

to public safety regardless of his past driving record. Granting the application would also disregard well established science on driver fatigue.”

Other themes included among the comments were that: (1) safe drivers are leaving the trucking industry because they are “over-regulated;” (2) there are problems relating to loading/unloading delays at shipper and driver detention times; (3) the applicant should use the current sleeper-berth “split” provisions (7/3 “split”); (4) with over three million CMV drivers in the industry, the Agency cannot exempt one individual driver from the HOS rules; (5) numerous commenters would like to be included in the exemption if it is granted, and others said that they would be applying for a similar exemption; (6) the HOS regulations and the mandatory use of ELDs are objectionable; (7) if the exemption is granted, it should apply to all CMV drivers; and (8) the Agency should do a pilot study on the exemption the applicant requests.

#### VI. FMCSA Safety Analysis and Decision

FMCSA evaluated Mr. Schmitt’s application and public comments and denies the exemption request. Mr. Schmitt failed to establish that he would maintain a level of safety equivalent to, or greater than, the level achieved without the exemption. The Agency established and enforces the HOS regulations to keep fatigued drivers off the public roadways. Research studies demonstrate that long work hours reduce sleep and harm driver health and that crash risk increases with work hours. The HOS regulations impose limits on when and how long an individual may drive, to ensure that drivers stay awake and alert, and to reduce the possibility of cumulative fatigue. The Agency concurs with commenters that if it exempts one individual from the HOS regulations, it could open the door for a huge number of similar exemption requests. Such a result would be inconsistent with a primary goal of the HOS regulations.

For the above reasons, Leland Schmitt, Jr.’s exemption application is denied.

**Robin Hutcheson,**  
Administrator.

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2011-0104]

#### Central Florida Rail Corridor’s Request for Positive Train Control Safety Plan Approval and System Certification

**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 October 26, 2022, Central Florida Rail Corridor (CFRC) submitted its Positive Train Control Safety Plan (PTCSP), Version 4.1, dated October 21, 2022, to FRA’s Secure Information Repository. CFRC asks FRA to approve its updated PTCSP and certify CFRC’s Interoperable Electronic Train Management System (I-ETMS) as a mixed PTC system.

**DATES:** FRA will consider comments received by January 9, 2023 before taking final action on the PTCSP. 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 railroad is Docket No. FRA-2011-0104. 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](mailto:Gabe.Neal@dot.gov).

**SUPPLEMENTARY INFORMATION:** In its PTCSP, CFRC asserts that the I-ETMS it is implementing is a mixed PTC system as defined in Title 49 Code of Federal Regulations (CFR) 236.1015(e). The PTCSP describes CFRC’s I-ETMS implementation and the associated I-ETMS safety processes, safety analyses, and test, validation, and verification processes used during the development of I-ETMS. The PTCSP also contains

CFRC’s operational and support requirements and procedures.

CFRC’s PTCSP is available for review online at <https://www.regulations.gov> (Docket Number FRA-2011-0104). Interested parties are invited to comment on the PTCSP by submitting written comments or data. During its review of the PTCSP, FRA will consider any comments or data submitted. See 49 CFR 236.1011(e). However, FRA may elect not to respond to any particular comment and, under 49 CFR 236.1009(d)(3), FRA maintains the authority to approve or disapprove the PTCSP at its 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](https://www.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.

[FR Doc. 2022-24394 Filed 11-8-22; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations

**AGENCY:** Federal Transit Administration (FTA), Department of Transportation (DOT).

**ACTION:** Notice of calendar year 2023 random drug and alcohol testing rates.

**SUMMARY:** This notice announces the calendar year 2023 drug and alcohol random testing rates for specific recipients of FTA financial assistance. The minimum random drug testing rate will remain at 50 percent, and the random alcohol testing rate will remain at 10 percent.

**DATES:** Applicable Date: January 1, 2023.  
**FOR FURTHER INFORMATION CONTACT:** Iyon Rosario, Drug and Alcohol Program Manager in the Office of Transit Safety and Oversight, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: 202-366-2010 or email: [Iyon.Rosario@dot.gov](mailto:Iyon.Rosario@dot.gov)).

**SUPPLEMENTARY INFORMATION:** On January 1, 1995, FTA required large transit employers to begin drug and alcohol testing of employees performing safety-sensitive functions, and to submit annual reports by March 15 of each year beginning in 1996, pursuant to drug and alcohol regulations adopted by FTA at 49 CFR parts 653 and 654 in February 1994. The annual report includes the number of employees who had a verified positive test for the use of prohibited drugs, and the number of employees who tested positive for the misuse of alcohol during the reported year. Small employers commenced the required testing on January 1, 1996, and began reporting the same information as the large employers beginning March 15, 1997.

FTA updated the testing rules by merging them into a new 49 CFR part 655, effective August 1, 2001 (66 FR 42002). The regulation maintained a random testing rate for prohibited drugs at 50 percent and the misuse of alcohol at 10 percent. The Administrator may lower the random testing rate to 25 percent if the violation rates drop below 1.0 percent for drug testing and 0.5 percent for alcohol testing for two consecutive years. Accordingly, in 2007, FTA reduced the random drug testing rate from 50 percent to 25 percent (72 FR 1057). In 2018, however, FTA returned the random drug testing rate to 50 percent for calendar year 2019 based on verified industry data for calendar year 2017, which showed that the rate had exceeded 1 percent (83 FR 63812).

Pursuant to 49 CFR 655.45, the Administrator's decision to determine the minimum annual percentage rate for random drug and alcohol testing is based, in part, on the reported positive drug and alcohol violation rates for the entire public transportation industry. The information used for this determination is drawn from the Drug and Alcohol Management Information System (MIS) reports required by 49 CFR 655.72. To ensure the reliability of the data, the Administrator must consider the quality and completeness of the reported data, may obtain additional information or reports from employers, and may make appropriate modifications in calculating the industry's verified positive results and violation rates.

For calendar year 2023, the Administrator has determined that the minimum random drug testing rate for covered employees will remain at 50 percent based on a verified positive rate for prohibited drug use of 0.99 percent for calendar year 2021 and 1.08 percent for calendar year 2020. Further, the Administrator has determined that the minimum random alcohol testing rate for calendar year 2023 will remain at 10 percent, because the violation rate again was lower than 0.5 percent for calendar years 2020 and 2021. The random alcohol violation rates were 0.17 percent for 2020 and 0.13 for 2021.

Detailed reports on FTA's drug and alcohol testing data collected from transit employers may be obtained from FTA, Office of Transit Safety and Oversight, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 366-2010, or at: <https://transit-safety.fta.dot.gov/DrugAndAlcohol/Publications/Default.aspx>.

**Nuria I. Fernandez,**  
 Administrator.

[FR Doc. 2022-24379 Filed 11-8-22; 8:45 am]

**BILLING CODE 4910-57-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No: PHMSA-2022-0123]

#### Pipeline Safety: Notice of Availability of the Tier 1 Nationwide Environmental Assessment for the Natural Gas Distribution Infrastructure Safety and Modernization Grant Program

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

**ACTION:** Notice.

**SUMMARY:** PHMSA announces the availability for public review and comment on the Natural Gas Distribution Infrastructure Safety and Modernization (NGDISM) Grant Program Tier 1 Nationwide Environmental Assessment. PHMSA is using a programmatic, tiered environmental analysis to: describe the effects of implementing the NGDISM Grant Program and ensure that implementation of the NGDISM Grant Program at any project site complies with environmental laws and does not result in a significant environmental impact.

**DATES:** Interested persons are invited to submit comments on or before December 9, 2022. To the extent

possible, PHMSA will consider late-filed comments.

**ADDRESSES:** Comments should reference the Docket number for this notice 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 Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590-0001.

*Hand Delivery:* Room W12-140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

*Instructions:* Identify docket number PHMSA-2022-0123 at the beginning of your comments. To avoid duplication, please use only one of these four methods. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. You should know that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477) or visit <http://www.regulations.gov> before submitting any such comments.

*Docket:* For access to the docket or to read background documents or comments, go to <http://www.regulations.gov> or DOT's Docket Operations Office (see **ADDRESSES**). If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: "Comments on: PHMSA-2022-0123." The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

*Privacy Act Statement:* In accordance with 5 U.S.C. 553(c), DOT may solicit comments from the public regarding certain general notices. DOT posts these