

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

**ASW TX E5 Corsicana, TX [Amended]**

C. David Campbell Field-Corsicana  
Municipal Airport, TX  
(Lat. 32°01'41" N, long. 96°24'02" W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of C. David Campbell Field-Corsicana Municipal Airport.

Issued in Fort Worth, Texas, on May 24, 2022.

**Martin A. Skinner,**

*Acting Manager, Operations Support Group,  
ATO Central Service Center.*

[FR Doc. 2022–11408 Filed 5–26–22; 8:45 am]

**BILLING CODE 4910–13–P**

**GENERAL SERVICES  
ADMINISTRATION****41 CFR Parts 301–10 and 301–70**

[FTR Case 2022–01; Docket Number GSA–FTR–2022–0010, Sequence 1]

**RIN 3090–AK61**

**Federal Travel Regulation (FTR);  
Constructive Cost**

**AGENCY:** Office of Government-wide Policy (OGP), General Services Administration.

**ACTION:** Proposed rule.

**SUMMARY:** GSA proposes to amend the Federal Travel Regulation (FTR) to

clarify the concept of “constructive cost” as it relates to temporary duty travel, and clarify a section regarding what mode of transportation agencies should compare privately owned vehicle costs to when preparing a cost construction. These clarifications are intended to produce better estimates for decision makers.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat at one of the addresses shown below on or before July 26, 2022 to be considered in the formation of the proposed rule.

**ADDRESSES:** Submit comments in response to FTR case 2022–01 to: *Regulations.gov*: <https://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for “FTR Case 2022–01”. Select the link “Comment Now” that corresponds with FTR Case 2022–01. Follow the instructions provided at the “Comment Now” screen. Please include your name, company name (if any), and “FTR Case 2022–01” on your attached document. If your comment cannot be submitted using <https://www.regulations.gov>, call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

**Instructions:** Please submit comments only and cite FTR Case 2022–01, in all correspondence related to this case. Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](https://www.regulations.gov), approximately two to three days after submission to verify posting.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jill Denning, Office of Government-wide Policy, at 202–208–7642 or email at [travelpolicy@gsa.gov](mailto:travelpolicy@gsa.gov) for clarification of content. For information pertaining to status or publication schedules, contact The Regulatory Secretariat (M1V1CB), at 1800 F Street NW, Washington, DC 20405, 202–501–4755 or email at [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov). Please cite FTR case 2022–01.

**SUPPLEMENTARY INFORMATION:****I. Background**

GSA is proposing to amend the FTR to clarify the concept of “constructive cost” as it relates to temporary duty travel, and clarify a section regarding what mode of transportation agencies should compare privately owned vehicle (POV) costs to when preparing a cost construction.

When employees perform official business away from their official station, agencies must select the transportation method most advantageous to the Government, when cost and other factors are considered. Travel must be by the most expeditious means of transportation practicable and commensurate with the nature and purpose of the duties. In addition, the agency must consider energy conservation, total cost to the Government (including costs of per diem, overtime, lost work time, and actual transportation cost), total distance traveled, number of points visited, and number of travelers. The most advantageous transportation mode by order of precedence is common carrier, Government-furnished automobile, and rental car. An agency may authorize the use of a POV only after the agency evaluates the advantage of using the other modes of transportation.

Federal employees may choose to use a POV while on temporary duty (TDY) travel regardless of the mode of transportation the agency directs in the travel authorization. However, if the agency has directed the employee to use a mode of transportation other than POV because it is more advantageous to the Government, the agency must perform a cost comparison, known as a constructive cost exercise, to determine how much the agency should reimburse the traveler when they choose a POV over the agency-selected mode of transportation. If the mode of transportation the agency has authorized is less than the cost of traveling by POV, the employee only receives that limited amount, regardless of how much it costs to use a POV. If the constructive cost shows that the POV cost is less than the agency-selected mode, then the employee will receive the total POV-related costs. (Agencies are reminded that the FTR does not authorize agencies to require that employees use their POV for TDY travel, even if the costs will be less for the Government.)

GSA is aware that agencies often mistakenly calculate TDY constructive costs by only comparing the selected transportation mode with the POV mileage rates without also factoring in related travel costs, such as per diem expenses, parking, baggage fees, etc. Not factoring in these other costs leads to an incomplete calculation of the total “constructive” travel cost that employees may incur.

The Civilian Board of Contract Appeals (CBCA) and its predecessor board, the General Services Board of Contract Appeals (GSCBA) have, in

their holdings on TDY constructive costs, opined that when comparing the total allowable costs for travel by a mode other than that most advantageous to the Government, with the constructive cost of traveling by the authorized mode, agencies should think through the complete travel experience and include other potential costs. (See *In Re Yates*, GSBGA No. 15109–TRAV (Jan. 28, 2000); *In the Matter of Stephen M. England*, CBCA 3903–TRAV (Jan. 30, 2015)). For example, if an employee was authorized to travel by air via common carrier but chose to travel by POV, in calculating the constructive cost of air travel the agency should include potential costs such as the expected cost of lodging as well as meals, incidentals, airfare, baggage, use of a rental car, and transportation to and from the airport using a taxi or transportation network company (TNC), and perhaps others depending on the individual's situation. Even though these costs may not actually be incurred when the employee uses their POV instead of flying via a common carrier, they should be included in the agency's constructive cost analysis to determine how much the authorized mode would have cost the agency in total.

GSA anticipates there may be negligible cost savings because of this change in the regulation. The preferred methods of travel are not changing, and agencies will still be required to select the method of travel that provides the best value to the government. By better understanding how constructive costs are calculated, agencies should be less likely to authorize any higher-cost POV travel (except in rare instances when all preferred methods are not available or practicable). Agencies will likely spend less administrative time defending cost construction calculations that may have been unclear or confusing to the traveler.

Additionally, GSA proposes to clarify the constructive cost methodology stated in § 301–10.309. GSA amended this section in 2015 to include the use of rental cars as a potential transportation option that agencies could authorize on TDY in addition to the use of common carriers (80 FR 27259). However, when determining the constructive cost, the section currently states that agencies should not exceed the total constructive cost of the “authorized method of common carrier transportation,” when it should read “authorized method of transportation” as is consistent with 41 CFR 301–70.105(a). Agencies are directed to limit reimbursement to the authorized method of transportation (to include rental cars), rather than to the

authorized method of common carrier (excludes rental cars). It is clear in the background section of the 2015 amendment that is what GSA intended, but at that time the FTR was not accurately amended to reflect the agency's intent.

## II. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives, and if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This proposed rule is not expected to be a significant regulatory action, and therefore, is not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

## III. Congressional Review Act

OIRA has determined that this proposed rule is not a “major rule” as defined by 5 U.S.C. 804(2). Additionally, this proposed rule is excepted from Congressional Review Act reporting requirements prescribed under 5 U.S.C. 801 since it relates to agency management or personnel under 5 U.S.C. 804(3).

## IV. Regulatory Flexibility Act

GSA does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the changes are administrative in nature and only affect Government employees. Therefore, an Initial Regulatory Flexibility Analysis has not been performed.

## V. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the Federal Travel Regulation do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

## List of Subjects in 41 CFR Parts 301–10 and 301–70

Government employees, Travel and transportation expenses.

**Krystal J. Brumfield,**

*Associate Administrator, Office of Governmentwide Policy.*

For the reasons set forth in the preamble GSA proposes to amend 41 CFR parts 301–10 and 301–70 as set forth below:

## PART 301–10—TRANSPORTATION EXPENSES

■ 1. The authority citation for 41 CFR part 301–10 continues to read as follows:

**Authority:** 5 U.S.C. 5707; 40 U.S.C. 121(c); 49 U.S.C. 40118; Office of Management and Budget Circular No. A–126, “Improving the Management and Use of Government Aircraft.” Revised May 22, 1992.

■ 2. Revise § 301–10.309 to read as follows:

**§ 301–10.309 What will I be reimbursed if I am authorized to use common carrier transportation or a rental vehicle and I use a POV instead?**

You will be reimbursed the applicable POV rate on a mileage basis, plus per diem and related travel expenses, not to exceed the total constructive cost of the authorized method of transportation. Your agency must determine the constructive cost in accordance with § 301–70.105(a).

## PART 301–70—INTERNAL POLICY AND PROCEDURE REQUIREMENTS

■ 3. The authority citation for 41 CFR part 301–70 is revised to read as follows:

**Authority:** 5 U.S.C. 5707; 40 U.S.C. 121(c); Sec. 2, Pub. L. 105–264, 112 Stat. 2350 (5 U.S.C. 5701, note); OMB Circular No. A–126, revised May 22, 1992; OMB Circular A–123, Appendix B, revised August 27, 2019.

■ 4. Amend § 301–70.105 by revising paragraph (a) to read as follows:

**§ 301–70.105 May we prohibit an employee from using a POV on official travel?**

\* \* \* \* \*

(a) Limit reimbursement to the constructive cost of the authorized method of transportation, which is the sum of travel and transportation expenses the employee would reasonably have incurred had the employee traveled by the method of transportation deemed to be most advantageous to the Government. The calculation will necessarily involve assumptions. Examples of related expenses that could be considered constructive costs include, but are not

limited to, taxi and TNC fares, baggage fees, rental car costs, tolls, ferry fees, and parking charges; and

\* \* \* \* \*

■ 5. Amend § 301–70.506 by revising paragraph (b) to read as follows:

**§ 301–70.506 How do we define actual cost and constructive cost when an employee interrupts a travel assignment because of an incapacitating illness or injury?**

\* \* \* \* \*

(b) Constructive cost is the sum of travel and transportation expenses the employee would reasonably have incurred for round-trip travel between the official station and the alternate location plus per diem calculated for the appropriate en route travel time. The calculation will necessarily involve assumptions. Examples of related expenses that could be considered constructive costs include, but are not limited to, taxi and TNC fares, baggage fees, rental car costs, tolls, ferry fees, and parking charges.

[FR Doc. 2022–11096 Filed 5–26–22; 8:45 am]

#### BILLING CODE

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Part 393

[Docket No. FMCSA–2022–0004]

#### Parts and Accessories Necessary for Safe Operations; Speed Limiting Devices

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Advance notice of supplemental proposed rulemaking; extension of comment period.

**SUMMARY:** The Federal Motor Carrier Safety Administration (FMCSA) extends the comment period for its May 4, 2022, advance notice of supplemental proposed rulemaking concerning its intent to proceed with a speed limiter rulemaking. FMCSA received requests for an extension to the comment period from the American Trucking Associations (ATA) and the Owner-Operator Independent Drivers Association (OOIDA). Extension of the comment period will provide interested parties additional time to submit their responses. Therefore, the Agency extends the deadline for the submission of comments.

**DATES:** The comment period for the advance notice of supplemental proposed rulemaking is extended from

June 3, 2022 to July 18, 2022. Comments must be received on or before July 18, 2022.

**ADDRESSES:** You may submit comments identified by Docket Number FMCSA–2022–0004 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov/document/FMCSA-2022-0004-0001>. Follow the online instructions for submitting comments.

- *Mail:* Dockets Operations, 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:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments, including information collection comments for the Office of Information and Regulatory Affairs, OMB.

**FOR FURTHER INFORMATION CONTACT:** Mr. Luke Loy, Office of Vehicle and Roadside Operations, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–0676; [MCPSV@dot.gov](mailto:MCPSV@dot.gov). If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation and Request for Comments

###### A. Submitting Comments

If you submit a comment, please include the docket number for the advance notice of supplemental proposed rulemaking (FMCSA–2022–0004), indicate the specific section of the document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA recommends that you

include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/document/FMCSA-2022-0004-0001>, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

##### Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the advance notice of supplemental proposed rulemaking contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the advance notice of supplemental proposed rulemaking, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket. Submissions containing CBI should be sent to Mr. Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington DC 20590–0001. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this rulemaking.

###### B. Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2022-0004/document> and choose the document to review. To view comments, click the advance notice of supplemental proposed rulemaking, then click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting