

Issued in Washington, DC.

John Karl Alexy,

*Associate Administrator for Railroad Safety,
Chief Safety Officer.*

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2025-0015]

Establishment of an Emergency Relief Docket for Calendar Year 2025

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

ACTION: Notice of establishment of public docket.

SUMMARY: This Notice announces the establishment of FRA's emergency relief docket (ERD) for calendar year 2025. The designated ERD for calendar year 2025 is docket number FRA-2025-0015.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** section for further information regarding submitting petitions and/or comments to docket number FRA-2025-0015.

SUPPLEMENTARY INFORMATION: On May 19, 2009, FRA published a direct final rule establishing ERDs and the procedures for handling petitions for emergency waivers of safety rules, regulations, or standards during an emergency situation or event. 74 FR 23329. That direct final rule became effective on July 20, 2009, and made minor modifications to 49 CFR 211.45 in FRA's Rules of Practice in 49 CFR part 211. Section 211.45(b) provides that each calendar year FRA will establish an ERD in the publicly accessible DOT docket system (available at www.regulations.gov). Section 211.45(b) further provides that FRA will publish a notice in the **Federal Register** identifying by docket number the ERD for that year. FRA established the ERD and emergency waiver procedures to provide an expedited process for FRA to address the needs of the public and the railroad industry during emergency situations or events. This Notice announces the designated ERD for calendar year 2025 is docket number FRA-2025-0015.

As detailed in § 211.45, if the FRA Administrator determines an emergency event as defined in 49 CFR 211.45(a) has occurred, or that an imminent threat of such an emergency occurring exists, and public safety would benefit from providing the railroad industry with operational relief, the emergency waiver procedures of 49 CFR 211.45 will go

into effect. In such an event, the FRA Administrator will issue a statement in the ERD indicating the emergency waiver procedures are in effect and FRA will make every effort to post the statement on its website at railroads.dot.gov. Any party desiring relief from FRA regulatory requirements as a result of the emergency should submit a petition for emergency waiver under 49 CFR 211.45(e) and (f). Specific instructions for filing petitions for emergency waivers under 49 CFR 211.45 are found at 49 CFR 211.45(f). Specific instructions for filing comments in response to petitions for emergency waivers are at 49 CFR 211.45(h).

Privacy

Anyone can search the electronic form of any written communications and comments received into any of DOT's 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), 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 www.transportation.gov/privacy. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of regulations.gov.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2024-0126]

CSX Transportation, Inc. Petition for Approval of Product Safety Plan

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

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on November 11, 2024, CSX Transportation, Inc. (CSX) submitted a petition for FRA approval of its Product Safety Plan (PSP) for the Trip Optimizer Air Brake Control product (also referred to as "TO

Air Brake Control" or "Air Brake Control"). As this petition involves a railroad's PSP, FRA is publishing this notice and inviting public comment on the document.

DATES: Written comments must be received on or before March 17, 2025. FRA will consider comments filed after this date to the extent practicable.

ADDRESSES: *Comments:* Comments related to this notice may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number (FRA-2024-0126). Please note that comments submitted online via www.regulations.gov are not immediately posted to the docket. Several business days may elapse after a comment has been submitted online before it is posted to the docket.

Privacy Act: DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. To facilitate comment tracking and response, commenters are encouraged to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Docket: For access to the docket to read comments received, please visit <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816-516-7168, email: Gabe.Neal@dot.gov.

SUPPLEMENTARY INFORMATION: In accordance with part 236 of title 49 of the Code of Federal Regulations, this document provides the public notice that CSX has petitioned FRA for approval of its PSP for the Trip Optimizer Air Brake Control product (also referred to as "TO Air Brake Control" or "Air Brake Control"). FRA has assigned the petition Docket Number FRA-2024-0126. CSX's PSP has been placed in this docket and is available for public inspection and comment.

CSX states that the Trip Optimizer product is an energy management system installed on locomotives that is used by the train's operator to improve the energy efficiency of train operations. CSX goes on to state that TO Air Brake Control is an expansion of the Trip Optimizer product that was initially deployed by CSX starting in 2008. CSX indicates that TO Air Brake Control functionality is designed to increase the number of miles of automatic operation and thereby decrease fuel consumption and the emissions output from all locomotives in the train. CSX also indicates that a train equipped with TO Air Brake Control will continue to operate under the supervision of a qualified train crew, who are required to assume control of the train and operate in manual mode, when necessary, and to retain overall responsibility for the safe operation of the train.

Interested parties are invited to comment on CSX's PSP by submitting comments to the electronic docket. Please refer to the **ADDRESSES** section above for guidance on how to submit comments to the electronic docket.

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA-2024-0015]

Third Party Contracting Guidance

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

ACTION: Notice of availability of final circular and response to comments.

SUMMARY: The Federal Transit Administration (FTA) has made available on its website the final updated Third-Party Contracting Guidance Circular (C 4220.1G). The updated circular reflects statutory and regulatory changes that have occurred since the last update, provides additional non-binding guidance, and supersedes the previous Third-Party Contracting Guidance Circular C 4220.1F. This notice responds to the comments FTA received on the proposed circular, which was published in the **Federal Register** on November 27, 2024.

DATES: The applicable date of this circular is February 18, 2025.

ADDRESSES: One may view the comments at docket number FTA-2024-0015. For access to the docket, please visit <https://www.regulations.gov> or the Docket Operations office located in the West Building of the United States Department of Transportation, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: For third party contracting questions, contact Tara Murphy, Division Chief, Office of Administration, Federal Transit Administration, 1200 New Jersey Ave. SE, Room E41-311, Washington, DC 20590, phone: (202) 366-5647 or email tara.murphy@dot.gov. For legal questions, Christopher Hall, Office of Chief Counsel, same address, Room E56-316, phone (202) 941-9595 or email christopher.hall@dot.gov.

SUPPLEMENTARY INFORMATION:

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I. Overview

This notice announces the availability of FTA Circular C 4220.1G, Third Party Contracting Guidance. C 4220.1G replaces C 4220.1F. The purpose of Circular 4220.1 is to provide updated Third-Party Contracting Guidance for Federal Transit Administration (FTA) assistance programs. This circular incorporates provisions of Federal law enacted since the publication of C 4220.1F, including the Infrastructure Investment and Jobs Act (Pub. L. 117-58, Nov. 15, 2021); the Office of Management and Budget's (OMB) and United States Department of Transportation's (USDOT) updated Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR part 200 (78 FR 78608, Dec. 26, 2013; 89 FR 30046, Apr. 22, 2024) and 2 CFR part 1201 (79 FR 76049, Dec. 19, 2014), respectively; USDOT's regulation implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) (49 CFR part 24, 89 FR 36944, May 3, 2024); and USDOT's Disadvantaged Business Enterprise (DBE) regulation (49 CFR part 26, 89 FR 24963, Apr. 9, 2024).

A copy of the final circular is in the docket and is posted on FTA's Circulars page (<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/circulars>).

II. Response to Comments

FTA issued a notice of availability and request for comments for the proposed circular, C 4220.1G "Third Party Contracting Guidance" on November 27, 2024 (89 FR 93824). The public comment period closed on December 27, 2024.

FTA received comments from 27 unique commenters including transit authorities, businesses and industry organizations, private individuals, and State and local departments of transportation.

FTA received seven requests to extend the comment period for the proposed circular. FTA declined to extend the comment period because FTA believes that the comment period was sufficient for interested parties to provide comment, evidenced by the number of comments FTA received on the proposed circular. In addition, the circular does not contain any binding requirements that are not already effective through statutory changes or regulatory changes established through a notice and comment process during which interested parties could have provided input.

FTA reviewed all relevant comments and took them into consideration when developing this final circular. FTA addresses these comments in the corresponding sections below. Some comments were outside the scope of the circular, and FTA does not respond to those comments in this notice. Several comments suggested typographical updates or changes. These changes, where appropriate, were incorporated.

In response to comments, FTA made changes to the final guidance which are discussed in detail in the corresponding sections below.

A. Chapter I

Comment: A consulting firm asserted that the concept of "premium" in the definition of the term "best value" is confusing and lacks a clear definition.

FTA Response: FTA declines to define the term "premium" further, as its meaning is context-specific and generally understood within the framework of best value procurements. In this context, premium refers to the additional cost a recipient may choose to pay for a proposal offering superior technical quality, performance, or other non-cost factors. Recipients are encouraged to clearly articulate evaluation criteria and the basis for