

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration**

[Docket No. FRA-2014-0011-N-6]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting the information collection request (ICR) below for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than May 20, 2014.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 25, Washington, DC 20590, or Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB control number 2130-0005." Alternatively, comments may be transmitted via facsimile to (202) 493-6216 or (202) 493-6479, or via email to Mr. Brogan at Robert.Brogan@dot.gov, or to Ms. Toone at Kimberly.Toone@dot.gov. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal

Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493-6292) or Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, sec. 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(i)-(iv); 5 CFR 1320.8(d)(1)(i)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a "user friendly" format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below is a brief summary of currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

Title: Hours of Service Regulations.
OMB Control Number: 2130-0005.

Abstract: FRA amended its hours of service recordkeeping regulations, to add substantive hours of service regulations, including maximum on-duty periods, minimum off-duty periods, and other limitations, for train employees (e.g., locomotive engineers and conductors) providing commuter and intercity rail passenger transportation on August 12, 2011. See 76 FR 50359. The new substantive regulations require that railroads employing such train employees analyze and mitigate the risks for fatigue in the schedules worked by these train employees, and that the railroads submit to FRA for its approval the relevant schedules and fatigue mitigation plans. This final rule also made corresponding changes to FRA's hours of service recordkeeping regulation to require railroads to keep hours of service records and report excess service to FRA in an manner consistent with the new substantive requirements. This regulation was authorized by the Rail Safety Improvement Act (RSIA) of 2008. The information collected under this rule is used by FRA and its inspectors to ensure compliance with the Hours of Service Laws and the requirements of this regulation. In particular, the new information collected as a result of new Subpart F is used by FRA to verify that the employees of covered commuter and intercity passenger railroads do not exceed maximum on-duty periods, abide by minimum off-duty periods, and adhere to other limitations set forth in this regulation to enhance rail safety and reduce the risk of accidents/ incidents caused by train employee fatigue, as well as those accident/ incidents where fatigue of train employees served as a contributory factor.

Form Number(s): FRA F 6180.3.

Affected Public: Businesses.

Respondent Universe: 768 railroads/ signal contractors.

Frequency of Submission: On occasion/monthly.

Reporting Burden:

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
228.11—Hours of Duty Records	768 railroads/signal contractors.	27,429,750 records	1 min./.5 min./10 minutes.	2,856,125
228.17—Dispatcher's Records of Train Movements.	150 Dispatch Offices	200,750 records	3 hours	602,250
228.19—Monthly Reports of Excess Service ..	300 railroads	2,670 reports	2 hours	5,340
228.103—Construction of Employee Sleeping Quarters—Petitions to Allow Construction near Work Area.	50 railroads	1 petition	16 hours	16
228.203—Program Components—Electronic Recordkeeping—Modification for Daylight Savings Time.	9 railroads	5 modifications	120 hours	600
—System Security/Individual User I.D./P Program Logic Capabilities/Search Capabilities.	9 railroads	1 program with system security etc..	720 hours	720
228.205—Access to Electronic Records—System Access Procedures for Inspectors.	768 railroads/signal contractors.	100 electronic records access procedures.	30 minutes	50
228.207—Training in Use of Electronic System—Initial Training.	768 railroads/signal contractors.	47,000 trained employees.	1 hour	47,000
—Refresher Training	768 railroads/signal contractors.	2200 trained employees	1 hour	2,200
49 U.S.C. 21102(b)—The Federal Hours of Service Laws—Petitions for Exemption from Laws.	10 railroads	2 petition	10 hours	20
228.403—Exemption Requests from Passenger/Commuter Railroads.	280 railroads	5 exemption requests	8 hours	40
—Initial Exemption Requests from Tourist/Excursion Railroads.	140 railroads	10 exemption requests	2 hours	20
—Renewal Exemption Requests from Tourist/Excursion Railroads.	140 railroads	5 exemption requests	30 minutes	3
228.407—Analysis of Work Schedules Submissions.	168 railroads	28 analyses	8 hours	2,240
—Reports to FRA of Work Schedules that Violate Fatigue Threshold.	168 railroads	20 reports	2 hours	40
—Fatigue Mitigation Plans Submitted to FRA	168 railroads	15 plans	4 hours	60
—Submission of Work Schedules Using Validation Model Violating Threshold that can Be Mitigated by Tools.	168 railroads	15 submissions	4 hours	60
—Submission of Work Schedules Using Validation Model Violating Threshold that <i>cannot</i> Be Mitigated by Tools.	168 railroads	5 submissions	4 hours	20
—Railroad Determination of Necessary Schedules.	168 railroads	20 decisions	2 hours	40
—Railroad Declaration that No Work Schedule Needs to Be Submitted to FRA for Violating Fatigue Threshold.	168 railroads	148 written declarations	1 hour	148
—Corrected Work Schedules/Etc.	168 railroads	2 documents	2 hours	4
—Submission of Follow-Up Analysis by Railroad Due to Work Schedule Change.	168 railroads	28 analyses	4 hours	112
—Corrected Work Schedules/Etc.	168 railroads	2 documents	2 hours	4
—Updated Fatigue Mitigation Plans	168 railroads	28 plans	4 hours	112
—Railroad Consultation with Employees	168 railroads	20 consults	4 hours	80
—Filed Statements with FRA by Employees and Employee Organizations Unable to Reach Consensus with Railroad on Work Schedules or Mitigation Tools.	Railroad Employees/Employee Organizations.	5 statements	2 hours	10
228.411—Training Programs	168 railroads	29 programs	20 hours	580
—Employee Initial Training	168 railroads	10,200 trained employees.	1 hour	10,200
—New Employees Initial Training	168 railroads	150 trained employees	1 hour	150
—Records of Training	168 railroads	10,350 records	5 minutes	863
—Written Declaration by Tourist Railroads for Exclusion from This Section's Requirements.	140 railroads	100 written declarations	1 hour	100
—Appendix D: Guidance on Fatigue Management Plan.	168 railroads	4 plans	15 hours	60

Estimated Annual Burden: 3,529,267 hours.

Status: Extension of a Currently Approved Collection:

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond

to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Rebecca Pennington,
Chief Financial Officer.

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2013–0038]

Notice of Buy America Waiver for the Pad and Rubber Boot of a Concrete Block for a Low Vibration Track System

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Buy America waiver.

SUMMARY: In response to the MTA Capital Construction Company's (MTACC) request for a Buy America waiver for the pad and rubber boot of a concrete block for the Low Vibration Track (LVT) system that it is constructing on behalf of New York Metropolitan Transportation Authority's (MTA) operating agency, New York City Transit (NYCT), the Federal Transit Administration (FTA) hereby waives its Buy America requirements on the basis of non-availability for the pad and rubber boot—components of the concrete blocks used in MTA's LVT system. This waiver is limited to Phase 1 of the Second Avenue Subway Project and is valid only for the pads and rubber boots already procured for this project.

DATES: This waiver is effective immediately.

FOR FURTHER INFORMATION CONTACT:
Mary J. Lee, FTA Attorney-Advisor, at (202) 366–0985 or mary.j.lee@dot.gov.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to announce that FTA is granting a non-availability waiver for the procurement of pads and rubber boots that are a part of the concrete blocks used for NYCT's LVT system. This LVT system currently is under construction as part of Phase 1 of the Second Avenue Subway Project, which is an FTA-funded project. This waiver is limited to Phase 1 of the Second Avenue Subway Project and is valid only for the pads and boots already procured for use in this project.

With certain exceptions, FTA's Buy America requirements prevent FTA from obligating an amount that may be appropriated to carry out its program for a project unless “the steel, iron, and manufactured goods used in the project are produced in the United States.” 49

U.S.C. 5323(j)(1). A manufactured product is considered produced in the United States if: (1) All of the manufacturing processes for the product take place in the United States; and (2) all of the components of the product are of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d). If, however, FTA determines that “the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality,” then FTA may issue a waiver (non-availability waiver). 49 U.S.C. 5323(j)(2)(B); 49 CFR 661.7(c).

On September 11, 2013, MTACC formally requested a Buy America waiver for the pad and rubber boot. This request came after FTA issued a June 20, 2013 decision that the pad and rubber boot were components of the concrete block—the manufactured end product. According to MTACC, the LVT system for which the two components would be used to address operational noise and vibration issues, which had been identified as significant adverse impacts in the Final Environmental Impact Statement and Record of Decision for the Second Avenue Subway Project. In addition, among other things, the LVT system is designed to meet National Fire Protection Association requirements and the vertical and horizontal gap tolerances between the platform and the train floor required to comply with the Americans with Disabilities Act. Furthermore, according to MTA, the LVT system has a proven performance history, an expected useful life in excess of 60 years, and would meet the performance requirements of MTA–NYCT's standard specifications.

In its September 11, 2013 request, MTACC also stated that it had, at the time of the procurement, believed that the pad and rubber boot were subcomponents and that they could be foreign-sourced while remaining in compliance with FTA's Buy America requirements. Notwithstanding FTA's caution and this pending waiver request, MTACC has continued to proceed with construction of its LVT system.

On December 17, 2013, FTA published a **Federal Register** notice requesting comment on MTACC's waiver request. 78 FR 76402. No comments were received to the docket.

Concurrently, FTA is working with the U.S. Department of Commerce, National Institute for Standards and Technology (NIST), to determine if there are U.S. manufacturers that may be

willing and able to manufacture the pad and rubber boot.

Notwithstanding FTA's research and the possibility that there may be a pad and rubber boot domestically manufactured in the future, because testing of any new product for MTA's LVT system likely would halt the Second Avenue Subway project and could cause an additional delay of over one year, FTA is hereby granting a non-availability waiver for the pad and rubber boot. As stated above, this waiver is limited to Phase 1 of the Second Avenue Subway Project and is valid only for the pads and boots already procured for use in this project.

For any potential Buy America waiver requests that MTA and its operating administrations may decide to make in the future regarding the pad and the rubber boot (or other materials), FTA expects that such requests will be made prior to contract award. While MTACC originally procured the pad and the rubber boot based upon its belief that those items were subcomponents, MTA is now aware that the pad and rubber boot are components of the concrete block. Therefore, FTA will carefully scrutinize any future waiver requests per 49 CFR 661.7(c) and such waiver requests are unlikely to be granted if FTA determines that MTA has not continued its good faith efforts to seek U.S.-manufactured pads and rubber boots. FTA views good faith efforts to include, among other things, engaging U.S. manufacturers in an effort to develop components that are made in the United States, or seeking technical assistance from FTA.

Dana Nifosi,
Deputy Chief Counsel.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0030]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for extension of a currently approved collection of information.

SUMMARY: This notice solicits public comments on continuation of the requirements for the collection of information on safety standards. Before