

FEDERAL RAILROAD ADMINISTRATION
Passenger Equipment Safety Standards
(Title 49 Code of Federal Regulations (CFR) Part 238)
SUPPORTING JUSTIFICATION
RIN 2130-AD24; OMB Control No. 2130-0544

This non-substantive change updates the recently submitted renewal for Passenger Equipment Safety Standards information collection, OMB control no. 2130-0544. OMB last approved this ICR on September 25, 2025, with a new expiration date of September 30, 2028

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. For instance, the information collected from daily inspections is used to detect and correct equipment problems in order to prevent, to the extent that they can be prevented, collisions, derailments, and other occurrences involving railroad passenger equipment that cause injury or death to railroad employees, railroad passengers, or to the general public. This collection of information is mandatory, collected as needed, and it involves both reporting and recordkeeping requirements.

On August 31, 2026, FRA issued a final rule titled Amendments to Brake System maintenance and Inspection Requirements. This rule amends mechanical equipment safety standards related to brake inspections for passenger and freight rail equipment and incorporates longstanding waivers for locomotive brake system maintenance and inspection requirements. The amendments are consistent with the mandates of the Infrastructure Investment and Jobs Act (IIJA), which require FRA to review and analyze certain longstanding waivers to determine whether incorporating the waivers into FRA's regulations is justified, and the Executive Order for Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative.

Justification:

As described above, the non-substantive changes to this collection are:

1. Decrease the currently approved burden hours for § 238.7 from 72 hours to 18 hours. This will decrease the burden by 54 hours from 95,947 to 95,893 hours for the entire collection.
2. FRA has amended §238.307 to require the execution and passing of a self-test of all EAB systems as part of the 368-day periodic mechanical inspections. This amendment incorporates longstanding waivers for locomotive brake system maintenance and inspection requirements, reducing the burden hours associated with waiver petitions under §238.7 that will be submitted to FRA for approval.
3. No other changes have been made to this collection.

Previous Burden Information:

The dollar equivalent cost is derived from the Surface Transportation Board's Full Year Wage 2025 using group 200, Professional & Administrative wage rate of \$94.50 per hour (\$54 (hourly wage * 1.75 overhead costs).

CFR Section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Total cost equivalent in U.S. dollar (D = C * wage rates) ¹
238.7 (a) through (c) Petition for waiver of compliance under this section.	34 railroads	12	6 hours	72 hours	\$6,804

Non-substantive Change Request

CFR Section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Total cost equivalent in U.S. dollar (D = C * wage rates)
238.7 (a) through (c) Petition for waiver of compliance under this section.	34 railroads	3	6 hours	18 hours	\$1,701

¹The dollar equivalent cost is derived from the Surface Transportation Board's Full Year Wage 2025 using group 200, Professional & Administrative wage rate of \$94.50 per hour (\$54 (hourly wage * 1.75 overhead costs).