

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****[Docket No. FRA 2009-0001-N-6]****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 26, 2009.

**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 17, Washington, DC 20590, or Ms. Nakia Jackson, 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 \_\_\_\_." Alternatively, comments may be transmitted via facsimile to (202) 493-6216 or (202) 493-6497, or via e-mail to Mr. Brogan at [robert.brogan@dot.gov](mailto:robert.brogan@dot.gov), or to Ms. Jackson at [nakia.jackson@dot.gov](mailto:nakia.jackson@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. Nakia Jackson, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6073). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law No. 104-13, § 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 three currently approved information

collection activities that FRA will submit for clearance by OMB as required under the PRA:

*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:* 718 railroads.

*Frequency of Submission:* On occasion.

*Total Estimated Responses:* 4.

*Total Estimated Annual Burden:* 4 hours.

*Status:* Regular Review.

*Title:* Remotely Controlled Switch Operations.

*OMB Control Number:* 2130-0516.

*Abstract:* Title 49, Section 218.30 of the Code of Federal Regulations (CFR), ensures that remotely controlled switches are lined to protect workers who are vulnerable to being struck by moving cars as they inspect or service equipment on a particular track or, alternatively, occupy camp cars. FRA believes that production of notification requests promotes safety by minimizing mental lapses of workers who are simultaneously handling several tasks. Sections 218.30 and 218.67 require the operator of remotely controlled switches to maintain a record of each notification requesting blue signal protection for 15 days. Operators of remotely controlled switches use the information as a record documenting blue signal protection of workers or camp cars. This record also serves as a valuable resource for railroad supervisors and FRA inspectors monitoring regulatory compliance.

*Form Number(s):* N/A.

*Affected Public:* Businesses.

*Respondent Universe:* 718 railroads.

*Frequency of Submission:* On occasion.

CFR section	Respondent universe	Total annual responses	Average time per response (minutes)	Total annual burden hours
218.30—Blue signal protection of workmen .....	70 railroads ..	3,600,000 notifications .....	2	120,000
218.77—Protection of occupied camp cars .....	4 railroads ....	2,300 notifications .....	4	153

*Total Estimated Responses:* 3,602,300.  
*Total Estimated Annual Burden:* 120,153 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.

CFR section	Respondent universe	Total annual responses	Average time per response (minutes)	Total annual burden hours
215.9—Movement of Defective Cars for Repair—Tagging ....	718 railroads	120,000 tags .....	5	10,000
—Notifications of Removal of Defective Car Tags .....	718 railroads	60,000 notifications .....	2	2,000
215.11—Designated Inspectors—Records .....	718 railroads	45,000 records .....	1	750

*Respondent Universe:* 718 railroads.  
*Total Estimated Responses:* 225,000.  
*Total Estimated Annual Burden:* 12,750 hours.  
*Status:* Regular Review.  
 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 18, 2009.  
**Kimberly Orben,**  
*Director, Office of Financial Management, Federal Railroad Administration.*  
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requested, and the petitioner’s arguments in favor of relief.  
**Jefferson Warrior Railroad Company, Inc. (Waiver Petition Docket Number FRA-2008-0126)**

The Jefferson Warrior Railroad Company, Inc. (JEFW) seeks a waiver of compliance with the Safety Glazing Standards, 49 CFR Part 223, as they pertain to six SW 1200 and SW 1500 end cab switcher locomotives numbered JEFW 51 through JEFW 56. The locomotive cabs are equipped with a mixture of “safety glass” and certified glazing. The locomotives operate over approximately 12 miles of track within an industrial complex and interchange with three Class I railroads.

In support of this application for waiver, JEFW states that all locomotives are equipped for remote control operation and are only occupied approximately 10 percent of the time. The maximum operating speed is 10 miles per hour. JEFW has experienced no accidents or incidents relative to the installed glazing in 23 years of operation at this site.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they

should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2008-0126) and may be submitted by any of the following methods:

- *Web Site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility’s Web site at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and comments

**DEPARTMENT OF TRANSPORTATION**  
**Federal Railroad Administration**  
**Petition for Waiver of Compliance**

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being