

7. *Wetlands and Water Resources*: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1377]; Coastal Barrier Resources Act [16 U.S.C. 3501–3510]; Coastal Zone Management Act [16 U.S.C. 1451–1465]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; 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. 3921, 3931]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(M, 133(b)(11))]; Flood Disaster Protection Act [42 U.S.C. 4001–4128]; E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management.

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

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

Theodore G. Burch,
Division Administrator, Lansing, Michigan.
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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2022–0018]

Petition for Waiver of Compliance and Statutory Exemption

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on February 24, 2022, Canadian Pacific Railway (CP) and Union Pacific Railroad Company (UP) jointly petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232 (Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices). CP and UP also request an exemption from the requirements of title 49, United States Code (U.S.C.), section 20303, which states that a rail vehicle with defective or insecure equipment may be moved when necessary to make repairs to the nearest available place at which the repairs can be made. See 49 U.S.C. 20306. FRA assigned the petition Docket Number FRA–2022–0018.

Specifically, CP and UP request relief from 49 CFR 232.213, *Extended haul trains*; 232.15, *Movement of defective equipment*; and 232.103(f), *General requirements for all train brake systems*, and an exemption from the requirements of 49 U.S.C. 20303, for a potash unit train pair (CP train symbols 668 and 669), which are designated as extended haul trains, that operate between loading facilities in Saskatchewan, Canada, and the ports of Portland, Oregon, United States. The requested relief would allow technology-based advanced testing (the Automated Brake Effectiveness (ABE) Test Process) performed by wheel temperature detectors as an alternative approach to manual Class I brake tests performed by Certified Car Inspectors (Qualified Mechanical Inspectors). The tests would take place on westbound CP symbol 669 trains at the designated inspection location in Lethbridge, Alberta, Canada. The petitioners state that the ABE Test Process is expected to provide more accurate brake testing, more proactive identification and repair of defects, and safer railway operations.

Petitioners also explain that on December 10, 2021, Transport Canada granted two exemptions to CP under the Canadian Railway Safety Act that permit the use of CP's Remote Safety Inspection Process (RSIP) and ABE Test Process as alternative practices to meet certain freight car safety and air brake inspections performed in Canada as required by Canadian rules. The ABE Test Process has been in existence in Canada for over ten years, and FRA has audited the process as part of its investigation of test waivers under Docket Numbers FRA–2016–0018 and FRA–2018–0049. FRA believes that the RSIP, by utilizing Certified Car Inspectors in near real-time oversight of the process, meets the requirements of § 232.213(a)(3), and does not require relief for this instance. Petitioners state that the train pair currently receives and will continue to receive all inspections in Canada by CP employees prior to interchanging to the UP, and US operations would not change.

FRA may grant an exemption from the requirements of 49 U.S.C. 20303 only on the basis of (1) evidence developed at a hearing; or (2) an agreement between national railroad labor representatives and the developer of the equipment or technology at issue. 49 U.S.C. 20306. FRA notes that the public hearing FRA previously held to address a similar request for exemption from UP (Docket Number FRA–2016–0018) addresses substantially the same issues as this current request. Thus, FRA believes a separate public hearing on the current

request is unnecessary, and in considering the joint CP and UP request in this docket, FRA intends to rely on the findings of the hearing conducted in Docket Number FRA–2016–0018.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments.

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 May 23, 2022 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, 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.

Issued in Washington, DC.

John Karl Alexy,
Associate Administrator for Railroad Safety,
Chief Safety Officer.

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2022–0008]

Agency Information Collection Activity Under OMB Review: Public Transportation Agency Safety Plan

AGENCY: Federal Transit Administration, Department of Transportation.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the

Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve the extension of a currently approved information collection: Public Transportation Agency Safety Plan.

DATES: Comments must be submitted before May 23, 2022.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Website:* www.regulations.gov. Follow the instructions for submitting comments on the U.S. Government electronic docket site. (Note: The U.S. Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.) All electronic submissions must be made to the U.S. Government electronic docket site at www.regulations.gov. Commenters should follow the directions below for mailed and hand-delivered comments.

2. *Fax:* 202-366-7951.

3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to internet users, without change, to www.regulations.gov. You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit www.regulations.gov. Docket: For access to the docket to read background documents and comments received, go to www.regulations.gov at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Sharece Tyler (202) 366-7205 or email: Sharece.Tyer@dot.gov.

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: Public Transportation Agency Safety Plan (OMB Number: 2132-0580).

Background: The Public Transportation Agency Safety Plan regulation (49 CFR part 673) establishes requirements for Agency Safety Plans as authorized under 49 U.S.C. 5329(d). The regulation requires States and certain operators of public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53 to develop Agency Safety Plans based on the Safety Management Systems (SMS) approach. The development and implementation of these plans will help ensure that public transportation systems are safe nationwide.

Each Public Transportation Agency Safety Plan must include, at minimum:

- An approval from the recipient's Board of Directors, or an Equivalent Authority;
 - Methods for identifying and evaluating safety risks throughout all elements of the recipient's public transportation system;
 - Strategies to minimize the exposure of the public, personnel, and property to hazards and unsafe conditions;
 - A process and timeline for conducting an annual review and update of the plan;
 - Performance targets based on the safety performance measures established in FTA's National Public Transportation Safety Plan;
 - Assignment of an adequately trained safety officer who reports directly to the general manager, president, or equivalent officer; and
 - A comprehensive safety training program for operations personnel and personnel directly responsible for safety that includes the completion of a safety training program and continuing safety education and training.
- A rail transit agency must include or incorporate by reference in its

Agency Safety Plan an emergency preparedness and response plan or procedures.

Information collection requirements associated with this regulation include information collected by the agency to support its internal SMS processes and information collected by recipients to distribute to FTA.

The information collection conducted at the agency level to support internal SMS processes includes the regulatory requirement to maintain:

- Documents that set forth the Agency Safety Plan, including those related to implementing the SMS;
- Results from SMS processes and activities; and
- Documents included in whole, or by reference, that describe the programs, policies, and procedures used to carry out the Agency Safety Plan.

Transit agencies must maintain this documentation for a minimum of three years and must make this documentation available upon request to FTA, other Federal entities having jurisdiction, and the relevant State Safety Oversight Agency, if applicable.

The information collection exchange between FTA and its recipients consists of:

- **Annual Certifications and Assurances.** FTA requires operators of public transportation systems and States to certify compliance with 49 CFR part 673 through its annual submittal of Certifications and Assurances to FTA.
- **Triennial Review Process.** FTA incorporated questions specific to the Public Transportation Agency Safety Plan Rule into FTA's existing oversight questionnaire for transit agencies to evaluate areas of compliance.
- **State Management Review Process.** FTA also ensures compliance with this rule through its existing triennial State Management Review oversight process.

The information collection will continue to help guide transit agency and FTA's safety program priorities.

Respondents: State and local government agencies, including transit agencies.

Estimated Annual Number of Respondents: 755 respondents.

Estimated Annual Burden Hours per Respondent: 335 hours.

Estimated Total Annual Burden: 252,855 hours.

Frequency: Annually.

Nadine Pembleton,

Director Office of Management Planning.

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