

level of safety equivalent to, or greater than, the level of safety achieved without the exemption. FMCSA noted in its June 27, 2017, notice that CLP holders who have passed the CDL skills test are qualified and eligible to obtain a CDL. If those CLP holders obtained their CLPs and training in their State of domicile, they could immediately receive their CDL at the State driver licensing agency and begin driving a CMV without any on-board supervision.

In its March 9, 2022, application for renewal, Prime states that it has not discovered any safety issues while operating under the exemption and that it will continue to monitor its safety data. Prime further states that its “lead seat” trainers commonly own their trucks and are therefore interested in ensuring that the CLP holder operates the CMV safely. In addition, Prime states that once its CLP holders have passed the CDL skills test, they continue into their second phase of training, in which they typically log more than 30,000 miles before becoming a solo driver.

FMCSA is unaware of any evidence of a degradation of safety attributable to the current exemption for Prime drivers. There is no indication of an adverse impact on safety while operating under the terms and conditions specified in the initial exemption or exemption renewal. Furthermore, on two previous occasions the Agency granted a similar exemption, to CRST Expedited [81 FR 65696, September 23, 2016] and to C.R. England [80 FR 33329, June 11, 2015].

FMCSA concludes that provisionally extending the exemption granted on June 27, 2017, for another five years, under the terms and conditions listed below, will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

V. Exemption Decision

A. Grant of Exemption

FMCSA provisionally renews the exemption for a period of five years subject to the terms and conditions of this decision and the absence of public comments that would cause the Agency to terminate the exemption under Sec. V.F. below. The exemption from the requirements of 49 CFR 383.25(a)(1), is otherwise effective June 28, 2022, through June 27, 2027, 11:59 p.m. local time, unless renewed or rescinded.

B. Applicability of Exemption

The exemption excuses Prime from the requirement that a driver accompanying a CLP holder must always be physically present in the front

seat of a CMV, on the condition that the CLP holder has successfully passed an approved CDL skills test.

C. Terms and Conditions

When operating under this exemption, Prime and its drivers are subject to the following terms and conditions:

(1) Prime and its drivers must comply with all other applicable Federal Motor Carrier Safety Regulations (49 CFR part 350–399);

(2) The drivers must be in possession of a valid State driver's license, CLP with the required endorsements, and documentation that they have passed the CDL skills test;

(3) The drivers must not be subject to any OOS order or suspension of driving privileges; and

(4) The drivers must be able to provide this exemption document to enforcement officials.

D. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

E. Notification to FMCSA

Prime must notify FMCSA within 5 business days of any crash (as defined in 49 CFR 390.5) involving any of its CMVs operating under the terms of this exemption. The notification must include the following information:

- (a) Name of the exemption: “Prime”;
- (b) Date of the crash;

(c) City or town, and State, in which the crash occurred, or closest to the crash scene;

- (d) Driver's name and license number;
- (e) Vehicle number and State license number;

(f) Number of individuals suffering physical injury;

- (g) Number of fatalities;

(h) The police-reported cause of the crash;

(i) Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations; and

(j) The driver's total driving time and total on-duty time prior to the crash.

Reports filed under this provision shall be emailed to MCPSD@DOT.GOV.

F. Termination

FMCSA does not believe the drivers covered by this exemption will

experience any deterioration of their safety record. The exemption will be rescinded if: (1) Prime and drivers operating under the exemption fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objects of 49 U.S.C. 31136(e) and 31315.

VI. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on Prime, Inc.'s application for an exemption from the requirement in 49 CFR 383.25(a)(1) that would allow CLP holders who have successfully passed a CDL skills test and are eligible to receive, but have not yet obtained, a CDL to drive a CMV without a CDL holder in the front passenger seat. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the Addresses section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Robin Hutcheson,

Deputy Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2010-0031]

Long Island Rail Road's Request To Amend Its Positive Train Control Safety Plan and Positive Train Control System

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

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on June 9, 2022, Long Island Rail Road (LIRR) submitted a request for amendment (RFA) to its FRA-approved Positive Train Control

Safety Plan (PTCSP). As this RFA may involve a request for FRA's approval of proposed material modifications to an FRA-certified positive train control (PTC) system, FRA is publishing this notice and inviting public comment on the railroad's RFA to its PTCSP.

DATES: FRA will consider comments received by July 18, 2022. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES: *Comments:* Comments may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA-2010-0031. For convenience, all active PTC dockets are hyperlinked on FRA's website at <https://railroads.dot.gov/train-control/ptc/ptc-annual-and-quarterly-reports>. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816-516-7168, email: Gabe.Neal@dot.gov.

SUPPLEMENTARY INFORMATION: In general, Title 49 United States Code (U.S.C.) Section 20157(h) requires FRA to certify that a host railroad's PTC system complies with Title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTCSP, a host railroad must submit, and obtain FRA's approval of, an RFA to its PTCSP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal and train control system. Accordingly, this notice informs the public that, on June 9, 2022, LIRR submitted an RFA to its PTCSP for its Advanced Civil Speed Enforcement System II (ACSES II) and that RFA is available in Docket No. FRA-2010-0031.

Interested parties are invited to comment on LIRR's RFA to its PTCSP by submitting written comments or data. During FRA's review of this railroad's

RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA to its PTCSP at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://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 <https://www.regulations.gov/privacy-notice> for the privacy notice of regulations.gov. To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,
Director, Office of Railroad Systems and Technology.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2022-0035]

Guidance on Development and Implementation of Railroad Capital Projects

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

ACTION: Notice of proposed guidance.

SUMMARY: FRA proposes guidance on the development and implementation of railroad capital projects that are funded, in whole or in part, by FRA. FRA seeks comment from the public on the content and application of the proposed guidance ("guidance"), which is available for review at <https://regulations.gov> under docket number FRA-2022-0035.

DATES: Comments are encouraged and will be accepted until August 12, 2022.

ADDRESSES: Comments should refer to docket number FRA-2022-0035 and be submitted at <https://regulations.gov>. Search by using the docket number and follow the instructions for submitting comments. All submissions must include the agency name and docket number FRA-2022-0035.

FOR FURTHER INFORMATION CONTACT: For further information, please contact David Valenstein, Senior Advisor, Office of Infrastructure Investment, by email: david.valenstein@dot.gov or by telephone: 202-493-6368.

SUPPLEMENTARY INFORMATION: FRA has identified the time-sensitive need to establish clear practices and procedures for the development and implementation of railroad capital projects through the issuance of agency guidance. Over the next five years, the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117-58, also known as the "Bipartisan Infrastructure Law") will provide unprecedented Federal funding for rail improvement projects in America. FRA intends for its final guidance to assist project sponsors in developing effective capital projects and to enhance the management of capital projects to meet budgets and schedules.

The audience of the guidance includes project sponsors and partners, as well as the wide range of professionals who contribute to the planning, development, and implementation of railroad capital projects. The guidance: (1) defines the stages in the railroad capital project lifecycle and project development process from inception to operation; (2) describes the project management tools, processes, and documentation that FRA may require when providing grants that fund the development or implementation of a railroad capital project; (3) differentiates between Non-Major projects and Major projects by defining a "Major Project" as a railroad capital project with an estimated total project cost equal to or greater than \$300 million and with at least \$100 million in total Federal assistance.

FRA intends to strongly encourage project sponsors to follow the guidance when developing, implementing, and managing railroad capital projects. FRA may use the guidance to inform its grant application reviews and decisions in accordance with a process described in a notice of funding opportunity for the relevant grant program, and may require compliance with the guidance as part of grant agreements funding railroad capital projects in accordance with 2 CFR parts 200 and 1201. The practices contained in the guidance draw from FRA's experience and from established