

(ii) The master or operator of any commercial fishing vessel operating in an RNA described in paragraph (a) of this section during the conditions described in paragraph (c)(5)(i)(A) of this section shall contact the Coast Guard on VHF-FM Channel 16 prior to crossing the bar. The master or operator shall report the following:

- (A) Vessel name,
- (B) Vessel location or position,
- (C) Number of persons on board the vessel and
- (D) Vessel destination.

(6) *Penalties.* All persons and vessels within the RNAs described in paragraph (a) of this section shall comply with orders of Coast Guard personnel. Coast Guard personnel includes commissioned, warrant, petty officers, and civilians of the United States Coast Guard. Any person who fails to comply with this regulation is subject to civil penalty in accordance with 46 U.S.C. 70036.

Dated: October 21, 2019.

**Peter W. Gautier,**

*Rear Admiral, U.S. Coast Guard, Commander, Coast Guard District Eleven.*

[FR Doc. 2019-23968 Filed 11-6-19; 8:45 am]

**BILLING CODE 9110-04-P**

## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3050

[Docket No. RM2020-1; Order No. 5291]

#### Periodic Reporting

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission is acknowledging a recent filing requesting the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports (Proposal Nine). This document informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* December 20, 2019.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

**SUPPLEMENTARY INFORMATION:**

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### I. Introduction

On October 31, 2019, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports.<sup>1</sup> The Petition identifies the proposed analytical changes filed in this docket as Proposal Nine.

### II. Proposal Nine

*Background.* Proposal Nine relates to methodological changes for estimating facility-related costs. Petition, Proposal Nine at 1. The cost models were last presented in Docket No. ACR2018, Library References USPS-FY-18-NP15 and USPS-FY18-NP16, respectively. *Id.* The Postal Service acknowledges that because the extensive underlying data collection, analysis, and synthesis supporting this proposal ran relatively late into the year, the review is unlikely to be completed in time for FY 2019 Annual Compliance Report (ACR) preparation. *Id.* However, the Postal Service hopes to be able to incorporate the proposal into the ACR for FY 2020. *Id.*

The current methodology is based on data from a Facility Space Usage Study (FSUS) conducted in 1999 and presented in Docket No. R2005-1. *Id.* Since then, the Office of the Inspector General for the Postal Service recommended updating the FSUS. *Id.* The Postal Service's updated FSUS is the basis for Proposal Nine. *Id.*

*Proposal and rationale.* The Postal Service notes that it recognized the need for a new FSUS since many facility changes have occurred since the old study. *Id.* at 2. In the interim, several types of equipment used to process mail in 1999 no longer exist (e.g., the multi-line optical character reader input sub system, the mail processing bar code sorter output sub system, among others) while new processing equipment has been introduced (e.g., the automated flat-sorting machine model 100 and the automated package processing system). *Id.* Additionally, mail processing operations have been consolidated, bin

capacity has increased over time, and network distribution centers have been activated in the meantime. *Id.*

Not only have extensive changes taken place in the mail processing network since 1999, but the Postal Service's delivery network has changed as well. *Id.* Due to the deployment of the Flats Sequencing System to some plants, flat mail pieces at some delivery units are sorted into delivery point sequence order. *Id.* Automated delivery unit sorters have also been deployed to some postal facilities for parcel sortation to the carrier route level. *Id.* at 2-3.

The Postal Service states that while it has updated its cost analysis annually to reflect the use of facility space, these adjustments were merely approximations. *Id.* at 3. The new FSUS provides a more comprehensive approach to estimating space proportions. *Id.*

The FSUS update process began with a data collection phase using sample statistics from 11 mail processing strata and 6 retail facility and delivery strata. *Id.* The sample statistics were then used to inflate the space data into population estimates using the "combined ratio" estimation. *Id.* This methodology was used to de-average the total electronic Facility Management System building gross square footage for postal managed buildings into space categories representing each operation and function. *Id.*

The Petition includes an updated facility file version from the FY 2018 ACD (attached as USPS-FY18-8) to the Postal Service's Annual Compliance Review in Docket No. ACR2019. *Id.* at 4. The proposed new version is presented as Excel file "FACILITY19.PROP9.xlsx" (Facility File Workbook). *Id.* The Postal Service has modified the Facility File Workbook to remove redundant or outdated worksheets and includes the following 16 worksheets:

- Worksheet List Worksheet
  - FSUS Results Worksheet
  - MODS Data Worksheet
  - Adjust FSUS Results Worksheet
  - Rent Per Sq Ft Worksheet
  - Change Factors Worksheet
  - FSUS Facility Data Worksheet
  - Equip Footprint Worksheet
  - Equip Adjust Worksheet
  - Remove Worksheet
  - Deploy Worksheet
  - Space Change Worksheet
  - CRA Inputs Worksheet
    - Outputs to CRA Worksheet
    - POBox-Caller Service Split Worksheet
  - Component Variability Worksheet
- Id.* at 4-12.

<sup>1</sup> Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Nine), October 31, 2019 (Petition). The Postal Service filed a notice of filing of non-public materials relating to Proposal Nine. Notice of Filing of USPS-RM2020-1/1 and USPS-RM2020-1/NP1 and Application for Nonpublic Treatment, October 31, 2019.

*Impact.* The Postal Service summarizes the impact of Proposal Nine to product volume-variable and product-specific costs for FY 2018 in a table attached to the Petition. *Id.* at 14. It also provides a comprehensive version under seal. *Id.* at 12.

### III. Notice and Comment

The Commission establishes Docket No. RM2020–1 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission's website at <http://www.prc.gov>. Interested persons may submit comments on the Petition and Proposal Nine no later than December 20, 2019. Pursuant to 39 U.S.C. 505, Katalin K. Clendenin is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

### IV. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. RM2020–1 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Nine), filed October 31, 2019.
2. Comments by interested persons in this proceeding are due no later than December 20, 2019.
3. Pursuant to 39 U.S.C. 505, the Commission appoints Katalin K. Clendenin to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Darcie S. Tokioka,**

*Acting Secretary.*

[FR Doc. 2019–24307 Filed 11–6–19; 8:45 am]

**BILLING CODE 7710–FW–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### 49 CFR Part 234

[Docket No. FRA–2018–0096, Notice No. 1]

RIN 2130–AC72

### State Highway-Rail Grade Crossing Action Plans

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** FRA is issuing this proposed rule in response to a mandate from the Fixing America's Surface Transportation Act to issue a rule requiring 40 States and the District of Columbia to develop and implement highway-rail grade crossing action plans. This proposed rule would also require the ten States previously required to develop highway-rail grade crossing action plans by the Rail Safety Improvement Act of 2008 and FRA's implementing regulation to update their plans and to submit reports to FRA describing actions they have taken to implement them.

**DATES:** Written comments must be received by January 6, 2020. FRA will consider comments received after that date to the extent practicable.

**ADDRESSES:** You may submit comments on Docket No. FRA–2018–0096 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for submitting comments;
- *Mail:* Docket Management Facility, U.S. DOT, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590;
- *Hand Delivery:* The Docket Management Facility is located in Room W12–140, West Building Ground Floor, U.S. DOT, 1200 New Jersey Avenue SE, Washington, DC 20590, and open between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or
- *Fax:* 1–202–493–2251.

*Instructions:* All submissions must include the agency name, docket name, and docket number or Regulatory Identification Number (RIN) for this rulemaking (2130–AC72). All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> and follow the online instructions for accessing the docket or visit the Docket Management Facility described above.

**FOR FURTHER INFORMATION CONTACT:** Debra Chappell, Transportation Specialist, Highway-Rail Crossing and Trespasser Programs Division, Office of Safety Analysis, FRA, 1200 New Jersey

Avenue SE, Washington, DC 20590 (telephone: 202–493–6018); or Kathryn Gresham, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: 202–493–6063).

### SUPPLEMENTARY INFORMATION:

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#### I. Executive Summary

This proposed rule would revise FRA's existing regulation on State highway-rail grade crossing action plans (49 CFR 234.11) to require 40 States and the District of Columbia to develop and implement FRA-approved highway-rail grade crossing action plans. The proposed rule would also require the ten States previously required to develop highway-rail grade crossing action plans by the Rail Safety Improvement Act of 2008 (RSIA) and FRA's implementing regulation at 49 CFR 234.11 to update their plans and to submit reports describing the actions they have taken to implement their plans. FRA seeks comment on all aspects of this proposal.

This rulemaking responds to the Fixing America's Surface Transportation Act (Pub. L. 114–94) (FAST Act) mandate that the FRA Administrator promulgate a regulation requiring States to develop, implement (and update, if applicable) State highway-rail grade crossing action plans. *See* section 11401 of the FAST Act. In the RSIA, Congress directed the Secretary of Transportation to identify the ten States that had the most highway-rail grade crossing collisions, on average, over the previous three years, and require those States to develop grade crossing action plans for the Secretary of Transportation's approval. *See* section 202 of the RSIA. RSIA required the action plans to “identify specific solutions for improving” grade crossing safety and to “focus on crossings that have experienced multiple accidents or are at high risk” for accidents. Using FRA's database of reported highway-rail grade crossing accidents/incidents that occurred at public and private grade crossings, FRA determined the