

along with other provisions not found invalid or unenforceable, including as applied to persons not similarly situated or to dissimilar circumstances, unless such holding is that the provision of this subpart is invalid and unenforceable in all circumstances, in which event the provision shall be severable from the remainder of this subpart and shall not affect the remainder thereof.

(b) The provisions in § 155.20 with respect to the definition of “lawfully present” are intended to be severable from one another and from the definitions of “lawfully present” and “lawfully residing” that are established or cross-referenced in 42 CFR 435.4 and 457.320.

Dated: April 19, 2023.

**Xavier Becerra,**

*Secretary, Department of Health and Human Services.*

[FR Doc. 2023-08635 Filed 4-24-23; 4:15 pm]

BILLING CODE 4150-28-P

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### 49 CFR Parts 107, 171, 172, 173, 178, and 180

[Docket No. PHMSA-2020-0102 (HM-219D); Notice No. 2023-06]

RIN 2137-AF49

#### Hazardous Materials: Adoption of Miscellaneous Petitions and Updating Regulatory Requirements

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

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** On March 3, 2023, PHMSA published a notice of proposed rulemaking (NPRM), entitled “Hazardous Materials: Adoption of Miscellaneous Petitions and Updating Regulatory Requirements (HM-219D),” proposing changes to update, clarify, improve the safety of, or streamline various regulatory requirements. In response to a request for an extension of the comment period submitted by Worthington Industries, PHMSA is extending the comment period for the HM-219D NPRM for an additional 45 days. Comments to the HM-219D NPRM will now be due by June 16, 2023.

**DATES:** Comments should be received on or before June 16, 2023. To the extent possible, PHMSA will consider late-filed comments.

**ADDRESSES:** Comments should reference Docket No. PHMSA-2020-0102 (HM-219D) and may be submitted in the following ways:

- **Federal eRulemaking Portal:**

<https://www.regulations.gov>. Follow the instructions for submitting comments.

- **Fax:** 1-202-493-2251.

- **Mail:** Dockets Management System, U.S. Department of Transportation, Dockets Operations, M-30, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

- **Hand Delivery:** To the Docket Management System: Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

**Instructions:** All submissions must include the Agency name and Docket Number (PHMSA-2020-0102) for this notice at the beginning of the comment. To avoid duplication, please use only one of these four methods. All comments received will be posted without change to the Federal Docket Management System (FDMS) and will include any personal information you provide.

**Docket:** For access to the dockets to read associated documents or comments received, go to <https://www.regulations.gov> or DOT’s Docket Operations Office (see **ADDRESSES**).

**Privacy Act:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its process. DOT posts these comments without change, 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.dot.gov/privacy>.

**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 NPRM 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 NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN” for “proprietary information.” Submissions containing CBI should be sent to Steven Andrews, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC

20590-0001. Any commentary that PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

#### FOR FURTHER INFORMATION CONTACT:

Steven Andrews, Standards and Rulemaking Division, 202-366-8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

PHMSA published the HM-219D NPRM<sup>1</sup> on March 3, 2023, in response to 18 petitions for rulemaking submitted by the regulated community between May 2018 and October 2020 that requested PHMSA address a variety of provisions, including but not limited to those pertaining to packaging, hazard communication, and the incorporation by reference of certain documents. These proposed revisions maintain or enhance the existing high level of safety under the Hazardous Materials Regulations while providing clarity and appropriate regulatory flexibility in the transport of hazardous materials. On April 6, 2023, PHMSA received a comment to the HM-219D NPRM docket submitted by Worthington Industries requesting that PHMSA rescind certain elements of the HM-219D NPRM or (in the alternative) extend the comment period for responding to the NPRM.

##### II. Comment Period Extension

PHMSA initially provided a 60-day comment period for the HM-219D NPRM, which closes on May 2, 2023. In response to a request to extend the comment period from Worthington Industries, PHMSA is extending the comment period for an additional 45 days. The comment period will now close on June 16, 2023. This extension provides the public with an additional 45 days and should provide adequate opportunity for the public to submit comments; however, PHMSA may at its discretion extend the comment period further if necessary. To the extent possible, PHMSA will also consider late-filed comments.

<sup>1</sup> See *Hazardous Materials: Adoption of Miscellaneous Petitions and Updating Regulatory Requirements NPRM* [88 FR 13624] at <https://www.federalregister.gov/documents/2023/03/03/2023-03366/hazardous-materials-adoption-of-miscellaneous-petitions-and-updating-regulatory-requirements>.

Issued in Washington, DC, on April 20, 2023, under authority delegated in 49 CFR part 1.97.

**William S. Schoonover,**

*Associate Administrator of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.*

[FR Doc. 2023-08724 Filed 4-25-23; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### 49 CFR Part 673

[Docket No. FTA-2023-0007]

RIN 2132-AB44

#### Public Transportation Agency Safety Plans

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

**ACTION:** Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** The Federal Transit Administration (FTA) is proposing new requirements for Public Transportation Agency Safety Plans (PTASP) that include revised requirements for Agency Safety Plans (ASP), safety committees, cooperation with frontline transit worker representatives in the development of ASPs, safety risk reduction programs, safety performance targets, de-escalation training for certain transit workers, and addressing infectious diseases through the Safety Management System (SMS) process. FTA also proposes revisions to the regulation to coordinate and align with other FTA programs and safety rulemakings.

**DATES:** Comments should be filed by June 26, 2023. FTA will consider comments received after that date to the extent practicable.

**ADDRESSES:** You may send comments, identified by docket number FTA-2023-0007, by any of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for sending comments.
- **Fax:** (202) 493-2251.
- **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/Courier:** West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

**Instructions:** All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

**Docket:** For internet access to the docket to read background documents and comments received, go to <https://www.regulations.gov>. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Ave. SE, Docket Operations, M-30, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** For program matters, contact Stewart Mader, Office of Transit Safety and Oversight, (202) 366-9677 or [stewart.mader@dot.gov](mailto:stewart.mader@dot.gov). For legal matters, contact Heather Ueyama, Office of Chief Counsel, (202) 366-7374 or [heather.ueyama@dot.gov](mailto:heather.ueyama@dot.gov).

Office hours are from 8:30 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

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#### I. Executive Summary

##### A. Purpose of Regulatory Action

This Notice of Proposed Rulemaking (NPRM) proposes to amend the Public Transportation Agency Safety Plans (PTASP) regulation at 49 CFR part 673 with new requirements that would incorporate explicit statutory changes in the Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117-58; November 15, 2021). The Bipartisan Infrastructure Law amends FTA’s safety program at 49 U.S.C. 5329(d) by adding to the PTASP requirements for public transportation systems that receive Federal financial assistance under 49 U.S.C. chapter 53 (chapter 53).

In response to these statutory changes, this NPRM proposes several revisions to the PTASP regulation, including

requirements for the development, update, and approval of Agency Safety Plans (ASP); the establishment of a Safety Committee; cooperation with frontline transit worker representatives in the development of ASPs; the establishment of a safety risk reduction program for transit operations to improve safety by reducing the number and rates of safety events, injuries, and assaults on transit workers based on data submitted to the National Transit Database (NTD); the establishment of safety performance targets for risk reduction programs; the establishment of de-escalation training for certain transit workers; and the incorporation of guidelines from the CDC or a State health authority regarding exposure to infectious diseases into the agency’s SMS processes. FTA also proposes revisions to 49 CFR part 673 based on coordination and alignment with other FTA programs and forthcoming safety rulemakings.

Prior to publishing this NPRM, FTA engaged in stakeholder outreach regarding the new Bipartisan Infrastructure Law PTASP requirements. In accordance with the Department of Transportation’s Guidance on Communication with Parties outside of the Federal Executive Branch (Ex Parte Communications),<sup>1</sup> FTA has added a memorandum summarizing these communications to the docket for this rulemaking. Where FTA has incorporated stakeholder suggestions into its regulatory proposals, FTA discusses such suggestions in the corresponding sections below.

##### B. Statutory Authority

Congress directed FTA to establish a comprehensive Public Transportation Safety Program, one element of which is the requirement for PTASP, in the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112-141; July 6, 2012) (MAP-21), which was reauthorized by the Fixing America’s Surface Transportation Act (Pub. L. 114-94; December 4, 2015). To implement the requirements of 49 U.S.C. 5329(d), FTA issued a final rule on July 19, 2018, that added part 673, “Public Transportation Agency Safety Plans,” to title 49 of the Code of Federal Regulations (83 FR 34418).

The Bipartisan Infrastructure Law continues the Public Transportation Safety Program and adds to the PTASP requirements for public transportation systems that receive Federal financial assistance under chapter 53.

<sup>1</sup> Available at: <https://www.transportation.gov/regulations/memorandum-secretarial-officers-and-heads-operating-administrations>.