

4. *Issues:* Based on coordination between FHWA, USACE, and VDOT, the issues to be analyzed in the SEIS will include, but are not limited to, alternatives based on the updated effects to aquatic resources including wetland and stream impacts, threatened and endangered species, relocations, cultural resources, and cost.

5. *Additional Review and Consultation:* The SEIS will comply with other Federal and State requirements including, but not limited to, the State water quality certification under Section 401 of the CWA; protection of water quality under the Virginia/National Pollutant Discharge Elimination System; consideration of minority and low income populations under Executive Order 12898; protection of endangered and threatened species under Section 7 of the Endangered Species Act; and protection of cultural resources under Section 106 of the National Historic Preservation Act.

**Authority:** 23 U.S.C. 315; 49 CFR 1.48; 33 CFR Part 325.

(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.)

Issued by: December 10, 2013.

**Edward Sundra,**

*Director of Program Development, Federal Highway Administration, Virginia Division.*

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**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2013-0002-N-24]

#### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Federal Railroad Administration (FRA), United States Department of Transportation (USDOT).

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting

public comment on specific aspects of the activities identified below.

**DATES:** Comments must be received no later than February 14, 2014.

**ADDRESSES:** Submit written comments on any or all of the following proposed activities by mail to either: Ms. Janet Wylie or Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB control number 2130-0580." Alternatively, comments may be transmitted via facsimile to (202) 493-6170, or via email to Ms. Wylie at [janet.wylie@dot.gov](mailto:janet.wylie@dot.gov), or to Ms. Toone at [Kim.Toone@dot.gov](mailto:Kim.Toone@dot.gov). Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

**FOR FURTHER INFORMATION CONTACT:** Ms. Janet Wylie, Office of Information and Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6353) or Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6132). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR §§ 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to

determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(i)-(iv); 5 CFR § 1320.8(d)(1)(i)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. FRA reasons that comments received will advance three objectives: (i) reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a "user friendly" format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below is a brief summary of currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

**Title:** Notice of Funding Availability and Solicitations of Applications for Grants under the Railroad Rehabilitation and Repair Grant Program.

**OMB Control Number:** 2130-0580.

**Abstract:** The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Pub. L. 110-329; September 30, 2008), established the Railroad Rehabilitation and Repair Program, making Federal funds available directly to States. This Program allowed grants to fund up to 80 percent of the cost of rehabilitation and repairs to Class II and Class III railroad infrastructure damaged by hurricanes, floods, and other natural disasters in areas that are located in counties that have been identified in a Disaster Declaration for Public Assistance by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974. Funding was made available on a reimbursement basis for costs incurred after a major disaster declaration that was made between January 1, 2008 and the date of the publication of the notice of funding availability in the counties covered by such a declaration. Rehabilitation and repairs include rights-of-way, bridges, signals, and other infrastructure which is part of the general railroad system of transportation and primarily used by railroads to move freight traffic.

FRA recently revised this Information Collection Request (ICR) to allow for the

submission of additional grants under this program based on the Notice of Funding Availability published by FRA on 10/13/2013 and the emergency clearance request approved by OMB on 11/05/2013. Any grants submitted as part of this previous ICR were due by December 9, 2013. Therefore, this revision no longer includes any burden hours for the application process, as no new applications are being accepted at this time.

Due to the nature of these disaster assistance funds, current economic conditions, and the various States need for immediate assistance to vital freight transportation pathways and the important role these sectors of transportation play in the overall national economy, FRA is requesting OMB to extend this ICR in order to manage the current grants obligated under this program until the remaining grants have properly closed-out and are completed.

*Form Number(s):* SF-425, SF-271, SF-270.

*Affected Public:* Railroads, Businesses, States/Local governments.

*Reporting Burden:* Close-out Procedures.

*Respondent Universe:* 49.

*Total Annual Responses:* 6.

*Average time per response:* 84.

*Total Annual Burden Hours:* 504.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501–3520.

Issued in Washington, DC, on December 3, 2013.

**Rebecca Pennington,**  
*Chief Financial Officer.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Safety Advisory 2013-08]

#### Operational Tests and Inspections for Compliance With Maximum Authorized Train Speeds and Other Speed Restrictions

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

**ACTION:** Notice of safety advisory; Operational tests and inspections for compliance with maximum authorized

train speeds and other speed restrictions.

**SUMMARY:** FRA is issuing Safety Advisory 2013-08 to stress to railroads and their employees the importance of compliance with Federal regulations and applicable railroad operating rules regarding maximum authorized train speed limits and any relevant speed restrictions. This safety advisory contains five recommendations to railroads to ensure that compliance with maximum authorized speeds and other speed restrictions are addressed by appropriate railroad operating policies and procedures and to ensure that those policies and procedures are effectively implemented.

**FOR FURTHER INFORMATION CONTACT:** Thomas Herrmann, Acting Director, Office of Safety Assurance and Compliance, Office of Railroad Safety, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone (202) 493-6037.

**SUPPLEMENTARY INFORMATION:** The overall safety of railroad operations has improved in recent years. However, the recent fatal accident in Spuyten Duyvil, Bronx, New York, which is the subject of FRA's Emergency Order No. 29, highlights the need to ensure that speed restrictions mandated by Federal regulation and those imposed by a railroad's own operating rules are adhered to. That accident also demonstrates the importance of operational testing that pertains to ensuring employee compliance with applicable speed limitations and restrictions.

#### Metro-North Spuyten Duyvil Derailment

On Sunday, December 1, 2013, Metro-North passenger train 8808 (Train 8808) was traveling south from Poughkeepsie, New York, to Grand Central Terminal in New York City when, at approximately 7:20 a.m., the train derailed as it approached the Spuyten Duyvil Station. The train consisted of seven passenger coach cars, including a control cab locomotive in the lead position, and a conventional locomotive at the rear of the train, operating in a push-pull configuration (a control cab locomotive is both a passenger car, in that it has seats for passengers, and a locomotive, in that it has a control cab from which the engineer can operate the train). Each of the seven cars derailed along with the trailing locomotive. As of December 6, the derailment has resulted in four fatalities and more than 60 reported injuries.

As is customary, the National Transportation Safety Board (NTSB) has

taken the lead role in conducting the investigation of this accident pursuant to its legal authority. 49 U.S.C. 1101 *et seq.*; 49 CFR 800.3(a), 831.2(b). FRA is also investigating the accident. As Train 8808 approached the Spuyten Duyvil Station from the north, it traveled over a straightaway with a maximum authorized passenger train speed of 70 mph before reaching a sharp curve in the track where, by the railroad's own rules, the maximum authorized speed was reduced to 30 mph. A preliminary review of the information on the locomotive event recorders by NTSB indicates that the train was traveling approximately 82 mph as it entered the curve's 30-mph speed restriction. This means Train 8808 was exceeding the maximum authorized speed on the straightaway by 12 mph and traveling nearly three times the railroad's maximum authorized speed as it entered the curve. Information obtained from the train's event recorders also indicates that approximately six seconds before the locomotive came to a stop, the locomotive throttle was placed in idle and an application of the train's brake system was made.

FRA's accident statistics reveal that the railroad industry's recent safety record with regard to this area of compliance on main tracks is good, but FRA believes the December 1 accident highlights the need to remain vigilant in ensuring employee compliance with operational speed limits and restrictions for trains and locomotives. As such, FRA intends to focus its inspections on railroad operational testing activity over the next several months on compliance with maximum authorized train speeds and relevant speed restrictions. FRA strongly encourages railroads and other industry members to re-emphasize the importance of compliance with maximum authorized train speeds and any applicable speed restrictions, and to conduct operational testing at a level that will ensure compliance with all posted speed restrictions.

**Recommended Railroad Action:** In light of the recent accident discussed above, and in an effort to ensure the safety of the Nation's railroads, their employees, and the general public, FRA recommends that railroads do each of the following:

(1) Review the circumstances of the December 1, 2013, Spuyten Duyvil derailment with each of their operating employees.

(2) Provide instruction to their employees during training classes and safety briefings on the importance of compliance with maximum authorized train speed limits and other speed restrictions. This training should