

apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: March 8, 2006.

Rose A. McMurray,
Associate Administrator, Policy and Program Development.
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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, 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 these information collection requirements 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 15, 2006.

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, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590, or Mr. Victor Angelo, Office of Support Systems, RAD-20, Federal Railroad Administration, 1120 Vermont Ave., NW., 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 ____." Alternatively, comments may be transmitted via facsimile to

(202) 493-6230 or (202) 493-6170, or E-mail to Mr. Brogan at robert.brogan@fra.dot.gov, or to Mr. Angelo at victor.angelo@fra.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, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493-6292) or Victor Angelo, Office of Support Systems, RAD-20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6470). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, section 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 are brief summaries of eight currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

OMB Control Number: 2130-0035.

Type of Request: Extension of a currently approved collection.

Affected Public: Businesses.

Form Number(s): N/A.

Abstract: The collection of information is due to the railroad operating rules set forth in 49 CFR part 217 which require Class I and Class II railroads to file with FRA copies of their operating rules, timetables, and timetable special instructions, and subsequent amendments thereto. Class III railroads are required to retain copies of these documents at their systems headquarters. Also, 49 CFR 220.21(b) prescribes the collection of information which requires railroads to retain one copy of their current operating rules with respect to radio communications and one copy of each subsequent amendment thereto. These documents must be made available to FRA upon request.

Reporting Burden:

CFR section	Respondent universe (railroads)	Total annual responses	Average time per response (hours)	Total annual burden hours	Total annual burden cost
271.7-Copy-FRA-operating rules, timetables, Class I & II					
RRs	*1	1	1.00	1	\$35
-Amendments	32	96	0.33	32	1,120
-Copy of operating rules—Class III	20	20	0.92	18	630
-Amendments	632	1,896	0.25	474	16,590
217.9-Copy—Prog. for Perf. of Operational Tests	*20	20	9.92	198	6,930
-Amendments	50	150	1.92	288	10,080
-Oper. Test Rdcs	632	9,180,000	0.08	765,000	34,425,000
-Summary Tests	55	55	1.00	55	1,925
271.11-Copy-Instr. Prog.—Employees	*20	20	8.00	160	5,600

CFR section	Respondent universe (railroads)	Total annual responses	Average time per response (hours)	Total annual burden hours	Total annual burden cost
-Amendments	632	220	0.92	202	7,070
220.21(b)-Copy-Op. Rules-Radio	(¹)	(¹)	(¹)	(¹)	(¹)
-Amendments	(¹)	(¹)	(¹)	(¹)	(¹)

¹New.¹ Include under 217.7**Total Estimated Responses:** 9,182,478.**Total Estimated Annual Burden:**

766,428 hours.

Status: Regular Review.**Title:** Filing of Dedicated Cars.**OMB Control Number:** 2130-0502.

Abstract: Title 49, Part 215 of the Code of Federal Regulations, prescribes certain conditions to be followed for the movement of freight cars that are not in compliance with this Part. These cars must be identified in a written report to FRA before they are assigned to dedicated service, and the words "Dedicated Service" must be stenciled on each side of the freight car body. FRA uses the information to determine whether the equipment is safe to operate and that the operation qualifies for dedicated service. See 49 CFR 215.5(c)(2), 215.5(d).

Form Number(s): N/A.**Affected Public:** Businesses.**Respondent Universe:** 685 railroads.**Frequency of Submission:** On occasion.**Total Estimated Responses:** 4.**Total Estimated Annual Burden:** 4 hours.**Status:** Regular Review.**Title:** Bad Order and Home Shop Card.**OMB Control Number:** 2130-0519.

Abstract: Under 49 CFR part 215, each railroad is required to inspect freight cars placed in service and take the necessary remedial action when defects are identified. Part 215 defects are specific in nature and relate to items that have or could have caused accidents or incidents. Section 215.9 sets forth specific procedures that railroads must follow when it is necessary to move defective cars for repair purposes. For example, railroads must affix a "bad order" tag describing each defect to each side of the freight car. It is imperative that a defective freight car be tagged "bad order" so that it may be readily identified and moved to another location for repair purposes only. At the repair point, the "bad order" tag serves as a repair record. Railroads must retain each tag for 90 days to verify that proper repairs were made at the designated location. FRA and State inspectors review all pertinent records to determine whether defective

cars presenting an immediate hazard are being moved in transportation.

Form Number(s): N/A.**Affected Public:** Businesses.**Frequency of Submission:** On occasion.**Respondent Universe:** 685 railroads.**Total Estimated Responses:** 165,000 tags/notifications/records.**Total Estimated Annual Burden:** 6,750 hours.**Status:** Regular Review.**Title:** Stenciling Reporting Mark on Freight Cars.**OMB Control Number:** 2130-0520.

Abstract: Title 49, Section 215.301 of the Code of Federal Regulations, sets forth certain requirements that must be followed by railroad carriers and private car owners relative to identification marks on railroad equipment. FRA, railroads, and the public refer to the stenciling to identify freight cars.

Form Number(s): N/A.**Affected Public:** Businesses.**Frequency of Submission:** On occasion.**Respondent Universe:** 685 railroads.**Total Estimated Responses:** 20,000 cars stenciled.**Total Estimated Annual Burden:**

15,000 hours.

Status: Regular Review.**OMB Control Number:** 2130-0523.**Title:** Rear-End Marking Devices.**Type of Request:** Extension of a currently approved collection.**Affected Public:** Businesses.**Form Number(s):** N/A.

Abstract: The collection of information is set forth under 49 CFR part 221 which requires railroads to furnish a detailed description of the type of marking device to be used for the trailing end of rear cars in order to ensure rear cars meet minimum standards for visibility and display. Railroads are required to furnish a certification that the device has been tested in accordance with current "Guidelines for Testing of Rear End Marking Devices." Additionally, railroads are required to furnish detailed test records which include the testing organizations, description of tests, number of samples tested, and the test results in order to demonstrate compliance with the performance standard.

Respondent Universe: 685 railroads.**Frequency of Submission:** On occasion.**Total Estimated Responses:** 2.**Total Estimated Annual Burden:** 4 hours.**Status:** Regular Review.**Title:** Locomotive Certification (Noise Compliance Regulations).**OMB Control Number:** 2130-0527.**Type of Request:** Extension of a currently approved collection.**Affected Public:** Businesses.**Form Number(s):** N/A.

Abstract: Part 210 of title 49 of the United States Code of Federal Regulations (CFR) pertains to FRA's noise enforcement procedures which encompass rail yard noise source standards published by the Environmental Protection Agency (EPA). EPA has the authority to set these standards under the Noise Control Act of 1972. The information collected by FRA under Part 210 is necessary to ensure compliance with EPA noise standards for new locomotives.

Respondent Universe: 2 Locomotive Manufacturers.**Frequency of Submission:** On occasion.**Total Estimated Responses:** 2,040.**Total Estimated Annual Burden:**

3,520 hours.

Status: Regular Review.**Title:** Grade Crossing Signal System Safety Regulations.**OMB Control Number:** 2130-0534.

Abstract: FRA believes that highway-rail grade crossing (grade crossing) accidents resulting from warning system failures can be reduced. Motorists lose faith in warning systems that constantly warn of an oncoming train when none is present. Therefore, the fail-safe feature of a warning system loses its effectiveness if the system is not repaired within a reasonable period of time. A greater risk of an accident is present when a warning system fails to activate as a train approaches a grade crossing. FRA's regulations require railroads to take specific responses in the event of an activation failure. FRA uses the information to develop better solutions to the problems of grade crossing device malfunctions. With this information, FRA is able to correlate

accident data and equipment malfunctions with the types of circuits and age of equipment. FRA can then identify the causes of grade crossing system failures and investigate them to determine whether periodic maintenance, inspection, and testing

standards are effective. FRA also uses the information collected to alert railroad employees and appropriate highway traffic authorities of warning system malfunctions so that they can take the necessary measures to protect motorists and railroad workers at the

grade crossing until repairs have been made.

Form Number(s): FRA F 6180.83.

Affected Public: Businesses.

Frequency of Submission: On occasion; recordkeeping.

Reporting Burden:

CFR section	Respondent universe (railroads)	Total annual responses	Average time per response (minutes)	Total annual burden hours	Total annual burden cost
234.7—Telephone Notification	685	4	15	1	\$35
234.9—Grade crossing signal system failure reports	685	600	15	150	5,250
234.9—Notification to train crew and highway traffic control authority	685	24,000	5	2,000.	70,000
234.9—Recordkeeping	685	12,000	10	2,000	70,000

Total Estimated Responses: 36,604.

Total Estimated Annual Burden:

4,151 hours.

Status: Regular Review.

OMB Control Number: 2130-0535.

Type of Request: Extension of a currently approved collection.

Affected Public: Businesses.

Form Number(s): N/A.

Abstract: Section 20139 of Title 49 of the United States Code required FRA to issue rules, regulations, orders, and standards for the safety of maintenance-of-way employees on railroad bridges, including for “bridge safety equipment” such as nets, walkways, handrails, and safety lines, and requirements for the use of vessels when work is performed on bridges located over bodies of water. FRA has added 49 CFR part 214 to establish minimum workplace safety standards for railroad employees as they apply to railroad bridges. Specifically, section 214.15(c) establishes standards and practices for safety net systems. Safety nets and net installations are to be drop-tested at the job site after initial installation and before being used as a fall-protection system; after major repairs; and at six-month intervals if left at one site. If a drop-test is not feasible and is not performed, then a written certification must be made by the railroad or railroad contractor, or a designated certified person, that the net does comply with the safety standards of this section. FRA and State inspectors use the information to enforce Federal regulations. The information that is maintained at the job site promotes safe bridge worker practices.

Frequency of Submission: On occasion.

Total Estimated Responses: 6.

Total Estimated Annual Burden: 1 hour.

Status: Regular Review.

Title: Railroad Police Officers.

OMB Control Number: 2130-0537.

Type of Request: Extension of a currently approved collection.

Affected Public: Railroads and States.

Form(s): None.

Abstract: Under 49 CFR part 207, railroads are required to notify states of all designated police officers who are discharging their duties outside of their respective jurisdictions. This requirement is necessary to verify proper police authority.

Total Estimated Responses: 80,060.

Total Annual Estimated Burden Hours: 155 hours.

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.

Issued in Washington, DC on March 7, 2006.

D.J. Stadler,

Director, Office of Budget, Federal Railroad Administration.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Agency Request for Emergency Processing of Collection of Information by the Office of Management and Budget

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

ACTION: Notice.

SUMMARY: FRA hereby gives notice that it is seeking emergency approval processing from the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35) for the information collection request

(ICR) listed below. FRA requests that OMB authorize the collection of information identified below on or before March 31, 2006, for a period of 180 days after the date of issuance of this notice in the **Federal Register**.

While pursuing the normal rulemaking process to permanently address operational practice deficiencies related to hand-operated main track switches in non-signaled territory, FRA is seeking emergency approval for this information collection because the safety of affected railroad employees and the general public will be seriously jeopardized if the requirements of Emergency Order No. 24 can not be enforced.

DATES: Comments must be received no later than March 29, 2006.

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, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590, or Mr. Victor Angelo, Office of Support Systems, RAD-20, Federal Railroad Administration, 1120 Vermont Ave., NW., 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 2130-0568.” Alternatively, comments may be transmitted via facsimile to (202) 493-6230 or (202) 493-6170, or E-mail to Mr. Brogan at robert.brogan@fra.dot.gov, or to Mr. Angelo at victor.angelo@fra.dot.gov. Please refer to the assigned OMB control number in any correspondence submitted.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington,