

regulations. (UP Reply 2–3; AAR Reply 3–6.)<sup>5</sup> AAR, CSXT, and UP contend, moreover, that the proposed regulations are unnecessary because carriers have sufficient incentives to move cars efficiently, as delayed cars hinder operations and reduce revenue. (CSXT Reply 3–4; UP Reply 7–8, Aug. 30, 2021; AAR Reply 8–9, Aug. 30, 2021.) They also argue that the proposed regulations will have a negative impact on the overall efficiency of the rail network by incentivizing carriers to move private freight cars inefficiently to avoid the charges and by reducing cooperation between carriers during periods of network stress. (CSXT Reply 6; UP Reply 9, Aug. 30, 2021; AAR Reply 16, Aug. 30, 2021.) Other respondents contend that the proposed regulations would provide appropriate financial incentives for Class I carriers to use private freight cars more efficiently, (NCTA Reply 1–2; PRFBA Reply 1; FRCA Reply 1), and offer reciprocity for demurrage charges (ISRI Reply 4; NACD Reply 1; AFPM Reply 2; COPA Reply 1–2). Furthermore, Joint Shippers ask the Board to solicit comments on how the proposed regulations would be implemented, including whether carriers would be responsible for monitoring private freight car delays and crediting amounts owed under the proposed regulations against their demurrage invoices. (Joint Shippers Reply 5.)

Petitioners' proposal and the responses to date raise important issues of interest to the Board. Therefore, to further consider Petitioners' proposal and the responses, the Board will open a proceeding. Procedures for further public comment will be established in a subsequent decision.

*It is ordered:*

1. Petitioners' motion for leave to file a surrepley is granted.
2. Petitioners' petition is granted to the extent that it requests that the Board open a proceeding.
3. Notice of this decision will be published in the **Federal Register**.
4. This decision is effective on its service date.

Decided: November 22, 2021.

By the Board, Board Members Begeman, Fuchs, Oberman, Primus, and Schultz.

**Eden Besera,**

*Clearance Clerk.*

[FR Doc. 2021–25916 Filed 11–26–21; 8:45 am]

**BILLING CODE 4915–01–P**

<sup>5</sup> Additionally, CSXT states that it joins AAR's comments. (CSXT Reply 2.)

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA–2013–0259–2245]

#### Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: FAA Aircraft Noise Complaint and Inquiry System (Noise Portal)

**AGENCY:** Federal Aviation Administration (FAA), DOT.

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The FAA Regional Administrators' Offices and the FAA Noise Ombudsman will use the information voluntarily reported, on the occasion of a complaint, by the public in the FAA Noise Portal to prepare responses to their noise complaints or inquiries. The required FAA Noise Portal fields represent the minimum amount of information the FAA needs to address the public's noise complaint or question and includes: Name, email, address or cross street and a description of the noise complaint or inquiry. It is important to know the person's name and email address to respond and track the complaint. The FAA will not respond to the same complaint from the same person more than once. The address or cross street is needed for the FAA to determine potential sources of the aircraft noise issues as most people complain about aircraft in the vicinity of their residence. The description is used to provide additional details for the FAA to better address the complaint or question.

**DATES:** Written comments should be submitted by December 29, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection 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 information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Idurre L. Isasa-Cowan by email at: [idurre.cowan@faa.gov](mailto:idurre.cowan@faa.gov).

#### SUPPLEMENTARY INFORMATION:

*Public Comments Invited:* You are asked to comment on any aspect of this

information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

*OMB Control Number:* 2120–0773.

*Title:* FAA Aircraft Noise Complaint and Inquiry System (Noise Portal).

*Form Numbers:* None.

*Type of Review:* Renewal of an information collection.

*Background:* Although the FAA already receives aircraft noise complaints and inquiries from the public, the FAA's voluntary collection of the information from the public invokes the PRA process. The FAA must receive approval from the Office of Management and Budget (OMB) to collect the information in the Noise Portal. The FAA will summarize the public comments from the 60-day comment period (February 1, 2021 to April 2, 2021), and address these in a 30-day **Federal Register** notice inviting further comments. OMB has 60-days from the date of the 30-day notice to approve the FAA's voluntary collection of information in the Noise Portal. We expect the entire process will be completed by March 2022.

*Respondents:* The public.

*Frequency:* As needed.

*Estimated Average Burden per*

*Response:* 15 minutes.

*Estimated Total Annual Burden:* 11,250 hours.

Issued in Washington, DC, on November 23, 2021.

**Idurre L. Isasa-Cowan,**

*Community Engagement Officer, FAA Office of the Environment and Energy (AEE).*

[FR Doc. 2021–25944 Filed 11–26–21; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket No. FHWA–2021–0022]

#### Development of Guidance for Electric Vehicle Charging Infrastructure Deployment

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice; request for information (RFI).

**SUMMARY:** The recently enacted Bipartisan Infrastructure Law invests in the deployment of electric vehicle (EV) charging infrastructure as one of many important ways to confront the climate crisis. Through a National Electric Vehicle Formula Program (EV Charging Program), the law provides funding to States to strategically deploy EV charging infrastructure and to establish an interconnected network to facilitate data collection, access, and reliability. The law also establishes a discretionary grant program for Charging and Fueling Infrastructure (Charging and Fueling Infrastructure Program) to strategically deploy publicly accessible EV charging infrastructure and hydrogen, propane, and natural gas fueling infrastructure along designated alternative fuel corridors or in certain other locations that are accessible to all drivers of such vehicles. The law directs DOT, in coordination or consultation with the Department of Energy (DOE), to develop guidance for both programs. Through this notice, FHWA invites public comments to inform the development of the guidance. FHWA is especially interested in comments suggesting ways that the guidance could promote equity in the deployment of EV charging infrastructure under these programs.

**DATES:** Comments would be most useful if they are received on or before January 28, 2022 to allow for their consideration during development of the EV Charging Program guidance. FHWA will consider comments received after the due date to the extent practicable.

**ADDRESSES:** To ensure that you do not duplicate your docket submissions, please submit comments by only one of the following means:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001;
- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays. The telephone number is (202) 366-9329;
- *Instructions:* You must include the agency name and docket number at the beginning of your comments. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Kerry Rodgers, Office of the Chief Counsel, (202) 366-1376, or via email at [kerry.rodgers@dot.gov](mailto:kerry.rodgers@dot.gov). FHWA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m. e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access and Filing**

A copy of this Notice, all comments received on this Notice, and all background material may be viewed online at <http://www.regulations.gov> using the docket number listed above. Electronic retrieval help and guidelines are also available at <http://www.regulations.gov>. An electronic copy of this document also may be downloaded from the Office of the Federal Register's website at [www.FederalRegister.gov](http://www.FederalRegister.gov) and the Government Publishing Office's website at [www.GovInfo.gov](http://www.GovInfo.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 RFI 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 RFI, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 190.343, you may ask FHWA 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 FHWA, 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, FHWA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this RFI. Submissions containing CBI should be sent to Kerry Rodgers, FHWA Office of the Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590. Any comment submissions that FHWA receives that are not specifically designated as CBI will be placed in the public docket for this matter.

**Background**

The Bipartisan Infrastructure Law, enacted as the Infrastructure Investment

and Jobs Act (IIJA), Public Law 117-58 (Nov. 15, 2021), includes important new programs to address climate change by reducing carbon emissions. Among these programs is a national EV Charging Program to provide funding that FHWA shall distribute among the States to strategically deploy EV charging infrastructure and to establish an interconnected network to facilitate data collection, access, and reliability. Funds must be used for: (1) The acquisition and installation of EV charging infrastructure to serve as a catalyst for the deployment of such infrastructure and to connect it to a network to facilitate data collection, access, and reliability; (2) proper operation and maintenance of EV charging infrastructure; and (3) data sharing about EV charging infrastructure to ensure the long-term success of investments made under the program. The Federal share payable for projects funded under the EV Charging Program is 80 percent. EV Charging Program funds may be used to contract with a private entity for acquisition and installation of publicly accessible EV charging infrastructure, and the private entity may pay the non-Federal share of the project cost. However, funds must be used for projects directly related to vehicle charging and only for EV charging infrastructure that is open to the general public or to authorized commercial motor vehicle operators from more than one company. Further, any EV charging infrastructure acquired or installed with program funds must be located along a designated alternative fuel corridor, unless a State determines, and the Secretary of Transportation (Secretary) certifies, that the designated alternative fuel corridors in the State are fully built out. In that case, the State could use the funds for EV charging infrastructure on any public road or in other publicly accessible locations.

The Bipartisan Infrastructure Law also requires that a State, by a deadline to be set by DOT, provide a plan to DOT describing how the State intends to use the funds it receives under the EV Charging Program for each fiscal year in which funds are made available. No later than 120 days after the deadline for submittal of the State plans, DOT is required to issue a publicly available report on its website summarizing each State plan submitted and assessing how the State plans to make progress towards the establishment of a national EV charging infrastructure network. If a State fails to submit the required plan, or if DOT determines that a State has not taken action to carry out its plan, DOT may, as applicable, withhold or

withdraw funds made available under the EV Charging Program for the fiscal year after providing notice to and consulting with the State and providing an opportunity for the State to address any concerns and implement its plan or to appeal DOT's decision to withhold or withdraw funds. In such situations, DOT may award such funds on a competitive basis to local jurisdictions within the State for use on projects that meet the EV Charging Program's eligibility requirements. If DOT determines that such withheld or withdrawn funds cannot be fully awarded to local jurisdictions within the State, DOT is required to distribute any remaining funds among other States that have not had funds withheld or withdrawn under the program as the law provides.

Another new program is the Charging and Fueling Infrastructure Program, a competitive grant program to strategically deploy publicly accessible EV charging infrastructure and hydrogen, propane, and natural gas fueling infrastructure (eligible fueling infrastructure) along designated alternative fuel corridors or in certain other locations that are accessible to all drivers of such vehicles. Through this program for corridor and community charging, the Secretary will award grants to eligible entities that include States or political subdivisions, metropolitan planning organizations, local governments, special purpose districts or public authorities with a transportation function, Indian tribes, U.S. territories, authorities or agencies owned by one or more of these eligible entities, or groups of eligible entities. Eligible entities must use grants to contract with a private entity for acquisition and installation of publicly accessible EV charging infrastructure or eligible fueling infrastructure that is directly related to vehicle charging or fueling. Publicly accessible EV charging infrastructure or eligible fueling infrastructure installed with grants under this program must be located along a designated alternative fuel corridor, except in the case of the community grants described below.

The Bipartisan Infrastructure Law requires that the Secretary reserve 50 percent of the amounts made available each fiscal year to carry out the Charging and Fueling Infrastructure Program to provide community grants to eligible entities. Eligible entities include those previously described and State or local authorities that own publicly accessible transportation facilities. The Secretary may award community grants for projects that are expected to reduce greenhouse gas emissions and to expand

or fill gaps in access to publicly accessible EV charging infrastructure or eligible fueling infrastructure, including certain development phase activities and the acquisition or installation of such infrastructure that is directly related to vehicle charging or fueling, including any related construction or reconstruction and the acquisition of real property directly related to the project. Projects that receive community grants may be located on any public road or in other publicly accessible locations such as parking facilities at public buildings, public schools, and public parks, or in publicly accessible parking facilities owned or managed by a private entity.

The law requires the Secretary, in awarding community grants, to give priority to projects that expand access to EV charging and eligible fueling infrastructure in rural areas, low- and moderate-income neighborhoods, and communities with a low ratio of private parking spaces to households or a high ratio of multi-unit dwellings to single family homes. The Secretary also must consider the extent to which a project contributes to geographic diversity among eligible entities, including a balance between urban and rural communities, and meets current or anticipated market demands for charging or fueling infrastructure.

The Federal share of the cost of a project carried out with a grant under the Charging and Fueling Infrastructure Program shall not exceed 80 percent of the total project cost. Projects carried out under the program are treated as projects on a Federal-aid highway and are subject to certain other requirements.

#### **Development of Guidance**

The Bipartisan Infrastructure Law directs DOT, in coordination with DOE and within 90 days of the law's enactment, to develop guidance for States and localities to strategically deploy EV charging infrastructure through the EV Charging Program, based on the consideration of nine factors. The law also directs DOT, during the redesignation of alternative fuel corridors under 23 U.S.C. 151, to issue a report that summarizes best practices and provides guidance, developed through consultation with DOE, for project development of EV charging infrastructure and hydrogen, propane, and natural gas fueling infrastructure at the State, Tribal, and local levels to allow for the predictable deployment of that infrastructure. The guidance we develop also may be relevant to EV charging infrastructure that receives

funding from other Federal funding sources.

#### **Request for Comments and Information**

As we begin to develop the guidance for the EV Charging Program and for project development of EV charging infrastructure, and we prepare to implement the Charging and Fueling Infrastructure Program, FHWA requests comments and information from the public. In particular, FHWA requests comments to inform its development of the statutorily required EV Charging Program guidance. Please indicate in your written comments the number(s) of the considerations(s) you are commenting on and provide specific examples or information to illustrate your comments where possible. The statutory considerations for the EV Charging Program are:

1. The distance between publicly available EV charging infrastructure;
2. Connections to the electric grid, including electric distribution upgrades; vehicle-to-grid integration, including smart charge management or other protocols that can minimize impacts to the grid; alignment with electric distribution interconnection processes, and plans for the use of renewable energy sources to power charging and energy storage;
3. The proximity of existing off-highway travel centers, fuel retailers, and small businesses to EV charging infrastructure acquired or funded under the Program;
4. The need for publicly available EV charging infrastructure in rural corridors and underserved or disadvantaged communities;
5. The long-term operation and maintenance of publicly available EV charging infrastructure to avoid stranded assets and protect the investment of public funds in that infrastructure;
6. Existing private, national, State, local, Tribal, and territorial government EV charging infrastructure programs and incentives;
7. Fostering enhanced, coordinated, public-private or private investment in EV charging infrastructure;
8. Meeting current and anticipated market demands for EV charging infrastructure, including with regard to power levels and charging speed, and minimizing the time to charge current and anticipated vehicles; and
9. Any other factors, as determined by the Secretary.

In connection with question 9, please describe any other factors that you suggest that we consider in developing the EV Charging Program guidance.

FHWA also requests comments to inform the implementation of the Charging and Fueling Infrastructure Program to provide discretionary grants for corridor and community charging. Specifically:

10. Please provide examples of best practices relating to project development of EV charging infrastructure and hydrogen, propane, and natural gas fueling infrastructure at the State, Tribal, and local levels.

11. What topics do you suggest that we address in guidance on project development of EV charging infrastructure and hydrogen, propane, and natural gas fueling infrastructure at the State, Tribal, and local levels to allow for the predictable deployment of that infrastructure?

12. Please provide any suggestions to inform the administration of competitive grants under the Charging and Fueling Infrastructure Program for corridor and community charging.

*Authority:* Public Law 117–58; 49 CFR 1.81.

Signed in Washington, DC.

**Stephanie Pollack,**

*Deputy Administrator, Federal Highway Administration.*

[FR Doc. 2021–25868 Filed 11–26–21; 8:45 am]

**BILLING CODE 4910–22–P**

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

[OST Docket No. DOT–OST–2011–0022]

**Notice of Submission of Proposed Information Collection to OMB Agency Request for Reinstatement of a Previously Approved Collection: Online Complaint Form for Service-Related Issues in Air Transportation**

**AGENCY:** Office of the Secretary, Department of Transportation.

**ACTION:** Notice and request for comments; reinstatement of an OMB control number.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 this

notice announces the Department of Transportation’s intention to reinstate an OMB control number for an online complaint form by which a consumer can electronically submit a service-related complaint against an airline and other sellers of air transportation.

**DATES:** Comments on this notice must be received by January 28, 2022.

**ADDRESSES:** To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for submitting comments;
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor, Room W–12/140, Washington, DC 20590–0001; or
- *Hand Delivery:* West Building Ground Floor, Room W–12/140, 1200 New Jersey Ave. SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

**FOR FURTHER INFORMATION CONTACT:** Daeleen Chesley, Office of the Secretary, Office of Aviation Consumer Protection (C–70), U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, 202 366–6792 (voice) or at [Daeleen.Chesley@dot.gov](mailto:Daeleen.Chesley@dot.gov).

**SUPPLEMENTARY INFORMATION:**  
*OMB Control Number:* 2105–0568.  
*Title:* Reinstatement of Office of Aviation Consumer Protection Online Complaint Form.

*Abstract:* The Department of Transportation’s (Department) Office of Aviation Consumer Protection (OACP, formerly the Office of Aviation Enforcement and Proceedings) has broad authority under 49 U.S.C., subtitle VII, to investigate and enforce consumer protection and civil rights laws and regulations related to air transportation. OACP monitors compliance with and investigates violations of the Department of Transportation’s aviation

economic, consumer protection, and civil rights requirements.

Among other things, the office is responsible for receiving and investigating service-related consumer complaints filed against airlines and other sellers of air transportation. Once received, the complaints are reviewed by the office to determine the extent to which these entities comply with federal aviation consumer protection and civil rights laws and what, if any, action should be taken.

This request is to enable consumers to continue to submit comments, including complaints, to the Department using an online form, whether via their personal computer or on a mobile/electronic device. If the online comment form is not available, the Department may receive fewer complaints/comments from consumers. The lack of consumer-driven information could inhibit the office’s ability to effectively investigate both individual complaints against airlines and other sellers of air transportation. It would also impact OACP’s ability to become aware of patterns and practices that may develop in violation of our rules. The information collection continues to further the objectives of 49 U.S.C. 41712, 40101, 40127, 41702, and 41705 to protect consumers from unfair or deceptive practices, to protect the civil rights of air travelers, and to ensure safe and adequate service in air transportation.

Filing a complaint using a web-based form is voluntary and minimizes the burden on respondents when compared with other methods of submitting complaints. In recent years, consumers have submitted the vast majority of complaints online versus contacting the Department using regular mail or telephone. Approximately ninety percent of the submissions received by OACP during calendar years (CYs) 2017 through 2019 were filed using the web-based form as shown in the table below.<sup>1</sup>

Calendar year	Total number of complaints filed	Total number of complaints filed online	Percentage of complaints filed online
2017 .....	18,155	16,067	89
2018 .....	15,546	13,964	90
2019 .....	15,342	14,107	92
Average Total per Year (above) .....	16,348	14,713	90

<sup>1</sup> In 2020, the Department received an unusually high number (100,613) of online submissions to our office, primarily complaints, largely due to flight

cancellations and refund issues that resulted from the Covid–19 pandemic. Using the average number of submissions from the three previous CYs more

accurately reflects the annual number of submissions received by our office historically.