

Street and Westward Avenue in the City of Banning to the intersection of Bonita Avenue and Apache Trail in the unincorporated community of Cabazon in order to provide a local roadway connecting these two communities, improve local transportation facilities, and provide safe bicycle and pedestrian facilities. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (Final EA) for the project, approved on October 6, 2021, in the Finding of No Significant Impact (FONSI) issued on October 6, 2021, and in other documents in the Caltrans project records. The Final EA/FONSI, and other project records are available by contacting Caltrans at the address provided above. The Caltrans Final EA and FONSI can be viewed and downloaded from the project website at <https://rcprojects.org/i10bypass> or viewed at Caltrans District 8 or the Riverside County Transportation Department.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. E.O. 12372, Intergovernmental Review;
2. E.O. 11990, Protection of Wetlands;
3. E.O. 12088, Pollution Control Standards;
4. E.O. 13112, Invasive Species;
5. E.O. 11988, Floodplain Management;
6. Council on Environmental Quality regulations;
7. National Environmental Policy Act (NEPA);
8. Department of Transportation Act of 1996;
9. Federal Aid Highway Act of 1970;
10. Clean Air Act Amendments of 1990;
11. Department of Transportation Act of 1966; Section 4(f);
12. Clean Water Act of 1977 and 1987;
13. Endangered Species Act of 1973;
14. Migratory Bird Treaty Act;
15. National Historic Preservation Act of 1966, as amended; and
16. Historic Sites Act of 1935.

(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)

Issued on: November 10, 2021.

**Rodney Whitfield,**

*Director, Financial Services, Federal Highway Administration, California Division.*

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**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket No. DOT-OST-2018-0190]

### Aviation Consumer Protection Advisory Committee Matters; Meeting

**AGENCY:** Office of the Secretary (OST), Department of Transportation (DOT).

**ACTION:** Notice of public meeting.

**SUMMARY:** Public meetings of the Aviation Consumer Protection Advisory Committee (ACPAC).

**DATES:** The first meeting will be held from 9:30 a.m.–5:00 p.m. (ET), on December 2, 2021. The second meeting will be held from 9:30 a.m.–5:00 p.m. (ET), on March 21 and 22, 2022. Requests to attend the meeting must be received by March 11, 2022.

**ADDRESSES:** The meetings will be open to the public. The first meeting will be held virtually on Zoom's video platform. Please register for the first meeting at [https://usdot.zoomgov.com/webinar/register/WN\\_6X7\\_jo0CTvia3JfU9XR82A](https://usdot.zoomgov.com/webinar/register/WN_6X7_jo0CTvia3JfU9XR82A). The second meeting is tentatively planned to be held in-person at the DOT headquarters building in Washington, DC and will be livestreamed. Attendance is open to the public, up to the room's capacity of 100 attendees. In the event the meeting is held virtually, information regarding how to attend the meeting virtually will be provided to individuals who registered to attend the in-person meeting. That information will also be made available to the public through another **Federal Register** notice.

A detailed agenda for each meeting will be available on the ACPAC website at <https://www.transportation.gov/airconsumer/ACPAC> in advance of each meeting, along with copies of the meeting minutes after the meeting.

#### FOR FURTHER INFORMATION CONTACT:

Register for the first virtual meeting at [https://usdot.zoomgov.com/webinar/register/WN\\_6X7\\_jo0CTvia3JfU9XR82A](https://usdot.zoomgov.com/webinar/register/WN_6X7_jo0CTvia3JfU9XR82A). To register for the second in-person meeting, please contact the Department by email at [ACPAC@dot.gov](mailto:ACPAC@dot.gov). In the event the meeting is held virtually, information regarding how to attend the meeting virtually will be provided to individuals who registered to attend the in-person meeting. That information will also be made available to the public through another **Federal Register** notice. Attendance is open to the public subject to any technical and/or capacity limitations. For further information, contact Kimberly Graber, Deputy Assistant General Counsel, by telephone at (202) 366-1695 or by email at [kimberly.graber@dot.gov](mailto:kimberly.graber@dot.gov).

## SUPPLEMENTARY INFORMATION:

### I. Background

The ACPAC was initially established as a Federal advisory committee by the Department as mandated by the FAA Modernization and Reform Act of 2012. The statutory termination date for the Committee has been extended several times, most recently by the FAA Reauthorization Act of 2018 (2018 FAA Act), to the current termination date of September 20, 2023. The ACPAC evaluates current aviation consumer protection programs and provides recommendations to the Secretary for improving them, as well as recommending any additional consumer protections that may be needed.

### II. Purpose of the Meetings and Agendas

#### A. December 2, 2021 Meeting

Two topics will be discussed at the December 2, 2021 meeting—(1) Airline Ticket Refunds and (2) Information for Consumers Adversely Affected by Airline Delays or Cancellations. Regarding airline ticket refunds, the Department has consistently interpreted 49 U.S.C. 41712, which prohibits U.S. air carriers, foreign air carriers, and ticket agents from engaging in unfair practices in the sale of air transportation, to require carriers and ticket agents to provide requested refunds to passengers when a carrier cancels or significantly changes a flight to, from, or within the United States. The Department has not defined the terms “significant change” and “cancellation” in regulation or statute. The Department has announced a rulemaking<sup>1</sup> that would clarify in regulation the Department's longstanding interpretation of the refund requirement. In addition, the rulemaking would also address protections for consumers who are unable to travel due to government restrictions. The ACPAC will consider potential definitions of the terms “significant change” and “cancellation” and the issue of protections for consumers who are unable to travel due to government restrictions or advisories.

Regarding reporting the causes of airline delays and cancellations, Section 413 of the 2018 FAA Act directs the Department to review the categorization by reporting airlines of the causes of delays and cancellations, including, among other things, whether it is an unfair or deceptive practice for an air carrier to inform a passenger that a flight is delayed or cancelled due to weather

<sup>1</sup> Airline Ticket Refunds, RIN 2105-AF04.

alone when other factors are involved. Section 413 states that the Department may consult with the ACPAC to assist in conducting the review and providing recommendations on improving the quality and quantity of information provided to passengers adversely affected by a cancellation or delay. At the December 2, 2021 meeting, the Committee will consider the quality and quantity of information on causes of airline delays or cancellations provided to passengers adversely affected by an airline cancellation or delay, focusing on whether it is an unfair or deceptive practice for an air carrier to inform a passenger that a flight is delayed or cancelled due to weather alone when other factors are involved.

#### *B. March 21 and 22, 2022 Meeting*

Two topics, one continuing from the December meeting and one new topic, will be discussed at the March 21 and 22, 2022 meeting—(1) Airline Ticket Refunds (continued) and (2) Enhancing Consumer Access to Airline Flight Information. Regarding airline ticket refunds, the Committee will continue to consider this topic and will discuss the Department's Airline Ticket Refunds Notice of Proposed Rulemaking which the Department anticipates will be issued prior to the March 21 and 22, 2022 meeting.

Regarding the second topic, the Executive Order on Promoting Competition in the American Economy, issued on July 9, 2021 (E.O. 14036), directed the Department to take action to protect consumers and promote competition. Specifically, the Department is directed, among other things, to “promote enhanced transparency and consumer safeguards, as appropriate and consistent with applicable law, including through potential rulemaking, enforcement actions, or guidance documents, with the aims of: (1) Enhancing consumer access to airline flight information so that consumers can more easily find a broader set of available flights, including by new or lesser known airlines; and . . .” The ACPAC will consider the topic of enhancing access to airline flight information so that consumers can more easily find a broader set of available flights.

### **III. Public Participation**

The meetings will be open to the public; however, attendance may be limited due to constraints of the virtual platform and/or physical meeting space. Register for the December 2, 2021 meeting at [https://usdot.zoomgov.com/webinar/register/WN\\_6X7\\_jo0CTvia3JfU9XR82A](https://usdot.zoomgov.com/webinar/register/WN_6X7_jo0CTvia3JfU9XR82A). To register for the

March 2022 meeting, please send an email to the Department as set forth in the **FOR FURTHER INFORMATION CONTACT** section. The Department is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language interpreter or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Members of the public may also present written comments at any time. The docket number referenced above (DOT-OST-2018-0190) has been established for committee documents including any written comments that may be filed. At the discretion of the Chair or Designated Federal Officer of ACPAC, after completion of the planned agenda, individual members of the public may provide comments, time permitting. Any oral comments presented must be limited to the objectives of the Committee and will be limited to five (5) minutes per person.

Individual members of the public who wish to present oral comments must provide advance notice to the Department of Transportation contact noted above via email that they wish to present oral comments. Advance notice by individuals wishing to present oral comments at the December 2, 2021 must be provided to the Department no later than Monday, November 22, 2021. Advance notice by individuals wishing to present oral comments at the March 21 and 22, 2022 meeting must be provided to the Department no later than Friday, March 11, 2022.

Speakers are requested to submit a written copy of their prepared remarks for inclusion in the meeting records and for circulation to ACPAC members prior to the meetings. Individuals speaking at the December 2, 2021 meeting are requested to submit their remarks no later than Monday, November 29, 2021. Individuals speaking at the March 21 and 22, 2022 meeting are requested to submit their remarks no later than Tuesday, March 15, 2022. All prepared remarks submitted on time will be accepted and considered as part of the meeting's record.

### **IV. Viewing Documents**

You may view documents mentioned in this notice at <https://www.regulations.gov>. After entering the docket number (DOT-OST-2018-0190), click the link to “Open Docket Folder” and choose the document to review.

Issued in Washington, DC, this 12th day of November 2021.

**John E. Putnam,**

*Deputy General Counsel.*

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**BILLING CODE 4910-9X-P**

## **DEPARTMENT OF VETERANS AFFAIRS**

### **Privacy Act of 1974; System of Records**

**AGENCY:** Department of Veterans Affairs (VA), VACO FOIA Service.

**ACTION:** Notice of a modified system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, all agencies are required to publish in the **Federal Register** a notice of the existence and character of their systems of records. Notice is hereby given that the Department of Veterans Affairs (VA) is amending the system of records entitled “Freedom of Information Act (FOIA) Records—VA” (119VA005R1C).

**DATES:** Comments on this modified system of records must be received no later than 30 days after date of publication in the **Federal Register**. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the modified system of records will become effective a minimum of 30 days after date of publication in the **Federal Register**. If VA receives public comments, VA shall review the comments to determine whether any changes to the notice are necessary.

**ADDRESSES:** Comments may be submitted through [www.regulations.gov](https://www.regulations.gov) or mailed to VA Privacy Service, 810 Vermont Avenue NW, (005R1A), Washington, DC 20420. Comments should indicate that they are submitted in response to “Freedom of Information Act (FOIA) Records—VA” (119VA005R1C). Comments received will be available at [regulations.gov](https://www.regulations.gov) for public viewing, inspection, or copies.

**FOR FURTHER INFORMATION CONTACT:** James Killens III, Acting Director, VA FOIA Service (005R1C), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 632-7233.

**SUPPLEMENTARY INFORMATION:** The Freedom of Information Act (FOIA) was enacted on July 4, 1966 and is a statutory law requiring Federal agencies to provide to the fullest extent possible release of agency information to the public, except to the extent that such