

public has the proper permissible risk threshold to evaluate risk resulting from prohibiting routine locomotive horn sounding at highway-rail grade crossings located in quiet zones. This is the ninth update to the NSRT and it is increasing from 13,811 to 15,488.

**DATES:** The applicable date of this notice is January 8, 2021.

**FOR FURTHER INFORMATION CONTACT:**

James Payne, Staff Director, Highway-Rail Crossing and Trespasser Programs Division (telephone: 202-493-6005, email: [james.payne@dot.gov](mailto:james.payne@dot.gov)); or Kathryn Gresham, Attorney Adviser, Office of the Chief Counsel (telephone: 202-493-6063, email: [kathryn.gresham@dot.gov](mailto:kathryn.gresham@dot.gov)).

**SUPPLEMENTARY INFORMATION:**

**Background**

The NSRT is an average of the risk indexes for gated public crossings nationwide where train horns are routinely sounded. FRA developed this risk index to serve as one threshold of permissible risk for quiet zones established across the nation under 49 CFR part 222, Use of Locomotive Horns at Public Highway-Rail Grade Crossings. Thus, a community trying to establish and/or maintain its quiet zone, under 49 CFR part 222, can compare the Quiet Zone Risk Index calculated for its specific crossing corridor to the NSRT to determine whether sufficient measures have been taken to compensate for the excess risk that results from prohibiting routine sounding of the locomotive horn. In the alternative, a community can establish its quiet zone in

comparison to the Risk Index With Horns, which is defined in 49 CFR 222.9 as a measure of risk to the motoring public when locomotive horns are routinely sounded at every public highway-rail grade crossing within a quiet zone.

FRA has periodically updated the NSRT since 2006. FRA last updated the NSRT in 2019 to be 13,811. 84 FR 22562, May 17, 2019.

**New NSRT**

Using collision data over a 5-year period from 2015 to 2019, FRA has recalculated the NSRT based on formulas identified in 49 CFR part 222, appendix D. In making this recalculation, FRA noted the total number of gated crossings nationwide where train horns are routinely sounded was 48,607.

$$\text{Fatality Rate} = \frac{\text{Fatalities}}{\text{Fatal Incidents}} = \frac{295}{245} = 1.2041$$

$$\text{Injury Rate} = \frac{\text{Injuries in Injury-Only Incidents}}{\text{Injury-Only Incidents}} = \frac{1023}{663} = 1.5430$$

Applying the fatality rate and injury rate to the probable number of fatalities and injuries predicted to occur at each of the 48,607 identified crossings, and the predicted cost of the associated injuries and fatalities, FRA calculates the NSRT to be 15,488. Accordingly, this updated NSRT value will serve as one threshold of permissible risk for quiet zones established across the nation pursuant to 49 CFR part 222.

**John Karl Alexy,**

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

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**BILLING CODE** 4910-06-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

[Docket No. FRA-2020-0027-N-39]

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

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

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** Under the Paperwork Reduction Act of 1995 (PRA), this notice announces that FRA is forwarding the

Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On October 5, 2020, FRA published a notice providing a 60-day period for public comment on the ICR.

**DATES:** Interested persons are invited to submit comments on or before February 8, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed ICR should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular ICR by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kim Toone, Information Collection Clearance Officer, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: (202) 493-06132) or [kim.toone@dot.gov](mailto:kim.toone@dot.gov).

**SUPPLEMENTARY INFORMATION:** The PRA, 44 U.S.C. 3501-3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages.

See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On October 5, 2020, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICR for which it is now seeking OMB approval. See 85 FR 62798. FRA received no comments in response to this 60-day notice.

Before OMB decides whether to approve the proposed collection of information, it must provide 30 days for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)-(c); 5 CFR 1320.10(b); see also 60 FR 44978, 44983, Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICR regarding: (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) 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; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

*Title:* Design and Evaluation of a Robust Manual Locomotive Operating Mode.

*OMB Control Number:* 2130–0623.

*Abstract:* The purpose of this study is to design and evaluate a prototype locomotive operating mode that allows an engineer to “manually” control a train by providing a desired speed target while the control system determines the throttle notch changes required. This research addresses DOT’s safety strategic goal. Information collected from this research will be used by researchers and equipment designers to evaluate the merit of a prototype display and control configuration maximizing the use of both automation and human capabilities. The information will also assist the Federal government in recommending display design standards to the rail industry for future displays and the results may help design future displays and controls for locomotives. The ICR, which was previously approved by OMB, will be extended as the study was not completed by the anticipated completion date.

*Type of Request:* Extension without change of a current information collection.

*Affected Public:* Railroad Engineers, College Student Volunteers.

*Respondent Universe:* 20 Engineers/ 10 Volunteers.

*Frequency of Submission:* Once.

*Total Estimated Annual Responses:* 90.

*Total Estimated Annual Burden:* 272.

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 unless it displays a currently valid OMB control number.

*Authority:* 44 U.S.C. 3501–3520.

**Brett A. Jortland,**

*Deputy Chief Counsel.*

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**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA–2000–7137]

#### Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on December 21, 2020, San Diego Trolley Incorporated (SDTI) petitioned the Federal Railroad Administration (FRA) to renew a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at various parts of 49 CFR. FRA assigned the petition Docket Number FRA–2000–7137.

Specifically, SDTI seeks a five-year extension of its existing waiver of compliance with modifications. The waiver applies to certain portions of SDTI’s rail fixed guideway urban transit operations which employ temporal separation to safely share track with the general railroad system’s San Diego & Imperial Valley Railroad (SDIV). Contiguous to the shared trackage are portions with limited connections to the general railroad system, which include a small shared corridor with BNSF Railway and Coaster commuter train service, which also shares a storage yard with SDTI. FRA granted SDTI its initial waiver on January 19, 2001, and the most recent update to the waiver was FRA’s May 1, 2020, approval of SDTI’s new absolute block arrangement on its Blue Line.

In this petition, SDTI seeks an extension of its relief from the following parts and sections in 49 CFR: part 217, Railroad Operating Rules (except for 217.9(d)); 218.27(a), *Workers on track other than main track* (as granted in part and denied in part in FRA’s January 19, 2001, letter); part 219, Control of Alcohol and Drug Use; part 220, Railroad Communications (as granted in part in FRA’s January 19, 2001, letter); part 221, Rear End Marking Device—Passenger, Commuter and Freight Trains; 223.9(c), *Requirements for new or rebuilt equipment* and 223.15(c), *Requirements for existing passenger cars*; part 225, Railroad Accidents/ Incidents: Reports Classification, and Investigations (for employee injuries only); part 228, subpart F, Substantive Hours of Service Requirements for Train Employees Engaged in Commuter or Intercity Rail Passenger Transportation, and relevant recordkeeping sections of subpart B, Records and Reporting; the following sections of part 229, Railroad Locomotive Safety Standards: 229.46–229.59, 229.61, 229.65, 229.71, 229.77, 229.125, and 229.135; 231.14,

*Passenger-train cars without end platforms*; the following sections of part 238, Passenger Equipment Safety Standards: 238.112, 238.113, 238.114, 238.115(b)(4), 238.203, 238.205, 238.207, 238.209, 238.211, 238.213, 238.215, 238.217, 238.219, 238.231, 238.233, 238.237, and part 238, subpart D in its entirety, sections 238.301 through 238.319; part 239, Passenger Train Emergency Preparedness; part 240, Locomotive Engineer Certification; and part 242, Qualification and Certification of Conductors.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://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 parties desire 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 by any of the following methods:

- *Website:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by February 22, 2021 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), 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](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can