in States other than the original commissioning State might rise significantly with more theft, more vandalism, and more assaults from persons impersonating a railroad police officer. Thus, the crime prevention program envisaged by Congress would be impeded or would not be implemented properly without these requirements.

Failure to collect the information would inhibit interstate communication and cooperation between railroad police officers and State law enforcement authorities. Without this interstate cooperation, the property, personnel, passengers, and cargo of the railroads could not be adequately protected to the same extent while travelling across State lines. Railroads might then experience significant financial losses, as well as injuries to

personnel and passengers. In the case of the transportation of hazardous or nuclear material, theft of these materials could have disastrous consequences to the health and welfare of the public, as well as to the overall security of the United States.

Further, without the requirement added in § 207.6, railroads would not have the flexibility to transfer their police officers from one State where they own property to another State where these employees are more urgently needed or have asked to be transferred. The flexibility provided by this provision aids both the States in controlling and reducing crime, and the railroads in employing their limited personnel to the greatest possible benefit.

7. **Special circumstances.**

Records of commission notices are to be retained indefinitely, or for as long as the police officer remains employed. A specific timeframe cannot be addressed by virtue of the regulation itself, which is intended to provide continuing evidence of railroad police authority.

With this one exception, all other information collection requirements comply with 5 CFR 1320.5(d)(2).

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

As required by the PRA and 5 CFR § 1320, FRA published a notice in the *Federal Register* on April 23, 2026,⁴ soliciting comment from the public, railroads, and other interested parties. FRA received no public comments.

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 provided, or gifts made to respondents in connection with this information collection.

⁴ 91 FR 21864 (2026).

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.

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

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 Railroad Safety.

CFR Section	Respondent Universe	Total Annual Responses (A)	Average Time per Response (B)	Total Annual Burden Hours (C) = A * B	Wage Rate ⁵	Total Annual Dollar Cost Equivalent (D) = C * wage rates	PRA Analysis
207.4 Notice to State officials							
—(a) Written notice of railroad (RR) police officer's commission to each State in which the RR police officer shall protect the RR's property, personnel, passengers, and cargo	768 railroads	52 written notices	15 minutes	13 hours	\$90.19	\$1,172.47	After the designated railroad police officer is commissioned by a State or States, the railroad shall send, by certified mail, written notice to appropriate officials of every other State in which the railroad police officer shall protect the railroad's property, personnel, passengers, and cargo.
—(b) RR copy of written notices to State officials	768 railroads	52 records	2 minutes	1.73 hours	\$90.19	\$156.03	Each railroad shall keep copies of all such notices at a central location.

⁵ The dollar equivalent cost is derived from the 2024 Surface Transportation Board Full Year Wage A&B data series using employee group 200 (Professional Administrative Staff) hourly wage rate of \$51.54. The total burden wage rate (straight time plus 75%) used in the table is \$90.19 (\$51.54 x 1.75 = \$90.19).

207.6 Transfers							
—Application by RR police officers for new State certification/commission when transferring primary employment or residence from one State to another	768 railroads	8 records	2 minutes	0.27 hours	\$90.19	\$24.35	If a railroad police officer certified or commissioned as a police officer under the laws of a State or jurisdiction transfers primary employment or residence from the certifying or commissioning State to another State or jurisdiction, then the railroad police officer must apply to be certified or commissioned as a police officer under the laws of the State of new primary employment or residence not later than one (1) year after the date of transfer.
Total ⁶	768 railroads	112 responses		15 hours		\$1,352.85	

13. Estimate of total annual costs to respondents.

Cost to respondents:

Postage: $23^7 \text{ States} \times \$1.65^8 \times \text{certified mail } \$5.30 = \$201$

For verification of the individual, railroads include with the documentation to the States a color photograph copy of the police officer's ID Badge. Because issuance of ID cards and maintaining photograph copies thereof is standard procedure when onboarding new employees, there is no additional cost for photos.

As noted under Question 3, "Extent of Automated Information Collection", FRA encourages railroads to send the

⁶ Totals may not add up due to rounding.

⁷ This number is based on the average number of States that each Class I railroad operates through.

⁸ The cost is based on a large, first class 4-ounce envelope.

information required under § 207.4 electronically if they are equipped to do so. FRA estimates that few railroads still use certified mail; therefore, the cost estimated is more informational to reflect what the cost to the railroad would be should they use certified mail to send notifications to the States.

14. Estimate of cost to Federal Government.

There is no cost to the Federal government since FRA's regulation imposes notice and recordkeeping requirements solely upon railroads and States.

15. Explanation of program changes and adjustments.

This is an extension without change (with changes in estimates) to a current information collection request (ICR). The current OMB inventory for this ICR shows a total burden of 18 hours and 200 responses, while the requesting inventory estimates a total burden of 15 hours and 112 responses.

FRA adjusted the estimated number of responses under § 207.4 from 50 to 52. The revised estimate of 52 responses was calculated by applying a 10% employment turnover to the 525 annual commissions reported by the Association of American Railroads (AAR). In addition, after further clarification from OMB, § 207.4(c) verification by States for receipt of written notices was determined to be excluded from coverage under the PRA.

In addition, for § 207.6, *Transfers*, FRA revised the estimate from 50 transfers annually to 8 transfers annually to reflect more accurately the expected number of transfers over the next three-year information collection period.

16. Publication of results of data collection.

There are no plans for publication of this submission. The information will be used exclusively for purposes of determining proper police authority.

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.