

232.3(d), formerly contained in Interstate Commerce Commission (ICC) Order 13528. Paragraph (d)(3) of 49 CFR 232.3 conditionally exempts certain export, industrial, and other cars not owned by a railroad from part 232 compliance. It requires cars to be identified by a card attached to each side of the equipment, signed by the shipper, specifically noting that the car is being moved under the proper authority. Railroads typically use carrier bad order forms or tags for these purposes. These forms are readily available from all carrier repair facilities. FRA estimates approximately 400 cars per year, each bearing two forms or tags, are moved under this regulation.

*Type of Request:* Extension without change of a currently approved collection.

*Affected Public:* Businesses.

*Form(s):* N/A.

*Respondent Universe:* 765 railroads.

*Frequency of Submission:* On occasion.

*Total Estimated Annual Responses:* 800.

*Total Estimated Annual Burden:* 67 hours.

*Total Estimated Annual Burden Hour Dollar Cost Equivalent:* \$3,886.

*Title:* U.S. Locational Requirement for Dispatching U.S. Rail Operations.

*OMB Control Number:* 2130-0556.

*Abstract:* Title 49 CFR part 241 requires, in the absence of a waiver, that all dispatching of railroad operations occurring in the United States be performed in the United States. A railroad may, however, conduct dispatching from a country other than the United States in an emergency situation, but only for the duration of the emergency situation. *See* 49 CFR 241.9(c). A railroad relying on this exception must provide written notification of its action to FRA as soon as practicable; such notification is not required before addressing the emergency situation. The information collected under this rule is used as part of FRA's oversight function to ensure that extraterritorial dispatchers comply with applicable safety regulations.

*Type of Request:* Extension without change of a currently approved collection.

*Affected Public:* Businesses.

*Form(s):* N/A.

*Respondent Universe:* 4 railroads.

*Frequency of Submission:* On occasion.

*Total Estimated Annual Responses:* 1.

*Total Estimated Annual Burden:* 8 hours.

*Total Estimated Annual Burden Hour Dollar Cost Equivalent:* \$616.

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

**Authority:** 44 U.S.C. 3501-3520.

**Brett A. Jortland,**

*Deputy Chief Counsel.*

[FR Doc. 2020-26924 Filed 12-7-20; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

### Federal Transit Administration

#### Adoption of the Federal Highway Administration's Nationwide Section 4(f) Net Benefit and Historic Bridges Programmatic Evaluations

**AGENCY:** Federal Railroad Administration (FRA), Federal Transit Administration (FTA), U.S. Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** FRA and FTA (together "the Agencies") are jointly issuing this notice to adopt the Federal Highway Administration's (FHWA) nationwide programmatic Section 4(f) evaluations for certain transportation projects having a net benefit to Section 4(f) properties (Nationwide Net Benefit Programmatic Evaluation) and for certain transportation projects that use historic bridges (Nationwide Historic Bridges Programmatic Evaluation). These nationwide Section 4(f) programmatic evaluations would provide the Agencies with an alternative to the individual Section 4(f) evaluation process for demonstrating compliance with Section 4(f) requirements, as applicable. For proposed projects that do not meet the criteria for Section 4(f) exceptions or the criteria contained in the *Applicability* sections of the programmatic evaluations, the Agencies will prepare an individual evaluation or make a *de minimis* impact determination.

**DATES:** The adoption of these evaluations is effective on January 7, 2021.

#### FOR FURTHER INFORMATION CONTACT:

*For FRA:* Marlys Osterhues, Chief, Environment and Project Engineering Division, Office of Railroad Policy and Development, telephone: (202) 493-0413, email: [Marlys.Osterhues@dot.gov](mailto:Marlys.Osterhues@dot.gov); or Faris Mohammed, Attorney-Advisor, Office of Chief Counsel, telephone: (202)

493-7064, email: [Faris.Mohammed@dot.gov](mailto:Faris.Mohammed@dot.gov).

*For FTA:* Megan Blum, Director, Office of Environmental Programs, telephone: (202) 366-0463, email: [Megan.Blum@dot.gov](mailto:Megan.Blum@dot.gov); or Mark Montgomery, Attorney-Advisor, Office of Chief Counsel, telephone: (202) 366-1017, email: [Mark.Montgomery@dot.gov](mailto:Mark.Montgomery@dot.gov).

FRA and FTA are located at 1200 New Jersey Ave. SE, Washington, DC 20590. Office hours are from 8 a.m. to 5 p.m. e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

*Background:* The Agencies may not approve a proposed transportation project that would use property from significant publicly-owned parks, recreation areas, or wildlife and waterfowl refuges or from significant historic sites (collectively, "Section 4(f) properties") that are subject to Section 4(f) requirements (49 U.S.C. 303 and 23 U.S.C. 138), unless certain conditions are met. An agency may approve a proposed transportation project requiring the use of a Section 4(f) property only if the agency determines that: (1) There is no feasible and prudent alternative to using that land, and the project includes all possible planning to minimize harm to the property resulting from such use; or (2) the use of the property, after consideration of avoidance, minimization, mitigation, or enhancement measures to be implemented as a condition of approval, will have a *de minimis* impact. These efforts generally are documented in an individual evaluation, unless the agency makes a *de minimis* impact determination, or the use meets the criteria for one of the Section 4(f) exceptions found at 23 CFR 774.13. As part of the individual evaluation, the agency must include a feasible and prudent avoidance alternative analysis and identify measures to minimize harm. The agency also must provide a public comment period and coordinate with official(s) with jurisdiction in the individual evaluation process.

However, FHWA has approved five nationwide programmatic evaluations applicable to specific uses of Section 4(f) properties. Programmatic evaluations streamline the Section 4(f) process by eliminating the need for an individual Section 4(f) evaluation for certain projects. Programmatic evaluations can be applied to any class of action under the National Environmental Policy Act. FHWA developed the framework and basic approach to the programmatic evaluations at a program level to cover

a suite of potential Section 4(f) uses and coordinated with the U.S. Department of the Interior when developing the framework. The full texts of FHWA's programmatic evaluations are available at: <https://www.environment.fhwa.dot.gov/legislation/section4f.aspx>.

On July 5, 1983, FHWA approved the use of a programmatic Section 4(f) evaluation and approval for FHWA projects that necessitate the use of historic bridges. The historic bridges programmatic evaluation sets forth the basis for a programmatic Section 4(f) approval that there are no feasible and prudent alternatives to the use of certain historic bridge structures to be replaced or rehabilitated with Federal funds, and the projects include all possible planning to minimize harm resulting from such use. The historic bridges programmatic evaluation can be applied to a proposed project that meets the following criteria:

1. The bridge is to be replaced or rehabilitated with Federal funds.
2. The project will require the use of an historic bridge structure that is on or is eligible for listing on the National Register of Historic Places (NRHP).
3. The bridge is not a National Historic Landmark.
4. FRA or FTA, as appropriate, determines the facts of the project match those set forth in the Historic Bridges Programmatic Evaluation (Alternatives, Findings, and Mitigation sections).
5. Agreement among FRA or FTA, as appropriate, the State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation has been reached through procedures pursuant to Section 106 of the National Historic Preservation Act.

More information on the Nationwide Historic Bridges Programmatic Evaluation can be found in the original **Federal Register** notice. 48 FR 38135–03, July 5, 1983.

On April 20, 2005, FHWA approved the use of a nationwide programmatic Section 4(f) evaluation for uses that have a net benefit to a Section 4(f) property from certain federally funded transportation projects. A net benefit is achieved when: (1) The transportation use, the measures to minimize harm, and mitigation incorporated into the project result in an overall enhancement to the Section 4(f) property when compared to both the future do-nothing or avoidance alternatives and the present condition of the Section 4(f) property; and (2) the use will not result in a substantial diminishment of the function or value that made the property eligible for Section 4(f) protection. The net benefit programmatic evaluation

cannot be applied to a project if FRA or FTA, as appropriate, and the official(s) with jurisdiction over the Section 4(f) property cannot reach an agreement that the project will result in a net benefit to the property. The net benefit programmatic evaluation applicability criteria are as follows:

1. The proposed transportation project uses a Section 4(f) park, recreation area, wildlife or waterfowl refuge, or historic site.

2. The proposed project includes all appropriate measures to minimize harm and subsequent mitigation necessary to preserve and enhance those features and values of the property that originally qualified the property for Section 4(f) protection.

3. For historic properties, the project does not require the major alteration of the characteristics that qualify the property for the NRHP such that the property would no longer retain sufficient integrity to be considered eligible for listing. For archeological properties, the project does not require the disturbance or removal of the archaeological resources that have been determined important for preservation in-place rather than for the information that can be obtained through data recovery. The determination of a major alteration or the importance to preserve in-place will be based on consultation consistent with 36 CFR part 800.

4. For historic properties, consistent with 36 CFR part 800, there must be agreement amongst the SHPO and/or THPO, as appropriate, FRA or FTA, as appropriate, and the Applicant on measures to minimize harm when there is a use of Section 4(f) property. Such measures must be incorporated into the project.

5. The official(s) with jurisdiction over the Section 4(f) property agrees in writing with the assessment of the impacts; the proposed measures to minimize harm; and the mitigation necessary to preserve, rehabilitate and enhance those features and values of the Section 4(f) property; and that such measures will result in a net benefit to the Section 4(f) property.

6. The Administration determines that the project facts match those set forth in the Applicability, Alternatives, Findings, Mitigation and Measures to Minimize Harm, Coordination, and Public Involvement sections of this programmatic evaluation.

More information on the Nationwide Net Benefit Programmatic Evaluation can be found in the original **Federal Register** notice. 70 FR 20618, April 20, 2005.

The Agencies currently do not utilize any Section 4(f) programmatic

evaluations and rely on individual evaluations to satisfy Section 4(f) requirements for proposed rail and transit projects that use Section 4(f) properties. However, the Agencies were afforded more flexibility to create programmatic approaches to expedite the overall environmental review process under section 1305 of Moving Ahead for Progress in the 21st Century Act (MAP–21). The “programmatic approaches” language from MAP–21 is codified at 23 U.S.C. 139(b)(3) and implemented by the Agencies in regulation at 23 CFR 771.105. Additionally, as described in the final rule in which FRA adopted 23 CFR part 771, FRA evaluated whether to adopt, in whole or in part, any of the FHWA programmatic evaluations. Based on that evaluation, FRA determined adopting FHWA's net benefit and historic bridge programmatic evaluations is appropriate for its programs. See 83 FR 54480, 54484 (October 29, 2018). Similarly, FTA revisited being part of the net benefit and historic bridge programmatic evaluations after considering projects that have gone through the Section 4(f) process that could have benefitted from using the programmatic evaluations. Accordingly, the Agencies are adopting these two nationwide programmatic evaluations with minor technical modifications, described below. The technical modifications are limited to replacing references to FHWA with the Agencies and definitions necessary to accommodate both railroad and transit projects. FRA and FTA will provide the full text of the Section 4(f) Programmatic Evaluations, as modified below, on their websites.

#### **Technical Modifications to FHWA's Historic Bridges Programmatic Evaluation**

The Agencies are replacing the terms “Federal Highway Administration” and “FHWA” with “Federal Railroad Administration,” “Federal Transit Administration,” “FRA,” or “FTA,” as appropriate. The Agencies are replacing “FHWA Division Administrator” with “Associate Administrator for Railroad Policy and Development, or designee,” or “FTA Regional Administrator, or designee,” as appropriate. Additionally, the Agencies are modifying the reference to a “Federal-aid highway system or a state or local highway system” to include a “rail or transit system.”

#### **Technical Modifications to FHWA's Net Benefit Programmatic Evaluation**

The Agencies are replacing the term “FHWA” with “FRA” or “FTA,” as

appropriate. The Agencies are also modifying the following definitions:

1. "Administration" to refer to the Federal Railroad Administration or the Federal Transit Administration, as appropriate.

2. "Applicant" to be more broadly defined, as follows: "Applicant" refers to the Federal, State, local, or federally recognized Indian Tribal governmental unit, or other entity, including any private or public-private entity that seeks Federal funding or an Administration action for a project.

Through this Notice, the Agencies are adopting FHWA's Nationwide Net Benefit Programmatic Evaluation and the Nationwide Historic Bridges Programmatic Evaluation in full, with the minor technical modifications described above.

Issued in Washington, DC.

**Quintin C. Kendall,**

*Deputy Administrator, Federal Railroad Administration.*

**K. Jane Williams,**

*Deputy Administrator, Federal Transit Administration.*

[FR Doc. 2020-26968 Filed 12-7-20; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2020-0005]

#### Pipeline Safety: Request for Special Permit; Colorado Interstate Gas Company, L.L.C.

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

**ACTION:** Notice.

**SUMMARY:** PHMSA is publishing this notice to solicit public comments on a request for special permit received from the Colorado Interstate Gas Company, L.L.C. (CIG). The special permit request is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit request.

**DATES:** Submit any comments regarding this special permit request by January 7, 2021.

**ADDRESSES:** Comments should reference the docket number for this specific special permit request and may be submitted in the following ways:

- *E-Gov website:* <http://www.Regulations.gov>. This site allows

the public to enter comments on any **Federal Register** notice issued by any agency.

- *Fax:* 1-202-493-2251.

- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Docket Management System: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

*Instructions:* You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at <http://www.Regulations.gov>.

*Note:* There is a privacy statement published on <http://www.Regulations.gov>. Comments, including any personal information provided, are posted without changes or edits to <http://www.Regulations.gov>.

*Confidential Business Information:* Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 Code of Federal Regulations (CFR) § 190.343, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as "Confidential"; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Kay McIver, DOT, PHMSA-

PHP-80, 1200 New Jersey Avenue SE, Washington, DC 20590-0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

#### FOR FURTHER INFORMATION CONTACT:

*General:* Ms. Kay McIver by telephone at 202-366-0113, or by email at [kay.mciver@dot.gov](mailto:kay.mciver@dot.gov).

*Technical:* Mr. Steve Nanney by telephone at 713-272-2855, or by email at [steve.nanney@dot.gov](mailto:steve.nanney@dot.gov).

**SUPPLEMENTARY INFORMATION:** PHMSA received a special permit request from CIG seeking a waiver from the requirements of 49 CFR 192.611(a) and (d): Change in class location: Confirmation or revision of maximum allowable operating pressure, and § 192.619(a): Maximum allowable operating pressure: Steel or plastic pipelines. This special permit is being requested in lieu of pipe replacement or pressure reduction for two (2) special permit segments of 344 feet (0.065 miles) on the CIG pipeline system. The proposed special permit segments are located in Sweetwater County, Wyoming. The CIG pipeline class location in the special permit segments has changed from a Class 1 to a Class 3 location. The CIG pipeline special permit segments are 20-inch and 24-inch diameter pipelines with existing maximum allowable operating pressures of 1,100 pounds per square inch gauge (psig) and 1,480 psig, respectively. The installation of the special permit segments occurred in 2006.

The special permit request, proposed special permit with conditions, and Draft Environmental Assessment (DEA) for the CIG pipelines are available for review and public comment in Docket No. PHMSA-2020-0005. We invite interested persons to review and submit comments on the special permit request and DEA in the docket. Please include any comments on potential safety and environmental impacts that may result if the special permit is granted. Comments may include relevant data.

Before issuing a decision on the special permit request, PHMSA will evaluate all comments received on or before the comment closing date. Comments received after the closing date will be evaluated, if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment it receives in making its decision to grant or deny this special permit request.