

FOR FURTHER INFORMATION CONTACT: For FHWA: Gary Goff, Federal Highway Administration, 4503 Coleman Street, Suite 205, Bismarck, ND 58503; email: Gary.Goff@dot.gov; telephone: (701) 221-9466. For the North Dakota Department of Transportation: Kent Leben, North Dakota Department of Transportation, 608 East Boulevard Avenue, Bismarck, ND 58505; email: khleben@nd.gov; telephone: (701) 328-3482; Marcia Lamb, Billings County, P.O. Box 168, Medora, ND 58645; email: mdlamb@nd.gov; telephone: (701) 623-4377. Office hours are from 8:00 a.m. to 5:00 p.m. (Central Time), Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA has taken final agency action(s) subject to 23 U.S.C. 139(I)(1) by issuing a Final Environmental Impact Statement (FEIS)/Record of Decision (ROD) for the following transportation project in the State of North Dakota: Construction of a new crossing over the Little Missouri River (FHWA-ND-EIS-19-01-F). The purpose of the proposed action is to provide users with a safe, efficient, and reliable local connection between the roadways on the east and west sides of the Little Missouri River within Billings County, North Dakota. The actions by the agencies and the laws under which such actions were taken are described in the FEIS for the project, approved on June 6, 2019; the FHWA ROD, issued on June 6, 2019; and other documents in the project records. The FEIS/ROD and other project records are available by contacting the aforementioned points-of-contact.

The FEIS/ROD can also be viewed and downloaded from the project websites at <http://www.billingscountynod.gov/190/Little-Missouri-River-Crossing-Project> and <https://www.dot.nd.gov/projects/dickinson>. This notice applies to all Federal agency decisions that are final as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act [42 U.S.C. 4321-4351], Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. *Air:* Clean Air Act [42 U.S.C. 7401-7671q].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303; 23 U.S.C. 138], Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361-1423h], Fish and

Wildlife Coordination Act [16 U.S.C. 661-667d], Migratory Bird Treaty Act [16 U.S.C. 703-712].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470f]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470aa-470mm]; Archeological and Historic Preservation Act [16 U.S.C. 469-469c]; Native American Grave Protection and Repatriation Act [25 U.S.C. 3001-3013].

6. *Social and Economic:* American Indian Religious Freedom Act [42 U.S.C. 1996], Farmland Protection Policy Act [7 U.S.C. 4201-4209].

7. *Wetlands and Water Resources:* Clean Water Act (Sections 404, 401, and 319) [33 U.S.C. 1251-1387], Land and Water Conservation Fund [16 U.S.C. 4601-4604], Safe Drinking Water Act [42 U.S.C. 300f-300j-26], Rivers and Harbors Act of 1899 [33 U.S.C. 401-406], Wild and Scenic Rivers Act [16 U.S.C. 1271-1287], Emergency Wetlands Resources Act [16 U.S.C. 3901, 3921], Wetlands Mitigation [23 U.S.C. 119(g) and 133(b)(14)], Flood Disaster Protection Act [42 U.S.C. 4012a, 4106].

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601-9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901-6992(k)].

9. *Executive Orders (E.O.):* E.O. 11990, Protection of Wetlands; E.O. 11988, Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; E.O. 11593, Protection and Enhancement of Cultural Resources; E.O. 13007, Indian Sacred Sites; E.O. 13287, Preserve America; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 11514, Protection and Enhancement of Environmental Quality; E.O. 13112, Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139 (I)(1).

Issued on: July 18, 2019.

Sandy Zimmer,

*FHWA Acting Division Administrator,
Bismarck, North Dakota.*

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2019-0004-N-11]

Proposed Agency Information Collection Activities; Comment Request

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

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Requests (ICRs) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICRs describe the information collections and their expected burden. On May 30, 2019, FRA published a notice providing a 60-day period for public comment on the ICRs.

DATES: Interested persons are invited to submit comments on or before August 29, 2019.

ADDRESSES: Submit written comments on the ICRs to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: oir-submissions@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W33-497, Washington, DC 20590 (telephone: (202) 493-6292); or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W34-212, Washington, DC 20590 (telephone: (202) 493-6132).

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501-3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On May 30, 2019, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICRs for which it is now seeking OMB approval. See 84 FR 25110. FRA

received no comments in response to this notice.

Before OMB decides whether to approve these proposed collections of information, it must provide 30-days' notice for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)-(c); 5 CFR 1320.12(d); see also 60 FR 44978, 44983, Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICRs regarding: (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) 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; (3) ways for FRA to enhance the quality, utility, and clarity of the information being

collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summaries below describe the ICRs that FRA will submit for OMB clearance as the PRA requires:

Title: Designation of Qualified Persons.

OMB Control Number: 2130-0511.

Abstract: The collection of information is used to prevent the unsafe movement of defective freight cars. Railroads are required to inspect freight cars for compliance and to determine restrictions on the movements of defective cars; qualified inspectors are necessary to perform this task.

Type of Request: Extension without change of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

Respondent Universe: 692 Railroads.

Frequency of Submission: On occasion.

Total Estimated Annual Responses: 1,200.

Total Estimated Annual Burden: 40 hours.

Total Estimated Annual Dollar Cost Equivalent: \$3,080.

Title: Qualification and Certification of Locomotive Engineers.

OMB Control Number: 2130-0533.

Abstract: Section 4 of the Rail Safety Improvement Act of 1988 (RSIA), Public Law 100-342, 102 Stat. 624 (June 22, 1988), later amended and re-codified by Public Law 103-272, 108 Stat. 874 (July 5, 1994), required FRA to issue regulations to establish any necessary program for certifying or licensing locomotive engineers. The collection of information is used by FRA to ensure that railroads employ and properly train qualified individuals as locomotive engineers and designated supervisors of locomotive engineers. The collection of information is also used by FRA to verify that railroads have established required certification programs for locomotive engineers and that these programs fully conform to the standards specified in the regulation.

Type of Request: Extension with change (revised estimates) of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

Respondent Universe: 741 Railroads.

Frequency of Submission: On occasion; annually; triennially.

*Reporting Burden:*¹

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours	Total annual dollar cost equivalent ²
240.9—Waivers	741 railroads	2 waiver petitions	1 hour	2	\$152
240.101/103—Cert. Prog: Amendments	741 railroads	25 amendments	5 minutes	2	152
—Cert. Prog.—New	5 railroads	5 programs	1 hour	5	380
—Final Review	5 railroads	5 reviews	1 hour	5	385
—Material Modification to Program	741 railroads	10 modified programs	10 minutes	2	152
240.105(b)-(c) Written Reports/Determinations of DSLE Performance Skills.	10 railroads	10 reports	30 minutes	5	575
240.109/App. C—Prior Safety Conduct Data	17,667 candidates	25 responses	5 minutes	2	116
240.111/App C—Driver's License Data	17,667 candidates	17,667 requests	10 minutes	2,945	223,820
—NDR Match—notifications and requests for data.	741 railroads	177 notices + 177 requests	5 min. + 5 min ...	30	2,010
—Written response from candidate on driver's license data.	741 railroads	20 cases/comments	10 minutes	3	174
240.111(g)—Notice to RR of Absence of License	53,000 candidates	4 letters	5 minutes3	19
240.111(h)—Duty to furnish data on prior safety conduct as motor vehicle op.	741 railroads	100 communications	5 minutes	8	464
240.113—Notice to RR Furnishing Data on Prior Safety Conduct—Diff. RR.	17,667 candidates	353 requests + 353 responses.	5 min. + 5 min ...	59	4,130
240.119—Self-referral to EAP re: Active substance abuse disorder.	53,000 locomotive engineers	150 self-referrals	5 minutes	13	754
240.121—Criteria—Vision/Hearing Acuity Data—New Railroads.	5 railroads	5 copies	5 minutes4	32
240.121—Criteria—Vision/Hearing Acuity Data—Cond. Certification.	741 railroads	5 reports	5 minutes4	32
240.121—Criteria—Vision/Hearing Acuity Data—Not Meeting Standards—Notice by Employee.	741 railroads	10 notifications	15 minutes	3	174
240.201/221—List of Qualified DSLEs	741 railroads	741 updates	5 minutes	62	4,712
240.201/221—List of Qualified Loco. Engineers ..	741 railroads	741 updated lists	5 minutes	62	4,712
240.201/223/301—Loco. Engineers Certificate ...	53,000 candidates	17,667 certificates	5 minutes	1,472	111,872
—False entry on certificates	N/A	N/A	N/A	N/A	N/A
240.207—Medical certificate showing hearing/vision standards are met: Written determinations waiving use of corrective device.	53,000 candidates	17,667 certificates	30 minutes	8,834	1,015,910
240.219—Denial of Certification	741 railroads	30 determinations	5 minutes	3	345
	17,667 candidates	30 letters + 30 responses ...	30 minutes	30	2,280

¹ After an internal agency review, FRA updated the PRA estimates.

² Throughout the tables in this document, the dollar equivalent cost is derived from the Surface Transportation Board's Full Year Wage A&B data

series using the appropriate employee group hourly wage rate that includes 75 percent overhead charges.

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours	Total annual dollar cost equivalent ²
240.227—Canadian Certification Data	N/A	N/A	N/A	N/A	N/A
240.229—Joint Operations—Notice—not qualified.	321 railroads	184 employee calls	5 minutes	15	870
240.309—RR Oversight Resp.: Detected poor safety conduct—annotation. <i>Recordkeeping:</i> 240.205—Data to EAP Counselor.	15 railroads	6 annotations	15 minutes	2	116
240.209/213—Written Tests Records	741 railroads	177 records	5 minutes	15	1,725
240.211/213—Performance Test Records	53,000 candidates	17,667 test records	1 minutes	294	22,334
240.215—Retaining info. supporting determination.	53,000 candidates	17,667 test records	1 minutes	294	22,334
240.303—Annual operational monitor observation records.	741 railroads	17,667 records	5 minutes	1,472	111,872
240.303—Annual operating rules compliance test records.	53,000 candidates	53,000 test records	1 minutes	883	67,108
240.305—Engineer’s notice of non-qualification to RR. —Relaying certification denial or revocation Status to other certifying railroad.	53,000 engineers or candidates. 1,060 engineers	100 notifications	5 minutes	8	464
240.307—Notice to engineer of disqualification ...	1,060 engineers	2 letters	15 minutes	1 hour	58
240.309—Railroad annual review	741 railroads	1,100 letters	1 hour	1,100	73,700
	51 railroads	51 reviews	3	153	11,628
Total	741 railroads	217,059 responses	N/A	18,668	1,752,700

Total Estimated Annual Responses: 216,630.

Total Estimated Annual Burden: 18,668.

Total Estimated Annual Dollar Cost Equivalent: \$1,752,700.

Title: Roadway Worker Protection.
OMB Control Number: 2130-0539.

Abstract: On June 10, 2016, FRA amended its Roadway Worker Protection (RWP) regulation (*see* 81 FR 37840) to resolve interpretative issues that had arisen since the original 1996 promulgation of that rule. In particular, this final rule adopted certain terms, resolved miscellaneous interpretive issues, codified certain FRA Technical Bulletins, adopted new requirements governing redundant signal protections and the movement of roadway maintenance machinery over signalized non-controlled track, and amended certain qualification requirements for roadway workers. This final rule also deleted three outdated incorporations by reference of industry standards in FRA’s Bridge Worker Safety Standards, and cross referenced the Occupational

Safety and Health Administration’s regulations on the same point.

Under the information collection associated with the RWP rule (49 CFR part 214), FRA collects a variety of information. To ensure compliance with the rule’s requirements, FRA collects data on affected railroads’ on-track safety programs to determine that railroads have policies, procedures, and practices in place that protect roadway workers from dangers in their work environment. Railroads are required to provide on-track safety manuals to all roadway workers that they can readily consult to determine what on-track safety procedures are required for their work assignment. Under the regulation, railroads are required to provide initial and recurrent training to roadway workers on their on-track safety program. This includes training for roadway workers who work where on-track safety for adjacent controlled tracks is required, and the appropriate practices and procedures they must follow. FRA collects data from railroads

on training through the records that they are required to keep. Additionally, FRA collects information on violations of workplace safety regulations on Form FRA F 6180.119. FRA uses violation information to support actions that will reduce or eliminate hazards to railroad workers. Specifically, FRA uses the information that it collects under this regulation to monitor and enforce requirements relating to the safety of roadway workers and ensure that railroads fulfill their responsibilities to keep roadway workers secure and free from unnecessary and avoidable hazards.

Type of Request: Extension with change (revised estimates) of a currently approved collection.

Affected Public: Businesses/50,000 Roadway Workers/State Safety Inspectors.

Form(s): FRA F 6180.119.

Respondent Universe: 741 Railroads.

Frequency of Submission: On occasion.

*Reporting Burden:*³

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours	Total annual dollar cost equivalent
Form FRA F 6180.119—Part 214 Railroad Workplace Safety Violation Report.	350 Safety Inspectors	129 forms	4 hours	516	\$29,412
214.307—Railroad On-Track Safety Programs—RR Programs that comply with this Part + copies at System/Division Headquarters.	741 Railroads	276 programs + 325 copies	2 hours + 2 minutes.	563	42,788
—RR Notification to FRA not less than one month before on-track safety program takes effect.	741 Railroads	276 notices	20 minutes	92	6,992
—RR Amended on-track safety programs after FRA disapproval.	741 Railroads	1 program	4 hours	4	304
—RR Written response in support of disapproved program.	741 Railroads	1 written response	20 hours	20	1,520

³ After an internal agency review, FRA updated the PRA estimates.

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours	Total annual dollar cost equivalent
214.309—On-Track Safety Manual—RR Provisions for alternative access to information in on-track safety manual.	741 Railroads	741 provisions	60 minutes	741	56,316
—RR Publication of bulletins/notices reflecting changes in on-track safety manual.	60 Railroads	100 bulletins/notices	60 minutes	100	7,600
214.311—RR Written procedure to achieve prompt and equitable resolution of good faith employee challenges.	19 Railroads	5 developed procedures	2 hours	10	760
214.317—On-Track Safety Procedures, generally, for snow removal, and weed spray equipment, tunnel niche or clearing by.	19 Railroads	5 operating procedures	2 hours	10	760
214.318—Procedures established by railroads for workers to perform duties incidental to those of inspecting, testing, servicing, or repairing rolling equipment.	741 Railroads	19 rules/procedures	2 hours	38	2,888
214.320—Roadway Maintenance Machines Movement over signalized non-controlled track—RR request to FRA for equivalent level of protection to that provided by limiting all train and locomotive movements to restricted speed.	741 Railroads	5 requests	4 hours	20	1,520
214.322—Exclusive Track Occupancy, Electronic Display—Written Authorities/Printed Authority Copy If Electronic Display Fails or Malfunctions.	3 Class I Railroads	1,000 written authorities	10 minutes	167	9,519
214.329—Train Approach Warning—Written Designation of Watchmen/Lookouts.	741 Railroads	26,250 written designations	30 seconds	219	16,644
214.336—Procedures for adjacent track movements over 25 mph: Notifications/watchmen/lookout warnings.	100 Railroads	10,000 notices	5 seconds	14	798
—Procedures for adjacent track movements 25 mph or less: Notifications/watchmen/lookout warnings.	100 Railroads	3,000 notices	5 seconds	4	228
214.339—Audible warning from trains: Written procedures that prescribe effective requirements for audible warning by horn and/or bell for trains.	19 Railroads	19 written procedures	4 hours	76	5,776
214.343/345/347/349/351/353/355—Annual training for all roadway workers (RWs)—Records of training.	50,000 roadway workers	50,000 records	2 minutes	1,667	126,692
214.503—Notifications for Non-Compliant Roadway Maintenance Machines or Unsafe Condition.	50,000 roadway workers	125 notices	10 minutes	21	1,197
—Resolution Procedures	19 railroads	5 procedures	2 hours	10	760
214.505—Required environmental control and protection systems for new on-track roadway maintenance machines with enclosed cabs.	741 Railroads/200 contractors.	500 lists	1 hour	500	38,000
—Designations/additions to list	692 Class III Railroads/200 contractors.	150 additions/designations	5 minutes	13	988
214.507—A-Built Light Weight on New Roadway Maintenance Machines.	692 Class III Railroads/200 contractors.	1,000 stickers/stencils	5 minutes	83	4,731
214.511—Required Audible Warning Devices for New On-Track Roadway Maintenance Machines.	692 Class III Railroads/200 contractors.	3,700 identified mechanisms	5 minutes	308	17,556
214.515—Overhead covers for existing on-track roadway maintenance machines.	692 Class III Railroads/200 contractors.	500 requests + 500 responses.	10 mins + 20 mins.	250	17,423
214.517—Retrofitting of Existing On-Track Roadway Maintenance Machines Manufactured On or After Jan. 1, 1991.	692 Class III Railroads/200 contractors.	500 stencils/displays	5 minutes	42	2,394
214.523—Hi-Rail Vehicles	692 Class III Railroads/200 contractors.	5,000 records	5 minutes	417	23,769
—Non-complying conditions	692 Class III Railroads/200 contractors.	500 tags + 500 reports	10 minutes + 15 minutes.	208	11,856
214.527—Inspection for compliance; Repair schedules.	692 Class III Railroads/200 contractors.	550 tags + 550 reports	5 minutes + 15 minutes.	183	10,431
214.533—Schedule of repairs; Subject to availability of parts.	692 Class III Railroads/200 contractors.	250 records	15 minutes	63	4,788
Total	741 railroads	106,482 responses	N/A	6,359	444,410

Total Estimated Annual Responses: 106,482.

Total Estimated Annual Burden: 6,359 hours.

Total Estimated Annual Dollar Cost Equivalent: \$444,410.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 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.

Brett A. Jortland,

Acting Chief Counsel.

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