

Second, pursuant to the authority at 49 CFR 236.1006(b)(5)(vii), BNSF is proposing to utilize certain alternative procedures instead of the default procedures under § 236.1006(b)(5), which permits the operation of a locomotive or train without an onboard PTC apparatus in certain circumstances. Under 49 CFR 236.1006(b)(5)(vii), FRA's regulations permit a railroad to propose such alternative procedures in its RFA and/or PTCSP. For example, as detailed in BNSF's updated RFA and PTCSP, BNSF is seeking to replace the default procedures under § 236.1006(b)(5)(i) and (ii). Specifically, BNSF proposes to use the exception under § 236.1006(b)(5) to perform short freight movements, within a single control point (measured by one home signal to the opposing home signal) at restricted speed, where no other trains may enter the control point during the excepted movement. In its RFA, BNSF further discusses the existing exception requirements and alternative procedures it will comply with when performing excepted movements under 49 CFR 236.1006(b)(5).

Interested parties are invited to comment on BNSF's RFA to its PTCSP by submitting written comments or data. During FRA's review of this railroad's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. See 49 CFR 236.1021; see also 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA to its PTCSP at FRA's sole discretion.

#### Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See <https://www.regulations.gov/privacy-notice> for the privacy notice of regulations.gov. To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

**Carolyn R. Hayward-Williams,**

*Director, Office of Railroad Systems and Technology.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2002-13398]

#### Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on September 14, 2022, the Hillsborough Transit Authority (HART) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 240 (Qualification and Certification of Locomotive Engineers) and 242 (Qualification and Certification of Conductors). The relevant FRA Docket Number is FRA-2002-13398.

Specifically, HART requests to extend its existing relief related to the shared use operation of its TECO Line Streetcar System at a "limited connection" with track operated by CSX Transportation (CSXT) in Tampa, Florida. HART states that two FRA inspections of the 14th Street shared at grade rail-rail crossing have been completed in the previous five years and all reports show no exceptions. HART also notes that the standard operating procedure at this interlocking location was updated in 2017 with the cooperation of CSXT, and reviewed in August 2022.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](https://www.regulations.gov).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by December 20, 2022 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](https://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of regulations.gov.

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety, Chief Safety Officer.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2017-0104]

#### Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on September 20, 2022, Caltrain petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 238, Passenger Equipment Safety Standards. The relevant FRA Docket Number is FRA-2017-0104.

Specifically, Caltrain seeks to extend its waiver of compliance from a portion of 49 CFR 238.113(a)(2), *Emergency window exits*, for the Caltrain Electric Multiple Unit restroom car. The Americans with Disabilities Act (ADA)-compliant restroom facility extends from the exterior side door to nearly the centerline of the car, thus precluding the placement of the emergency window exit in this quadrant of the car in the lower main level. Caltrain states that it believes the intent of the emergency window requirement is met, as the position of the window provides the