

issued this guidance in response to a number of recent accidents in the industry, and two urgent recommendations by the National Transportation Safety Board (NTSB). FTA's Safety Advisory 14-1, "Right-of-Way Worker Protection," is available in its entirety on the agency's public Web site (<http://www.fta.dot.gov/tso.html>). Further, FTA has asked each SSOA to coordinate with every rail transit agency within its jurisdiction to complete and submit Appendix 1 to Safety Advisory 14-1, "Right-of-Way Worker Protection Assessment Checklist," and to conduct formal hazard analyses regarding the presence of workers in rail transit rights-of-way.

**FOR FURTHER INFORMATION CONTACT:** For program matters, Thomas Littleton, Associate Administrator for Safety and Oversight, telephone (202) 366-9239 or [Thomas.Littleton@dot.gov](mailto:Thomas.Littleton@dot.gov). For legal matters, Scott Biehl, Senior Counsel, telephone (202) 366-0826 or [Scott.Biehl@dot.gov](mailto:Scott.Biehl@dot.gov).

**SUPPLEMENTARY INFORMATION:** On December 19, 2013, the NTSB issued two urgent safety recommendations to FTA. The first, R-13-39, recommends that all rail transit agencies be required to provide redundant protection for their roadway workers, such as positive train control, secondary warning devices, or shunting devices on track. The second, R-13-40, recommends that all rail transit agencies be required to review their rules and procedures for wayside workers and revise them, as necessary, to eliminate any authorization for worker access to transit rights-of-way in which the workers are dependent solely upon themselves to provide protection from trains and moving equipment. These two NTSB recommendations follow an October 19, 2013 accident in which two workers inspecting a dip in track on the Bay Area Rapid Transit (BART) system were killed when both their backs were turned to a train traveling more than sixty miles per hour. The workers had access to the BART right-of-way under a procedure called "simple approval," which required mere notification to the agency's operations control center—there were no other protections in place for their safety.

The two recommendations are not limited to the BART accident, however. R-13-39 and R-13-40 reflect the results of recent NTSB investigations into fatalities and serious injuries to track workers on the rail transit systems in Boston, Chicago, Houston, Miami, New York, Sacramento, and Washington, DC. October 2013 was one of the deadliest months on record for the nation's rail

transit workers. Three workers were killed and two were seriously injured in two separate accidents on the rail transit right-of-way (ROW). Since 2002, 28 rail transit workers have lost their lives while working to maintain the nation's rail transit infrastructure.

We at the FTA and the U.S. Department of Transportation appreciate the urgency of the NTSB's findings, and the critical safety challenge in front of us. Over the last decade, 28 workers have been killed in accidents on the rail transit right-of-way and the systems, rules and procedures put in place to protect transit workers failed each time. We agree, wholeheartedly, with the NTSB's observation that "all rail transit systems are at risk for roadway worker fatalities and injuries." In response, specifically, to R-13-39 and R-13-40, FTA is issuing Safety Advisory 14-1: Right-of-Way Worker Protection, to both the agencies that own and operate rail fixed guideway systems and the SSOAs that oversee the safety of those systems. Safety Advisory 14-1 is designed to support a comprehensive review of the Right-of-Way Worker Protection ("RWP") programs already in place at rail transit agencies. It offers options and tools to enhance those programs. The guidance identifies available resources, current industry activities to improve RWPs, and a compilation of lessons learned from right-of-way worker accidents over the last decade, all of which are framed to help rail transit agencies assess their programs within the context of the broader national experience. Safety Advisory 14-1 is available in full on the Transit Safety and Oversight Web page of the FTA public Web site at <http://www.fta.dot.gov/tso.html>, together with the Federal Transit Administrator's *Dear Colleague* letter of December 31, 2013, and a letter of that same date from the FTA Associate Administrator for Safety and Oversight addressed to the SSOAs and the chief safety officers of rail transit agencies.

Additionally, FTA has asked each SSOA, in coordination with every rail transit agency within its jurisdiction, to complete and submit Appendix 1 to Safety Advisory 14-1, the "Right-of-Way Worker Protection Assessment Checklist," no later than February 28, 2014, and to oblige every rail transit agency to conduct a formal hazard analysis for the presence of workers on its rail transit right-of-way, no later than May 16, 2014. FTA will use the data and information from the assessment checklists in conducting a broader analysis for a response to NTSB recommendation R-13-39. FTA will use

the results of the formal hazard analyses in developing a full response to NTSB recommendation R-13-40. FTA has asked that the formal hazard analyses address the "simple approval" procedure at issue in the BART accident, as appropriate, as well as emergency and scheduled access in work zones and procedures for moving crews, both under traffic and in exclusive occupancy. Also, FTA has stated its interest in how SSOAs and rail transit agencies view the benefits of "lock outs" and various other redundant protections, such as positive train control, secondary warning devices, and shunting devices attached to track. Please see the summaries at <http://www.nts.gov/doclib/reclatters/2013/R-13-039-040.pdf>.

FTA's issuance of Safety Advisory 14-1 is in accordance with the Federal Transit Administrator's authority to "investigate public transportation accidents and incidents and provide guidance to recipients regarding prevention of accidents and incidents." 49 U.S.C. 5329(f)(5). The requests for information and data from the SSOAs and the rail transit agencies within their jurisdiction are based on FTA's authority to request program information pertinent to rail transit safety under the State Safety Oversight rule, 49 CFR 659.39(d).

Issued in Washington, DC this 2nd day of January, 2014.

**Peter Rogoff,**

*Federal Transit Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA-2013-0138]

### Reports, Forms, and Record Keeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation.

**ACTION:** Request for public comment on extension of a currently approved collection of information.

**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of

information, including extensions and reinstatement of previously approved collections.

This document describes a collection of information for which NHTSA intends to seek OMB approval.

**DATES:** Comments must be received on or before March 10, 2014.

**ADDRESSES:** You may submit comments identified by DOT Docket No. NHTSA-2013-0138 by any of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Mail: Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue 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 Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. Telephone: 1-800-647-5527.
- Fax: 202-493-2251.

**Instructions:** All submissions must include the agency name and docket number for this proposed collection of information. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

**Privacy Act:** Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://DocketInfo.dot.gov>.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street

address listed above. Follow the online instructions for accessing the dockets.

**FOR FURTHER INFORMATION CONTACT:** Alex Ansley, Recall Management Division (NVS-215), Room W46-412, NHTSA, 1200 New Jersey Ave., Washington, DC 20590. Telephone: (202) 493-0481.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation, *see* 5 CFR 1320.8(d), an agency must ask for public comment on the following:

- (i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (ii) 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;
- (iii) how to enhance the quality, utility, and clarity of the information to be collected; and
- (iv) how 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 or other forms of information technology, e.g. permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following collection of information:

**Title:** Names and Addresses of First Purchasers of Motor Vehicles.

**Type of Request:** Extension of a currently approved information collection.

**OMB Control Number:** 2127-0044.

**Affected Public:** Businesses or others for profit.

**Abstract:** Pursuant to 49 U.S.C. 30117(b), a manufacturer of a motor vehicle or tire (except a retread tire) must maintain a record of the name and address of the first purchasers of each vehicle or tire it produces and, to the extent prescribed by regulation of the Secretary, must maintain a record of the name and address of the first purchaser of replacement equipment (except a tire) that the manufacturer produces.

Vehicle manufacturers presently collect and maintain purchaser information for business reasons, such as for warranty claims processing and marketing, and experience with this statutory requirement has shown that manufacturers have retained this information in a manner sufficient to enable them to expeditiously notify vehicle purchasers in the case of a safety recall. Based on industry custom and this experience, NHTSA therefore determined that the regulation mentioned in 49 U.S.C. 30117(b) was unnecessary as to vehicle manufacturers. As an aside, the requirement for maintaining tire purchaser information are contained in 49 CFR part 574, Tire Identification and Recordkeeping, and the burden of that information collection is not part of this information collection.

**Estimated annual burden:** Zero. As a practical matter, vehicle manufacturers are presently collecting from their dealers and then maintaining first purchaser information for their own commercial reasons. Therefore, the statutory requirement does not impose any additional burden.

**Number of respondents:** We estimate that there are roughly 1,000 manufacturers of motor vehicles that collect and keep first purchaser information.

Issued on: January 2, 2014.

**Jennifer T. Timian,**  
Chief, Recall Management Division, NHTSA.  
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