

Recommended Actions

To improve train safety and reduce the risk of accidents, FRA recommends the following best practices:

1. Review and update train makeup policies, procedures, and guidelines to ensure they are comprehensive, effective, and current.
2. Ensure that all personnel involved in train makeup decisions and operations receive appropriate training, guidance, and supervision to effectively execute train makeup policies, procedures, and guidelines to ensure safe operations.
3. Establish a system to regularly monitor and assess train makeup practices, with a focus on identifying and addressing potential safety risks.
4. Encourage open communication and collaboration among all stakeholders, including train crews, dispatchers, yardmasters, and maintenance personnel, to ensure a comprehensive understanding of train makeup factors and their potential impact on safety. Personnel should be encouraged and empowered to adhere to train makeup policies, procedures, and guidelines, even if it delays a train.
5. Develop and implement strategies to mitigate the risks associated with train build factors, such as the proper use of distributed power, train length limitations, and other operational train handling practices.
6. Enhance incident investigation procedures to specifically address train makeup factors and their potential contribution to the cause of the incident.

FRA encourages freight railroads to take actions consistent with the preceding recommendations. FRA may modify this Safety Advisory 2023–02, issue additional safety advisories, or take other appropriate action necessary to ensure the highest level of safety on the Nation's railroads, including pursuing other corrective measures under its rail safety authority.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety
Chief Safety Officer.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2010–0030]

Massachusetts Bay Transportation Authority's Request To Amend Its 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 March 23, 2023, the Massachusetts Bay Transportation Authority (MBTA) submitted a request for amendment (RFA) to its FRA-certified positive train control (PTC) system in order to support the reconfiguration of its underlying Automatic Train Control (ATC) system on its commuter rail network. On MBTA's South Side, the ATC System in the area is being reconfigured requiring the PTC system to be taken out of service during the reconfiguration as well as during the recommissioning of the ATC system and MBTA's Advanced Civil Speed Enforcement System II (ACES II). FRA is publishing this notice and inviting public comment on MBTA's RFA to its PTC system.

DATES: FRA will consider comments received by May 1, 2023. 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–2010–0030. For convenience, all active PTC dockets are hyperlinked on FRA's website at <https://railroads.dot.gov/research-development/program-areas/train-control/ptc/railroads-ptc-dockets>. 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 PTC Safety Plan (PTCSP), a host railroad must submit, and obtain FRA's approval of, an RFA to its PTC system or 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 or discontinuance of a signal and train control system. Accordingly, this notice informs the public that, on December 21, 2022, MBTA submitted an RFA to its ACSES II system, which seeks FRA's approval to temporarily discontinue its PTC system to install Construction Zone (CZ) Transponders on MBTA's Middleboro Main Line segment between May and June 2023. That RFA is available in Docket No. FRA–2010–0030.

Interested parties are invited to comment on MBTA's RFA to its PTC system 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 PTC system 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.

[FR Doc. 2023-07559 Filed 4-10-23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2018-0066]

Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated March 3, 2023, BNSF Railway (BNSF) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 227 (Occupational Noise Exposure). The relevant Docket Number is FRA-2018-0066.

Specifically, BNSF requests to extend its relief from § 227.109, *Audiometric testing program*, to allow employees certified under parts 240 (Qualification and Certification of Locomotive Engineers) and 242 (Qualification and Certification of Conductors) to exceed 1,095 days between audiometric tests if they meet the hearing acuity timelines of §§ 240.217, *Time limitations for making determinations*, and 242.201, *Time limitations for certification*. BNSF seeks continued permission for certified employees to have up to 1,460 days between audiometric tests to alleviate possible employee confusion of having multiple hearing test requirements. In support of its petition, BNSF states that the relief will “reduce the impacts of regulatory overlap” and that the relief is supported by employees.¹ Additionally, BNSF states that it has successfully completed hearing conservation audits in 2009, 2014, 2020, and 2022, and it will “continue to offer annual testing and training in the spirit of the regulation’s intent to provide long-term surveillance and medical oversight” for certified employees.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

¹ To support this claim, BNSF cites the comment, dated September 24, 2018, from SMART-TD in the docket at <https://www.regulations.gov/comment/FRA-2018-0066-0004>.

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 at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by June 12, 2023 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), the U.S. Department of Transportation (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, 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.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2022-0108]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; Older Driver Rearview Video Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a reinstatement of previously approved information collection.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) summarized below will be submitted to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collection and its expected burden. NHTSA invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for a reinstatement with modification of a previously approved information collection request exploring older drivers’ use of rearview video systems (backing cameras). A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published. NHTSA received comments from one organization, which we address below.

DATES: Comments must be submitted on or before May 11, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of Management and Budget at www.reginfo.gov/public/do/PRAMain. To find this particular information collection, select “Currently under Review—Open for Public Comment” or use the search function.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Kathy Sifrit, Ph.D., Office of Behavioral Safety Research (NPD-320), (202) 366-9982, National Highway Traffic Safety Administration, W46-472, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted OMB.