

exemption process, on the transportation merits of a project presenting serious questions like those raised here without more thoroughly evaluating those issues. The record in this proceeding on the overall financial viability of the project is significantly underdeveloped. Neither I nor the Board majority should be required to rely on reports in the media, which I have highlighted above, or on feasibility studies with all relevant data redacted, to make such an important decision on whether to approve construction of a rail line costing over a billion dollars through an environmentally sensitive area.

Rather than determining at this time that the Coalition's petition is ripe for decision, even preliminarily and piecemeal, the Board should require the Coalition to submit a complete and unredacted version of the R.L. Banks study, should insist that the Coalition elaborate on the projected demand for Uinta Basin oil in light of the global oil demand issues that have arisen since that study was completed, as discussed above, and should obtain more detail from the Coalition and DHIP Group on the reality of obtaining the necessary financing for the project, with or without obligating public funds, along with considering further input on these issues from the objectors.

I therefore find it premature for the Board to issue the decision the majority issues today. Though the *Decision* states that it "does not prejudge the Board's final decision, nor diminish the agency's environmental review process concerning the proposed line's construction," *Decision* 10, nevertheless, the far more prudent course of action for the Board here would be to defer any decision on whether an exemption is warranted and on the overall transportation merits until the environmental review process is complete and until the Coalition submits more persuasive evidence on the financial viability of the entire project.

I respectfully dissent.

**Jeffrey Herzig,**

*Clearance Clerk.*

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**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2021-0001]

#### Establishment of an Emergency Relief Docket for Calendar Year 2021

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

**ACTION:** Notice of establishment of public docket.

**SUMMARY:** This Notice announces the establishment of FRA's emergency relief docket (ERD) for calendar year 2021. The designated ERD for calendar year 2021 is docket number FRA-2021-0001.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION** section for further information regarding submitting petitions and/or comments to docket number FRA-2021-0001.

**SUPPLEMENTARY INFORMATION:** On May 19, 2009, FRA published a direct final rule establishing ERDs and the procedures for handling petitions for emergency waivers of safety rules, regulations, or standards during an emergency situation or event. 74 FR 23329. That direct final rule became effective on July 20, 2009 and made minor modifications to 49 CFR 211.45 in FRA's Rules of Practice in 49 CFR part 211. Section 211.45(b) provides that each calendar year FRA will establish an ERD in the publicly accessible DOT docket system (available at [www.regulations.gov](http://www.regulations.gov)). Section 211.45(b) further provides that FRA will publish a notice in the **Federal Register** identifying by docket number the ERD for that year. FRA established the ERD and emergency waiver procedures to provide an expedited process for FRA to address the needs of the public and the railroad industry during emergency situations or events. This Notice announces the designated ERD for calendar year 2021 is docket number FRA-2021-0001.

As detailed in § 211.45, if the FRA Administrator determines an emergency event as defined in 49 CFR 211.45(a) has occurred, or that an imminent threat of such an emergency occurring exists, and public safety would benefit from providing the railroad industry with operational relief, the emergency waiver procedures of 49 CFR 211.45 will go into effect.<sup>1</sup> In such an event, the FRA

<sup>1</sup> Given the ongoing nature of the coronavirus disease 2019 (COVID-19) public health emergency, FRA considers the FRA Administrator's March 13, 2020, emergency declaration in docket number FRA-2020-0002 to be in effect until it is specifically rescinded by the Administrator. See <https://www.regulations.gov/document?D=FRA->

Administrator will issue a statement in the ERD indicating the emergency waiver procedures are in effect and FRA will make every effort to post the statement on its website at [railroads.dot.gov](http://railroads.dot.gov). Any party desiring relief from FRA regulatory requirements as a result of the emergency should submit a petition for emergency waiver under 49 CFR 211.45(e) and (f). Specific instructions for filing petitions for emergency waivers under 49 CFR 211.45 are found at 49 CFR 211.45(f). Specific instructions for filing comments in response to petitions for emergency waivers are at 49 CFR 211.45(h).

#### Privacy

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), 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](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.transportation.gov/privacy](http://www.transportation.gov/privacy). See also [www.regulations.gov/privacyNotice](http://www.regulations.gov/privacyNotice) for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety Chief Safety Officer.*

[FR Doc. 2021-00142 Filed 1-7-21; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-1999-6439, Notice No. 27]

#### Adjustment of Nationwide Significant Risk Threshold

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

**ACTION:** Notice of adjustment of Nationwide Significant Risk Threshold.

**SUMMARY:** FRA is updating the Nationwide Significant Risk Threshold (NSRT) for purposes of FRA's regulation on the Use of Locomotive Horns at Public Highway-Rail Grade Crossings. This action is needed to ensure the

2020-0002-0002. However, any new requests for relief related to COVID-19 should be submitted to the 2021 ERD (FRA-2021-0001).

public has the proper permissible risk threshold to evaluate risk resulting from prohibiting routine locomotive horn sounding at highway-rail grade crossings located in quiet zones. This is the ninth update to the NSRT and it is increasing from 13,811 to 15,488.

**DATES:** The applicable date of this notice is January 8, 2021.

**FOR FURTHER INFORMATION CONTACT:**

James Payne, Staff Director, Highway-Rail Crossing and Trespasser Programs Division (telephone: 202-493-6005, email: [james.payne@dot.gov](mailto:james.payne@dot.gov)); or Kathryn Gresham, Attorney Adviser, Office of the Chief Counsel (telephone: 202-493-6063, email: [kathryn.gresham@dot.gov](mailto:kathryn.gresham@dot.gov)).

**SUPPLEMENTARY INFORMATION:**

**Background**

The NSRT is an average of the risk indexes for gated public crossings nationwide where train horns are routinely sounded. FRA developed this risk index to serve as one threshold of permissible risk for quiet zones established across the nation under 49 CFR part 222, Use of Locomotive Horns at Public Highway-Rail Grade Crossings. Thus, a community trying to establish and/or maintain its quiet zone, under 49 CFR part 222, can compare the Quiet Zone Risk Index calculated for its specific crossing corridor to the NSRT to determine whether sufficient measures have been taken to compensate for the excess risk that results from prohibiting routine sounding of the locomotive horn. In the alternative, a community can establish its quiet zone in

comparison to the Risk Index With Horns, which is defined in 49 CFR 222.9 as a measure of risk to the motoring public when locomotive horns are routinely sounded at every public highway-rail grade crossing within a quiet zone.

FRA has periodically updated the NSRT since 2006. FRA last updated the NSRT in 2019 to be 13,811. 84 FR 22562, May 17, 2019.

**New NSRT**

Using collision data over a 5-year period from 2015 to 2019, FRA has recalculated the NSRT based on formulas identified in 49 CFR part 222, appendix D. In making this recalculation, FRA noted the total number of gated crossings nationwide where train horns are routinely sounded was 48,607.

$$\text{Fatality Rate} = \frac{\text{Fatalities}}{\text{Fatal Incidents}} = \frac{295}{245} = 1.2041$$

$$\text{Injury Rate} = \frac{\text{Injuries in Injury-Only Incidents}}{\text{Injury-Only Incidents}} = \frac{1023}{663} = 1.5430$$

Applying the fatality rate and injury rate to the probable number of fatalities and injuries predicted to occur at each of the 48,607 identified crossings, and the predicted cost of the associated injuries and fatalities, FRA calculates the NSRT to be 15,488. Accordingly, this updated NSRT value will serve as one threshold of permissible risk for quiet zones established across the nation pursuant to 49 CFR part 222.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety, Chief Safety Officer.*

[FR Doc. 2021-00155 Filed 1-7-21; 8:45 am]

**BILLING CODE** 4910-06-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

[Docket No. FRA-2020-0027-N-39]

**Proposed Agency Information Collection Activities; Comment Request**

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

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** Under the Paperwork Reduction Act of 1995 (PRA), this notice announces that FRA is forwarding the

Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On October 5, 2020, FRA published a notice providing a 60-day period for public comment on the ICR.

**DATES:** Interested persons are invited to submit comments on or before February 8, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed ICR should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular ICR by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kim Toone, Information Collection Clearance Officer, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: (202) 493-06132) or [kim.toone@dot.gov](mailto:kim.toone@dot.gov).

**SUPPLEMENTARY INFORMATION:** The PRA, 44 U.S.C. 3501-3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages.

See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On October 5, 2020, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICR for which it is now seeking OMB approval. See 85 FR 62798. FRA received no comments in response to this 60-day notice.

Before OMB decides whether to approve the proposed collection of information, it must provide 30 days for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)-(c); 5 CFR 1320.10(b); see also 60 FR 44978, 44983, Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICR regarding: (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA’s estimates of the burden of the information collection activities, including the validity of the