

collection pertains specifically to 49 CFR 199.227(b)(4), that requires operators to maintain records of decisions not to administer post-accident employee alcohol tests for a minimum of three years. Operators must make those records available to PHMSA upon request.

*Affected Public:* Operators of PHMSA-regulated pipelines.

*Annual Reporting and Recordkeeping Burden:*

*Total Annual Responses:* 609.

*Total Annual Burden Hours:* 1,218.

*Frequency of Collection:* On occasion.

3. *Title:* Recordkeeping Requirements for Liquefied Natural Gas Facilities.

*OMB Control Number:* 2137-0048.

*Current Expiration Date:* 11/30/2024.

*Type of Request:* Renewal with no change of a currently approved information collection.

*Abstract:* Pursuant to the Federal Pipeline Safety Regulations, liquefied natural gas facility operators are required to maintain records, make reports, and provide information regarding their liquefied natural gas facilities to PHMSA upon request.

*Affected Public:* Operators of liquefied natural gas facilities.

*Annual Reporting and Recordkeeping Burden:*

*Estimated number of responses:* 40,400.

*Estimated annual burden hours:* 12,120.

*Frequency of Collection:* On occasion.

4. *Title:* Customer-Owned Service Lines.

*OMB Control Number:* 2137-0594.

*Current Expiration Date:* 11/30/2024.

*Type of Request:* Renewal with no change of a currently approved information collection.

*Abstract:* Pursuant to 49 CFR 192.16, operators of gas service lines who do not maintain their customers' buried piping between service lines and building walls or gas utilization equipment are required to send written notices to their customers prescribing the proper maintenance of these gas lines and of the potential hazards of not properly maintaining these gas lines. Operators also must maintain records that include a copy of the notice currently in use and evidence that notices were sent to customers within the previous three years. The purpose of the collection is to provide PHMSA with adequate information about how customer-owned service lines are being maintained to prevent the potential hazards associated with not maintaining the lines. Examples of sufficient notification include a prepared notification with the customer's bill.

*Affected Public:* State and local governments.

*Annual Reporting and Recordkeeping Burden:*

*Estimated number of responses:* 550,000.

*Estimated annual burden hours:* 9,167.

*Frequency of Collection:* On occasion.

5. *Title:* Periodic Underwater Inspection and Notification of Abandoned Underwater Pipelines.

*OMB Control Number:* 2137-0618.

*Current Expiration Date:* 11/30/2024.

*Type of Request:* Renewal with no change of a currently approved information collection.

*Abstract:* The Federal Pipeline Safety Regulations at 49 CFR 192.612 and 49 CFR 195.413 require operators of pipelines in the Gulf of Mexico and its inlets in waters less than 15 feet (4.6 meters) deep to conduct periodic underwater inspections to determine whether the pipelines are exposed to navigation. If an operator discovers that its underwater pipeline is exposed or poses a hazard to navigation, among other remedial actions, the operator must contact the National Response Center by telephone within 24 hours of discovery and report the location of the exposed pipeline or hazardous pipeline.

PHMSA's regulations for reporting the abandonment of underwater pipelines can be found at 49 CFR 192.727 and 49 CFR 195.59. These provisions contain certain requirements for disconnecting and purging abandoned pipelines and require operators to notify PHMSA of each abandoned offshore pipeline facility and each abandoned onshore pipeline facility that crosses over, under, or through a commercially navigable waterway.

*Affected Public:* Operators of pipeline facilities.

*Annual Reporting and Recordkeeping Burden:*

*Estimated number of responses:* 92.

*Estimated annual burden hours:* 1,372.

*Frequency of collection:* On occasion

6. *Title:* Recordkeeping for Underground Natural Gas Storage Facilities.

*OMB Control Number:* 2137-0634.

*Current Expiration Date:* 11/30/2024.

*Type of Request:* Renewal with no change of a currently approved information collection.

*Abstract:* The Federal Pipeline Safety Regulations at 49 CFR 192.12 require operators of underground natural gas storage facilities to maintain documentation and provide information to PHMSA upon request. Examples of the required records include operations and maintenance procedures, results of required tests, records of inspections

and repairs, and notifications to the public.

*Affected Public:* Operators of underground natural gas storage facilities.

*Annual Reporting and Recordkeeping Burden:*

*Estimated number of responses:* 136.

*Estimated annual burden hours:* 220.

*Frequency of Collection:* On occasion.

*Comments are invited on:*

(a) The need for the renewal and revision of these collections of information for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(b) The accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC, under authority delegated in 49 CFR 1.97.

**John A. Gale,**

*Director, Standards and Rulemaking Division.*

[FR Doc. 2023-24445 Filed 11-3-23; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

[Docket No. DOT-OST-2023-0166]

### Transportation Services for Individuals With Disabilities: ADA Standards for Transportation Facilities

**AGENCY:** Department of Transportation (DOT).

**ACTION:** Request for information on accessibility improvements for transportation facilities.

**SUMMARY:** The U.S. Department of Transportation (DOT, or Department) is considering whether to amend the accessibility requirements for transportation facilities under the Americans with Disabilities Act of 1990 (ADA) currently contained in Appendix A to DOT's regulations governing transportation services for individuals with disabilities. The Department may consider whether to improve access beyond the minimum standards established by the U.S. Access Board

and Appendix A. The Department seeks suggestions from all transportation stakeholders—including transportation agencies, transportation riders (particularly those with disabilities), community members, advocacy groups, planning officials, States, cities, researchers and technology companies, and the private sector—on enhancements that the Department could consider with regard to the ADA standards for transportation buildings and facilities. The Department specifically seeks feedback on areas including, but not limited to vertical access, communications, and wayfinding. The Department also invites comment on any other aspects of the current accessibility requirements for transportation facilities under the ADA contained in DOT's regulations governing transportation services for individuals with disabilities.

**DATES:** Comments should be submitted on or before January 5, 2024. DOT will consider comments filed after this date to the extent practicable.

**ADDRESSES:** You may file comments identified by docket number DOT-OST-2023-0166 by any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov> and follow the online instructions for submitting comments.

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

- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Ave. SE, between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays.

- *Fax:* (202) 493-2251.

All submissions received must include the agency name and docket number DOT-OST-2023-0166. All comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

For access to the docket to read background documents or comments received, go to [www.regulations.gov](http://www.regulations.gov) at any time and search for docket number DOT-OST-2023-0166.

**FOR FURTHER INFORMATION CONTACT:** For general questions, Holly Ceasar-Fox, DOT Office of General Counsel, (202) 366-7420 or [holly.ceasarfox@dot.gov](mailto:holly.ceasarfox@dot.gov). For program questions related to transit, John Day, FTA Office of Civil Rights, (202) 366-1671 or [john.day@dot.gov](mailto:john.day@dot.gov).

For legal questions related to transit, Bonnie Graves, FTA Office of Chief Counsel, (202) 366-0944 or [bonnie.graves@dot.gov](mailto:bonnie.graves@dot.gov). For questions related to intercity or high-speed rail, Alana Kuhn, FRA Office of Chief Counsel, (202) 493-0842 or [alana.kuhn@dot.gov](mailto:alana.kuhn@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

42 U.S.C. 12204 requires the Architectural and Transportation Barriers Compliance Board (Access Board) to issue minimum guidelines for accessibility under Titles II & III of the ADA. The ADA statute at 42 U.S.C. 12149 requires the Secretary of Transportation to develop and implement regulations for certain public transportation facilities, vehicles, and services consistent with the Access Board's guidelines. The Secretary may issue regulations that result in greater accessibility than the minimum guidelines established by the Access Board.

The current guidelines were developed nearly a quarter century ago and adopted as regulatory standards by the Department in 2006.<sup>1</sup> The Department's experience administering these minimum standards for the past two decades suggests that they have resulted in greater accessibility than the standards<sup>2</sup> that preceded them, but in many cases extra efforts may still be required on the part of people with disabilities to enter and use a facility. For example, accessible entrances may be located in isolated locations away from entrances used by members of the general public who do not require an accessible entrance, and persons with sensory disabilities may need to rely on information on a message board at station entrances while other members of the general public are informed via public address systems. In other cases, persons unable to navigate staircases may be faced with lengthy ramps to cross from one rail platform to another. Such continuing barriers may mean that many wheelchair users and persons with sensory, cognitive, or processing disabilities remain dependent on paratransit or private transportation rather than being able to use integrated fixed route service.

There have also been many developments such as advances in technology since the standards were last

updated, and the Department is considering both physical access to and usability of facilities by persons with sensory, cognitive, and other disabilities. The Department strives to provide for equitable access to persons with disabilities similar to that available to people without disabilities, including the usability of the facility, so that persons with disabilities are able to access and navigate public transit with the same ease, reliability, and independence as any other user.

Complaints filed by the public, feedback from the disability community, observations of and information gathered by Departmental employees (with and without disabilities), media articles, and the results of the Department's oversight activities have led the Department to solicit feedback on the current standards. For some disabilities, such as those affecting hearing, vision, or cognitive function, the Department is aware of technological advancements (for example, induction loops and mobile device applications), that would help persons with those disabilities navigate the transportation system with ease and independence. The Department is interested in learning more about these technologies. For other disabilities, such as those affecting mobility, the Department seeks feedback regarding, for example, minimum standards that rely on a single point of access that creates a situation where a single point of failure renders an entire facility inaccessible and unusable by persons with disabilities, while access to nondisabled persons is unaffected. The Department is interested in learning how transportation facilities can be designed and constructed such that accessibility features are resilient and always available. The Department also seeks input to assist it in understanding the magnitude of potential access issues that may exist in transportation facilities and therefore requests any available information and comments stakeholders may have on the number of all end-users, not limited to users with disabilities, who would benefit from specific standards in 49 CFR part 37 that may be improved or implemented.

In addition to learning about specific standards in 49 CFR part 37 that may be improved or implemented, the Department is interested in the end-user experience generally. These include experiences in transportation facilities related to vertical access, communication, wayfinding, or any other aspects of transportation facilities that represent barriers for people with disabilities. The Department will consider the extent to which the

<sup>1</sup> The Access Board published a Notice of Proposed Rulemaking in the *Federal Register* on November 16, 1999, and issued the Final Rule on July 23, 2004. The Department of Justice adopted the standards on September 15, 2010.

<sup>2</sup> The standards adopted by the Department on September 6, 1991, were in effect until 2006.

Department has authority under the ADA to remove such barriers.

Through this request for information (RFI), the Department seeks input as it considers whether to revise the existing DOT ADA requirements for transportation buildings and facilities including public transportation and intercity rail transportation (including Amtrak). The Department poses seven questions below and looks forward to feedback from all interested parties.

#### *Vertical Access*

1. It has become increasingly apparent that elevator maintenance and reliability are a critical component of ensuring the accessibility of a multi-level transportation facility such as subway and rail stations. While the existing DOT ADA regulations require accessibility features to be maintained in working order, repairs can be complex and many entities do not have employees with the skillset necessary to repair an elevator or the necessary components readily available, which can add a level of difficulty to the repair process.<sup>3</sup> Thus, unreliable elevators create operational and administrative burdens for entities covered by DOT's ADA regulations and can render transportation facilities inaccessible for users for extended durations. The Department is interested in learning about standards that would ensure elevator reliability in transportation facilities.

2. Elevators that are frequently out of service significantly impact the ability of persons who cannot negotiate stairs to use such transportation services. As a result, the Department understands that many agencies involved in the construction or alteration of stations initially plan for two or more elevators per bank instead of just one, so that the station is not rendered inaccessible when one elevator requires maintenance or repair. Despite planners' intentions, budgetary considerations often result in the minimum legally required (not just for accessibility), which means only a single elevator is provided. The Department seeks public input on the impacts of the installation, for future construction and alterations, of at least two elevators in transportation facilities, or a combination of ramps and elevators, where currently one elevator is required.

<sup>3</sup> The Department recognizes that many elevator manufacturers require that only their employees work on the elevator, and that there are examples of arrangements where the third-party repair person is available 7 days a week, 24 hours per day, but the Department is also aware of arrangements where same-day, after hours, weekend, or holiday service is not guaranteed (or is charged at a premium).

3. Many commuter and intercity rail stations rely on long switch-back ramps to provide an accessible route between platforms on either side of the tracks, or to multiple platforms within a station. These ramps, which can be hundreds of feet long, often present a barrier to persons who cannot negotiate steps, but also cannot travel the distances required to traverse the ramp. However, the simplicity of a non-mechanical ramp means that maintenance costs are relatively low and repairs are few and far between, unlike more complex elevators. The Department is seeking comment on the use of elevators in lieu of ramps in transportation facilities, or a single elevator in addition to the ramp, if the vertical distance or ramp length exceeds a certain threshold, including information on an appropriate threshold.

#### *Communications*

4. The Department of Justice's current ADA standards for buildings and facilities contain provisions requiring assistive listening systems in assembly areas. *See* 28 CFR 35.151(c)(3); 36 CFR pt. 1191, app. B at 344. The Department seeks comment on the feasibility of extending such requirements to transportation facilities such as rail stations to enable real-time announcements for persons who are deaf or hard of hearing or because of their disability rely on text-based communications to access information. Current requirements for transportation facilities stipulate only that the same information provided audibly must be provided visually. This often takes the form of messages written on a dry-erase board in the station entrance by personnel or information relayed directly to the passenger by personnel, which prevents the transmission of real-time announcements that often relate to service changes or safety/security matters, forces passengers who are deaf or hard of hearing to identify themselves, is not reliable at larger stations with multiple entrances, and is not possible at unstaffed stations. The Department is aware that induction loop technology is in use in some stations, enabling those with a T-coil in their hearing aids to receive messages directly, but seeks comment on how widespread this technology is used among deaf and hard of hearing persons. The Department also seeks comment on other technologies that may provide the same benefit to the same or a larger audience at transportation facilities, such as real-time text-messaging.

5. The Department also seeks comment on other means by which the content of audible announcements of

the type typically relayed by public address systems at transportation facilities can be provided in real-time in a visual format, such as changeable electronic message boards, as well as information pertaining to the number and placement of necessary displays throughout a station environment, including spacing, scale, and frequency.

6. In addition, the Department seeks comment on technologies that can provide an audible component to information currently displayed in visual format at transportation facilities. For example, many transit systems and intercity stations use changeable electronic message displays to communicate information about the next train scheduled to arrive at a station, such as the line, number of cars, and estimated time of arrival. Most such systems lack an audible component to make this information accessible to individuals who are blind or have low vision. What commercially available technologies might be appropriate for deployment in a transit, Amtrak, or commuter rail station environment to convey information provided visually in an audible format? How should such information be broadcast? Would an interface with a smart device be appropriate or sufficient, or should an audible component be provided directly on the station's display device?

#### *Wayfinding*

7. The Department seeks comment on technologies to enable effective wayfinding within the transit station, intercity and commuter rail station environments for persons who are blind or have low vision, and to accommodate neurodiversity (e.g., autism, intellectual disability, etc.). The Department is aware of technologies capable of real-time transcription of speech and those involving the use of Bluetooth beacons that interface with smart devices and seeks comment on the usability of such systems from the end-user perspective. The Department is also interested in alternative technologies that may be available, potentially without the use of handheld devices, and the acceptance of technologies that do rely on such devices within the general community of persons who are blind, have low-vision, and/or are neurodiverse.

#### *General*

In addition, the Department invites comment on all other areas of the current DOT ADA standards, found in Appendix A to 49 CFR part 37, which govern rail stations and stops of all types, bus stops and transfer stations, landside facilities, office buildings housing transit agency personnel,

conference facilities of the type often employed for board meetings and public hearings, businesses housed in transit facilities, and individual elements such as track crossings, ramps, parking lots and structures, fare vending machines and collection equipment, and accessible paths of travel. If the public has information on how these standards do or do not currently support equitable access, please submit comments to the docket for this rulemaking activity.

All interested parties are encouraged to respond to this RFI. Submissions are strictly voluntary. Individuals or entities responding to this RFI should state their role as well as knowledge of and experience with the ADA in a transportation environment. DOT may request additional clarifying information from any or all respondents. If a respondent does not wish to be contacted by DOT for additional information, a statement to that effect should be included in the response. All information submitted should be unclassified and should not contain proprietary information, as it will be posted to [www.regulations.gov](http://www.regulations.gov) without changes.

DOT is not obligated to officially respond to the information received, but the responses will assist DOT in its consideration of whether to revise the ADA standards for transportation buildings and facilities.

Comments may be submitted and viewed at Docket No. DOT-OST-2023-0166 at <https://www.regulations.gov>.

Signed pursuant to authority delegated at 49 CFR 1.27(a) on October 31, 2023.

**Subash S. Iyer,**

*Acting General Counsel, Department of Transportation.*

[FR Doc. 2023-24422 Filed 11-3-23; 8:45 am]

**BILLING CODE 4910-57-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket No. DOT-OST-2023-0161]

### Notice of Rights and Protections Available Under the Federal Antidiscrimination and Whistleblower Protection Laws

**AGENCY:** Department of Transportation—Office of the Secretary.

**ACTION:** No FEAR Act notice.

**SUMMARY:** This Notice implements Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act of 2002). In doing so, the Department of Transportation notifies all employees, former employees, and applicants for

Federal employment of the rights and protections available to them under the Federal Anti-discrimination and Whistleblower Protection Laws.

**FOR FURTHER INFORMATION CONTACT:** Yvette Rivera, Associate Director, Equity and Access Division (S-32), Departmental Office of Civil Rights, Office of the Secretary, Department of Transportation, 1200 New Jersey Avenue SE, Room W78-306, Washington, DC 20590, 202-366-5131 or by email at [Yvette.Rivera@dot.gov](mailto:Yvette.Rivera@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

You may retrieve this document online through the Federal Document Management System at <http://www.regulations.gov>. Electronic retrieval instructions are available under the help section of the website.

##### No FEAR Act Notice

On May 15, 2002, Congress enacted the “Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002,” now recognized as the No FEAR Act (Pub. L. 107-174). The No FEAR Act was amended on January 1, 2021, by the “Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020,” now recognized as the Cummings Act. One purpose of the No FEAR Act, which was strengthened by the Cummings Act, is to “require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws.” (Pub. L. 107-174, Summary). In support of this purpose, Congress found that “agencies cannot be run effectively if those agencies practice or tolerate discrimination.” (Pub. L. 107-174, Title I, General Provisions, section 101(1)). The No FEAR Act also requires the Department of Transportation (DOT) to issue this Notice to all DOT employees, former DOT employees, and applicants for DOT employment. This Notice informs such individuals of the rights and protections available under Federal antidiscrimination and whistleblower protection laws.

##### Antidiscrimination Laws

A Federal agency cannot discriminate against an employee or applicant with respect to the terms, conditions, or privileges of employment because of race, color, religion, sex, gender identity, sexual orientation, pregnancy, national origin, age, disability, marital status, genetic information, political affiliation, or in retaliation for a protected activity. One or more of the following statutes prohibit discrimination on these bases: 5 U.S.C. 2302(b)(1), 29 U.S.C. 631, 29 U.S.C.

633a, 29 U.S.C. 206(d), 29 U.S.C. 791, 42 U.S.C. 2000e-16, 2000ff, 2000gg.

If you believe you have experienced unlawful discrimination on the bases of race, color, religion, sex, gender identity, sexual orientation, pregnancy, national origin, age, retaliation, genetic information, and/or disability and wish to pursue a legal remedy, you must contact a DOT Equal Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action, or in the case of a personnel action, within 45 calendar days of the effective date of the action. A directory of DOT EEO counselors is available on the DOT Departmental Office of Civil Rights website at <http://www.transportation.gov/civil-rights>; you can also contact the Departmental Office of Civil Rights by phone at 202-366-4648 for more information. Once you contact the EEO counselor, you will be offered the opportunity to resolve the matter through the informal complaint process; if you are unable to resolve the matter through the informal complaint process, you can file a formal complaint of discrimination with DOT (see, e.g., 29 CFR part 1614). Parties who complete the informal complaint process are provided with an electronic Individual Complaint of Employment Discrimination Form. The form can be submitted electronically at <https://secure.dot.gov/form/eeoc> or by email at [Patricia.Fields@dot.gov](mailto:Patricia.Fields@dot.gov). You may also contact the EEO Complaints and Investigations Division, Departmental Office of Civil Rights by phone at 202-366-9370 or by email at [DOCR\\_CMB@dot.gov](mailto:DOCR_CMB@dot.gov) if you need additional assistance.

If you believe you experienced unlawful discrimination based on age, you must either contact an EEO counselor as noted above or file a civil action in a United States District Court under the Age Discrimination in Employment Act against the head of the alleged discriminating agency. If you choose to file a civil action, you must give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 days of the alleged discriminatory action, and not less than 30 days before filing a civil action. You may file such notice in writing with the EEOC via mail at P.O. Box 77960, Washington, DC 20013, the EEOC Public Portal at <https://www.eeoc.gov/employees/charge.cfm>, hand delivery at 131 M St. NE, Washington, DC 20507, or Fax at 202-663-7022.

If you are alleging unlawful discrimination based on marital status or political affiliation, you may file a written discrimination complaint with the U.S. Office of Special Counsel (OSC)