

*Total Estimated Annual Burden:* 15,305 hours.

*Total Estimated Annual Burden Hour Dollar Cost Equivalent:* \$1,091,934.

*Title:* Control of Alcohol and Drug Use in Railroad Operations: Addition of Post-Accident Toxicological Testing for Non-Controlled Substances.

*OMB Control Number:* 2130-0598.

*Abstract:* Since 1985, as part of its accident investigation program, FRA has conducted post-accident alcohol and drug tests on railroad employees who have been involved in serious train accidents (50 FR 31508, Aug. 2, 1985). If an accident meets FRA's criteria for post-accident testing (see 49 CFR 219.201), FRA conducts tests for alcohol and for certain drugs classified as controlled substances under the Controlled Substances Act (CSA), Title II of the Comprehensive Drug Abuse Prevention Substances Act of 1970 (CSA, 21 U.S.C. 801 *et seq.*). The Drug Enforcement Agency, which is primarily responsible for enforcing the CSA,

oversees the classification of controlled substances into five schedules. Schedule I contains illicit drugs, such as heroin, which has no legitimate medical use under Federal law. Currently, FRA routinely conducts post-accident tests for: Marijuana, cocaine, phencyclidine, and certain opiates, amphetamines, barbiturates, and benzodiazepines. Controlled substances are drugs or chemicals that are prohibited or strictly regulated because of their potential for abuse or addiction.

Since its inception, FRA's post-accident testing program has had the ability to test for "other impairing substances specified by FRA as necessary to the particular accident investigation." See 49 CFR 219.211(a). This flexibility allows FRA to conduct post-accident tests for any substance (e.g., carbon monoxide) that its preliminary investigation shows may have played a role in an accident. Because FRA research indicates that prescription and over-the-counter (OTC)

drug use has become prevalent among railroad employees, FRA has added sedating antihistamines, a commonly used category of OTC drugs, to its standard post-accident testing panel to determine whether use of these drugs contributes to the cause or severity of train accidents.

FRA uses its post-accident testing data for monitoring, research, and accident investigation purposes. Research generated by post-accident testing data may result in the addition of other non-controlled substances to FRA's standard post-accident testing panel.

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

*Affected Public:* Businesses.

*Form(s):* N/A.

*Respondent Universe:* 692 Railroads.

*Frequency of Submission:* On occasion.

*Reporting Burden:*

| CFR section   | Respondent universe | Total annual responses       | Average time per response | Total annual burden hours | Total annual dollar cost equivalent <sup>3</sup> |
|---|---------------------|------------------------------|---------------------------|---------------------------|--|
| 219.211(a)(b)(c)—RR Medical Review Officer (MRO) review of employee post-accident toxicological testing result reported as positive for alcohol or a controlled substance by designated laboratory and MRO report to FRA of Review Results. | 692 railroads ..... | 9 reports + 9 report copies. | 15 minutes + 5 minutes.   | 3                         | \$330  |

*Total Estimated Annual Responses:* 18.

*Total Estimated Annual Burden:* 3 hours.

*Total Estimated Annual Burden Hour Dollar Cost Equivalent:* \$330.

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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**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

[Docket No. FRA-2019-0004-N-1]

**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), 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 November 14, 2018, 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 March 25, 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](mailto: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 Administration, Office

75-percent overhead costs). FRA used an hourly rate of \$27 per hour for the value of the public's time.

<sup>3</sup> Again, as noted in the footnote above, FRA consulted the AAR publication *Railroad Facts*, 2017 (p. 57) to determine the hourly wage rate for the dollar equivalent cost of the specified burden hours.

FRA used the hourly wage rate of \$62.98 for executives, officials, and staff assistants plus 75-percent overhead costs. Thus, the hourly wage rate for this group comes to \$110.

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 November 14, 2018, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICRs for which it is now seeking OMB approval. See 83 FR 56909. 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 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:** State Safety Participation Regulations and Reporting of Remedial Actions.

**OMB Control Number:** 2130-0509.

**Abstract:** The collection of information is set forth under 49 CFR part 212, and requires qualified state

inspectors to provide various reports to FRA for monitoring and enforcement purposes concerning state investigative, inspection, and surveillance activities regarding railroad compliance with Federal railroad safety laws and regulations. Additionally, under 49 CFR part 209, subpart E, railroads are required to report to FRA actions taken to remedy certain alleged violations of law.

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

**Form(s):** FRA F 6180.33/61/67/96/96A/109/110/111/112/144.

**Respondent Universe:** States and Railroads.

**Frequency of Submission:** On occasion.

**Total Estimated Annual Responses:** 82,402.

**Total Estimated Annual Burden:** 49,047 hours.

**Total Estimated Burden Hours Dollar Equivalent Cost:** \$3,629,478.

**Title:** Use of Locomotive Horns at Highway-Rail Grade Crossings.

**OMB Control Number:** 2130-0560.

**Abstract:** Under 49 CFR part 222, FRA seeks to collect information from railroads and public authorities in order to increase safety at public highway-rail grade crossings nationwide by requiring that locomotive horns be sounded when trains approach and pass through these crossings or by ensuring that a safety level at least equivalent to that provided by routine locomotive horn sounding exists for quiet zone corridors in which horns are silenced. FRA reviews applications by public authorities intending to establish new quiet zones or, in some cases, continue pre-rule quiet zones to ensure the necessary level of safety is achieved.

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

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

**Respondent Universe:** 728 Railroads/340 Public Authorities.

**Frequency of Submission:** On occasion.

**Total Estimated Annual Responses:** 4,362.

**Total Estimated Annual Burden:** 9,236 hours.

**Total Estimated Burden Hours Dollar Equivalent Cost:** \$681,983.

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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## DEPARTMENT OF TRANSPORTATION

[Docket No. DOT-OST-2019-0028]

### Notice of Request for Clearance of a Revision a Currently Approved Information Collection: National Census of Ferry Operators

**AGENCY:** Bureau of Transportation Statistics (BTS) Office of the Assistant Secretary for Research and Technology (OST-R), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, this notice announces the intention of the BTS to request the Office of Management and Budget's (OMB's) approval for new iterations of an on-going biennial information collection related to the nation's ferry operations. The information collected from each Census will be used to produce a descriptive database of existing ferry operations. A summary report of survey findings will also be published by BTS on the BTS web page: [www.bts.gov/ncfo](http://www.bts.gov/ncfo). **DATES:** Comments must be submitted on or before April 23, 2019.

**ADDRESSES:** You may submit comments identified by DOT Docket ID Number DOT-OST-2019-0028 to the U.S. Department of Transportation (DOT), Dockets Management System (DMS). You may submit your comments by mail or in person to the Docket Clerk, Docket No., U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Room W12-140, Washington, DC 20590. Comments should identify the docket number as indicated above. Paper comments should be submitted in duplicate. The DMS is open for examination and copying, at the above address, from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: "Comments on Docket DOT-OST-2019-0028." The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method