

parties and determine whether the purpose for the flight is one of the ones enumerated in the law.

**Respondents:** Approximately 21 applicants.

**Frequency:** Information is collected on occasion.

**Estimated Average Burden per Response:** 15 minutes.

**Estimated Total Annual Burden:** 5.25 hours.

Issued in Washington, DC, on January 18, 2023.

**Sandy Liu,**

*Engineer, Noise Division, Office of Environment and Energy, Noise Division, E-100.*

[FR Doc. 2023-01190 Filed 1-20-23; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Federal Transit Administration

#### Notice of Recent Statutory Changes and Change of Date for the Annual Index for Inflation of the Monetary Thresholds for the Limited Federal Financial Assistance Categorical Exclusions

**AGENCY:** Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** This notice announces recent statutory changes affecting the monetary thresholds for the limited Federal financial assistance categorical exclusions (CE) established by FHWA and FTA in regulations. This notice also announces an amendment to the timeframe that FHWA and FTA will use for the annual index for inflation of the monetary thresholds for those CEs, from January (calendar year) to October (fiscal year) of each year.

**DATES:** FHWA and FTA incorporated the annual adjustment for inflation of the monetary thresholds for the limited Federal financial assistance CEs on October 1, 2022, and will incorporate future annual adjustments in October of subsequent years.

**FOR FURTHER INFORMATION CONTACT:** For FHWA: Diane Mobley, Senior Attorney-Advisor, Office of the Chief Counsel, (202) 366-1366, or Robert Washington, Environmental Protection Specialist, Office of Project Development and Environmental Review, (202) 366-4651. For FTA: Mark Montgomery, Attorney-Advisor, Office of Chief Counsel, (202) 366-1017, or Dee Phan, Environmental

Protection Specialist, Office of Environmental Programs, (202) 366-1799. FHWA and FTA are located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** The Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law 112-141, 126 Stat. 405, signed into law on July 6, 2012, contained new requirements that FHWA and FTA (hereafter referred to as “the Agencies”) must meet in complying with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*). Section 1317 required the Agencies to promulgate regulations designating as a CE any project that receives less than \$5,000,000 of Federal funds or with a total estimated cost of not more than \$30,000,000 and Federal funds comprising less than 15 percent of the total estimated project cost. Accordingly, the Agencies established limited Federal financial assistance CEs for FHWA at 23 CFR 771.117(c)(23) and for FTA at 23 CFR 771.118(c)(13), which were published in a final rule in the **Federal Register** on January 13, 2014 (79 FR 2107).

Subsequently, the Fixing America’s Surface Transportation (FAST) Act, Public Law 114-94, 129 Stat. 1312, enacted on December 4, 2015, amended section 1317 of MAP-21 by inserting “(as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the U.S. Department of Labor)” after “\$5,000,000” in paragraph (1)(A) and after “\$30,000,000” in paragraph (1)(B) of the CE for projects receiving limited Federal financial assistance. In a subsequent final rule, published in the **Federal Register** on May 31, 2016 (81 FR 34271), the Agencies amended the limited Federal financial assistance CEs to incorporate the adjustment for inflation requirement created by the FAST Act. The Agencies included a reference to their respective websites ([www.fhwa.dot.gov](http://www.fhwa.dot.gov) and [www.fta.dot.gov](http://www.fta.dot.gov)) in the CE language to provide a source for locating the consumer price index (CPI), as adjusted annually. At that time, the Agencies determined that the thresholds for the CEs would be updated annually in January of subsequent years.

On November 15, 2021, President Biden signed into law the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL), Public Law 117-58, 135 Stat. 429, which amended the thresholds for the CEs for projects receiving limited

Federal financial assistance established by section 1317 of MAP-21. Section 11317 of BIL replaced “5,000,000” with “6,000,000” in paragraph (1)(A) and “30,000,000” with “35,000,000” in paragraph (1)(B). While the Agencies intend to update 23 CFR 771.117(c)(23) and 23 CFR 771.118(c)(13) to reflect these new thresholds in a subsequent rulemaking, the new thresholds are self-executing as of the effective date of BIL, which was October 1, 2021. The Agencies determined that the CPI adjustment required by the FAST Act would occur one year from that effective date. Notice is hereby given that the Agencies incorporated the adjustment for inflation on October 1, 2022, for the period from June 1, 2021, to May 31, 2022, and the Agencies will incorporate future annual adjustments in October of each subsequent year for the preceding period from June 1 to May 31. The Agencies plan to do so by providing information about the annual adjustment on their respective websites ([https://www.environment.fhwa.dot.gov/Legislation/authorizations/bil/bil\\_guidance.aspx](https://www.environment.fhwa.dot.gov/Legislation/authorizations/bil/bil_guidance.aspx) and <https://www.transit.dot.gov/regulations-and-guidance/environmental-programs/guidance-implementation-ftas-categorical-exclusions>) and will no longer publish a **Federal Register** notice every year.

**Authority:** Sec. 1317, Pub. L. 112-141, 126 Stat. 405, as amended by section 1314, Pub. L. 114-94, 129 Stat. 1312; section 11317, Pub. L. 117-58, 135 Stat. 543.

**Stephanie Pollack,**

*Acting Administrator, FHWA.*

**Nuria Fernandez,**

*Administrator, FTA.*

[FR Doc. 2023-01137 Filed 1-20-23; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2012-0067]

#### Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on November 30, 2022, the Peninsula Corridor Joint Powers Board (JPBX), which owns and operates Caltrain, petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 215 (Railroad Freight Car Safety

Standards). The relevant FRA Docket Number is FRA–2012–0067.

Specifically, JPBX requested to extend its special approval pursuant to 49 CFR 215.203, *Restricted cars*, for 2 flat-straight deck cars, JPBX 711 and JPBX 712, that are more than 50 years from the date of original construction. JPBX also requests to extend its existing relief from 49 CFR 215.303, *Stenciling of restricted cars*. JPBX seeks to continue use of the cars to transport decorations during its annual Holiday Train event. In support of its request, JPBX states that the cars have been inspected and determined to be safe for continued operation and they will not be interchanged.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov).

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 and a public hearing, 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 and may be submitted at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by March 24, 2023 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety  
Chief Safety Officer.*

[FR Doc. 2023–01169 Filed 1–20–23; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA–2008–0161]

#### Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated November 29, 2022, Alaska Railroad Corporation (ARRC) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 238 (Passenger Equipment Safety Standards). The relevant FRA Docket Number is FRA–2008–0161.

Specifically, ARRC requests to extend its relief from § 238.303, *Exterior calendar day mechanical inspection of passenger equipment*, and § 238.313, *Class I brake test*, for its Hurricane Turn passenger train equipment, consisting of two locomotives, three passenger coaches, and one baggage car. ARRC states that the requirement for a qualified maintenance person (QMP) to complete the inspections would cause hardship, as “there is not enough work to support a [QMP] position” in Talkeetna, Alaska, where the equipment is stored, and the nearest QMP would have to drive 224 miles each day from Anchorage, Alaska. This equipment is operated in seasonal service five days a week, one round trip per day, between Talkeetna, Alaska, and Hurricane Gulch Bridge, Alaska.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov).

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 and a public hearing, 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 and may be submitted at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by March 24, 2023 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety  
Chief Safety Officer.*

[FR Doc. 2023–01178 Filed 1–20–23; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA–2022–0081]

#### Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated December 7, 2022, Virginia & Truckee Railroad Company (VTRR) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 230.17, *One thousand four hundred seventy-two (1472) service day inspection*. FRA assigned the petition Docket Number FRA–2022–0081.<sup>1</sup>

Specifically, VTRR requests relief for steam locomotive VTRR 29, which is used in public tourist excursions in

<sup>1</sup> VTRR initially petitioned for this relief by letter dated August 25, 2022. See <https://www.regulations.gov/document/FRA-2022-0081-0001>. On October 5, 2022, VTRR withdrew the August 25, 2022, petition in this docket. See <https://www.regulations.gov/document/FRA-2022-0081-0005>.