

*Estimated Total Annual Burden:* 800 hours.

Issued in Kansas, Missouri, on March 06, 2023.

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[FR Doc. 2023-04886 Filed 3-9-23; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2000-7257, Notice No. 93]

#### Railroad Safety Advisory Committee; Notice of Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** FRA announces the sixty-fourth meeting of the Railroad Safety Advisory Committee (RSAC), a Federal Advisory Committee that provides advice and recommendations to FRA on railroad safety matters through a consensus process. This special meeting of the RSAC will focus on the events related to the February 3, 2023 freight train derailment in East Palestine, Ohio, and include a discussion of potential related safety improvements and possible RSAC tasks and actions.

**DATES:** The RSAC meeting is scheduled for Monday, March 27, 2023. The meeting will commence at 9:30 a.m. and will adjourn by 4:30 p.m. (all times Eastern Daylight Time). Requests to submit written materials to be reviewed during the meeting must be received by March 17, 2023. Requests for accommodations because of a disability must be received by March 17, 2023.

**ADDRESSES:** The RSAC meeting will be held at the National Association of Home Builders, located at 1201 15th Street NW, Washington, DC 20005. A final agenda will be posted on the RSAC internet website at <https://rsac.fra.dot.gov/> at least one week in advance of the meeting. Please see the RSAC website for additional information on the committee at <https://rsac.fra.dot.gov/>.

**FOR FURTHER INFORMATION CONTACT:** Kenton Kilgore, RSAC Designated Federal Officer/RSAC Coordinator, FRA Office of Railroad Safety, (202) 365-3724 or [kenton.kilgore@dot.gov](mailto:kenton.kilgore@dot.gov). Any committee-related request should be sent to Mr. Kilgore.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal

Advisory Committee Act (Pub. L. 92-463), FRA is giving notice of a meeting of the RSAC. The RSAC is composed of 51 voting representatives from 26 member organizations, representing various rail industry perspectives. The diversity of the Committee ensures the requisite range of views and expertise necessary to discharge its responsibilities.

**Public Participation:** The meeting is open to the public. Attendance is on a first-come, first served basis, and is accessible to individuals with disabilities. DOT and FRA are committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, please contact Mr. Kenton Kilgore as listed in the **FOR FURTHER INFORMATION CONTACT** section and submit your request by March 17, 2023. Any member of the public may submit a written statement to the committee at any time. If a member of the public wants the submit written materials to be reviewed by the committee during the meeting, it must be received by March 17, 2023.

**Agenda Summary:** This special meeting of the RSAC will focus on the events leading up to, during, and following the February 3, 2023 Norfolk Southern Railway Co. freight train derailment in East Palestine, Ohio, as well as suggested safety improvements, and possible RSAC tasks and actions. A detailed agenda for the meeting will be posted on the RSAC internet website at least one week in advance of the meeting. Copies of the minutes of past meetings, along with general information about the committee, are also available on the RSAC internet website at <https://rsac.fra.dot.gov/>.

Issued in Washington, DC.

**Amitabha Bose,**  
*Administrator.*

[FR Doc. 2023-04914 Filed 3-9-23; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Updated Civil Penalty Schedules and Guidelines

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

**ACTION:** Notice of availability.

**SUMMARY:** FRA is issuing this notice to advise all interested stakeholders that it has issued, and made available on its website, updated civil penalty schedules and guidelines (Schedules) to

account for inflation. This notice explains FRA's increase to its guideline rail safety civil penalty amounts. This notice also announces FRA's intent to adjust the civil penalty amounts line-by-line on an annual basis for inflation, after this adjustment.

#### FOR FURTHER INFORMATION CONTACT:

Veronica Chittim, Senior Attorney, Office of the Chief Counsel, telephone: 202-480-3410, email: [veronica.chittim@dot.gov](mailto:veronica.chittim@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

FRA is authorized as the delegate of the Secretary of Transportation to enforce the Federal railroad safety and hazardous materials transportation statutes, regulations, and orders, including the civil penalty provisions codified primarily at 49 U.S.C. chs. 51 and 213.<sup>1</sup> FRA currently has safety regulations in 36 parts of the Code of Federal Regulations (CFR) that contain provisions establishing the agency's authority to impose civil penalties if a person<sup>2</sup> violates any requirement in the pertinent portion of a statute, regulation, or order. Out of those 36 CFR parts, 32 contain civil penalty Schedules constituting a statement of agency policy. These Schedules were historically issued as an appendix to the relevant part of the CFR. In 2019, FRA relocated the existing Schedules from the CFR to FRA's website (<https://railroads.dot.gov/legislation-regulations/civil-penalties-schedules-guidelines>).<sup>3</sup> Since 2019, FRA has incorporated updates to the Schedules to account for regulatory changes, to reflect updated minimum and maximum statutory civil monetary penalty (CMP) amounts, and to add Schedules for FRA regulations (*i.e.*, 49 CFR parts 271 and 299).

FRA last published comprehensive, line-by-line revisions to the Schedules of its safety regulations in 1988.<sup>4</sup> The revisions reflected the higher maximum penalty amounts the Rail Safety Improvement Act of 1988 (RSIA of 1988) established.<sup>5</sup> With the exception of the penalties relating to the hours of service laws (49 U.S.C. ch. 211),<sup>6</sup> RSIA

<sup>1</sup> 49 U.S.C. 103 and 49 CFR 1.89; 49 U.S.C. chs. 51, 201-213.

<sup>2</sup> 49 CFR 209.3.

<sup>3</sup> 84 FR 23730 (May 23, 2019).

<sup>4</sup> 53 FR 52918 (Dec. 29, 1988).

<sup>5</sup> Pub. L. 100-342.

<sup>6</sup> The Rail Safety Enforcement and Review Act (RSERA) (Pub. L. 102-365, Sept. 3, 1992), increased the maximum penalty for a violation of the hours of service laws, from \$1,000 to \$10,000, and in some cases to \$20,000, making these penalty amounts consistent with those of FRA's other regulatory provisions. RSERA also increased the