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**Adam M. Howard,**

*Executive Secretary, Advisory Committee on Historical, Diplomatic Documentation.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2021-0069]

#### Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on May 28, 2021, Dallas Area Rapid Transit (DART) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 229 (Railroad Locomotive Safety Standards), 231 (Railroad Safety Appliance Standards), and 238 (Passenger Equipment Safety Standards), and an exemption from certain requirements of chapter 203, title 49 of the United States Code (U.S.C.). FRA assigned the petition Docket Number FRA-2021-0069.

Specifically, DART requests special approval for certain design elements of its Stadler FLIRT 3 diesel multiple unit (DMU) railcars that do not comply with FRA regulations. DART seeks relief from 49 CFR 229.47(b), *Emergency brake valve*; 231.14(a)(2), (b)-(d), (f), and (g), *Passenger-train cars without end platforms*; and 238.305(c)(5), *Interior calendar day mechanical inspection of passenger cars*. DART also requests that FRA exercise its authority under 49 U.S.C. 20306 to exempt the DMUs from the requirements of 49 U.S.C. 20302, which, in part, mandates that railroad vehicles be equipped with (1) couplers that couple automatically by impact, and are capable of being uncoupled, without individuals having to go between the ends of equipment; and (2) secure sill steps and grab irons or handholds on the vehicle's ends and sides for greater security to individuals coupling and uncoupling the vehicle. See 49 U.S.C. 20302(a)(1)(A), (B), and (a)(2).

Section 20306 authorizes FRA to exempt rail equipment from the requirements of 49 U.S.C. chapter 203, including Section 20302, when those requirements "preclude the development or implementation of more efficient railroad transportation equipment or other transportation

innovations under existing law." Section 20306 requires FRA to base any such exemption on either (1) findings developed at a hearing, or (2) an agreement between labor and the developer of the equipment.

FRA has previously held Section 20306 hearings for equipment substantially similar to the FLIRT 3 DMUs.<sup>1</sup> The equipment was also proposed to be operated in substantially similar operating environments to that which DART proposes in this docket.<sup>2</sup> As a result, FRA finds that holding a public hearing under Section 20306 in response to DART's current exemption request is not necessary and FRA intends to rely on the findings from these previous hearings when considering DART's current exemption request.

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 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 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.

Communications received by September 7, 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

<sup>1</sup> See FRA Docket Nos. FRA-2019-0066 (Amtrak) and FRA-2019-0068 (Texas Central Railroad); see also 85 FR 69700 (Nov. 3, 2020). Both FRA dockets are available for review on [www.regulations.gov](http://www.regulations.gov).

<sup>2</sup> *Id.*

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 be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**

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

[FR Doc. 2021-15603 Filed 7-21-21; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Federal Transit Administration

#### Notice of Limitation on Claims Against Proposed Public Transportation Project

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

**ACTION:** Notice.

**SUMMARY:** This notice announces final environmental actions taken by FRA and FTA regarding the Hudson Tunnel Project (Project). The purpose of this notice is to announce publicly the environmental decisions on the subject project and to activate the limitation on any claims that may challenge these final environmental actions.

**DATES:** A claim seeking judicial review of actions announced herein for the listed public transportation project will be barred unless the claim is filed on or before December 20, 2021.

**FOR FURTHER INFORMATION CONTACT:**

*For FRA:* Kathryn Johnson, Attorney-Advisor, Office of Chief Counsel, telephone: (202) 493-0407, email: [kathryn.johnson@dot.gov](mailto:kathryn.johnson@dot.gov); or Amishi Castelli, Northeast Corridor Program Manager, Office of Railroad Policy and Development, telephone: (617) 431-0416, email: [amishi.castelli@dot.gov](mailto:amishi.castelli@dot.gov).

*For FTA:* John A. Sautter, Region 2 Counsel, Office of Chief Counsel, telephone: (202) 748-0700, email: [john.sautter@dot.gov](mailto:john.sautter@dot.gov); or Donald Burns, Region 2 Supervisory Transportation Program Specialist, telephone: (212) 668-2203, email: [donald.burns@dot.gov](mailto:donald.burns@dot.gov); or Saadat Khan, Environmental Protection Specialist, Office of Environmental Programs, telephone:

(202) 366-9647, email: [saadat.khan@dot.gov](mailto:saadat.khan@dot.gov). FTA Region 2 is located at 1 Bowling Green, Room 428, New York, NY 10004. FTA and FRA Headquarters are located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours for both Regional and Headquarters Offices are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FRA and FTA have taken final agency action by issuing certain approvals for the public transportation project listed below. In accordance with 40 CFR 1506.3 and 23 U.S.C. 139, FRA and FTA issued a final environmental impact statement (FEIS) and record of decision (ROD) on May 28, 2021. All actions on the project, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA) as well as in documents in the FTA environmental project file. Interested parties may find more information on the Project website (<http://www.hudsontunnelproject.com/>) or FRA's website for the Project (<https://railroads.dot.gov/environmental-reviews/hudson-tunnel-project/environmental-impact-statement>).

A summary of the Project that is the subject of this notice follows:

**Project name and location:** Hudson Tunnel Project, Hudson River passenger rail crossing, Hudson County, New Jersey and New York County, New York.

**Project Sponsor:** Port Authority of New York and New Jersey, New York, New York.

**Project description:** The Project involves construction of a two-track tunnel under the Hudson River (the Hudson River Tunnel) and railroad infrastructure in New Jersey and New York connecting the new rail tunnel to the existing Northeast Corridor (NEC), and rehabilitation of the existing North River Tunnel. The new Hudson River Tunnel will have two new tracks extending from the NEC in Secaucus, New Jersey, beneath the Palisades (North Bergen and Union City, New Jersey) and the Hoboken/Weehawken, New Jersey waterfront area, and beneath the Hudson River to connect to the existing tracks in Penn Station New York (PSNY). The new Hudson River Tunnel will be parallel to, and south of, the existing NEC between Secaucus, New Jersey and PSNY. This alignment will extend for a distance of approximately 4.5 miles. New ventilation shafts and associated fan plants will be located above the tunnel

in New Jersey and New York for regular and emergency ventilation and emergency access and egress. The western terminus of the new tunnel and related tracks and infrastructure will be at Allied Interlocking, east of County Road in Secaucus, New Jersey and the eastern terminus will be at approximately Ninth Avenue in Manhattan, New York.

This notice applies to all decisions on the Project as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321-4375], Section 4(f) requirements [23 U.S.C. 138, 49 U.S.C. 303], Section 106 of the National Historic Preservation Act [54 U.S.C. 306108], Endangered Species Act [16 U.S.C. 1531], Clean Water Act [33 U.S.C. 1251], Clean Air Act [42 U.S.C. 7401-7671q], the Rivers and Harbors Act of 1899 [33 U.S.C. 403], and the Coastal Zone Management Act of 1972 [16 U.S.C. 1451].

*Authority:* 23 U.S.C. 139(l)(1).

**Jamie P. Rennert,**

*Director, Office of Infrastructure Investment, Federal Railroad Administration.*

**Mark A. Ferroni,**

*Deputy Associate Administrator for Planning and Environment, Federal Transit Administration.*

[FR Doc. 2021-15575 Filed 7-21-21; 8:45 am]

**BILLING CODE 4910-57-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2021-0074]

#### Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on June 30, 2021, the Michigan State Trust for Railway Preservation, Inc. petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 215, Railroad Freight Car Safety Standards. FRA assigned the petition Docket Number FRA-2021-0074.

Specifically, Petitioner requests FRA approval pursuant to 49 CFR 215.203, *Restricted cars*, to continue in service 12 freight cars<sup>1</sup> that are more than 50 years from the date of construction. The cars are primarily used in tourist, historic, and/or excursion operations. Petitioner additionally requests relief from 49 CFR

215.303, *Stenciling of restricted cars*, to preserve the cars' historic appearance. Of the 12 total cars, only three would be used in service this calendar year. Trains containing the cars are currently operated only on the Great Lakes Central Railroad, but in the future, excursions may expand to the Lake State Railway by way of the Huron and Eastern Railroad.

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 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 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.

Communications received by September 7, 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 be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

<sup>1</sup> Seven of the 12 cars were formerly given special approval in Docket Number FRA-2009-0084. The relief expired on May 15, 2020.