

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 November 8, 2021 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 [regulations.gov](http://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

Federal Railroad Administration

[Docket Numbers FRA-2010-0028, -0029, -0039, -0042, -0043, -0045, -0048, -0051, -0054, -0056, -0057, -0058, -0059, -0060, -0061, -0062, -0064, -0065, and -0070]

Railroads' Requests To Amend Their Positive Train Control Safety Plans and Positive Train Control Systems

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 nineteen host railroads recently submitted requests for amendments (RFA) to their FRA-approved Positive Train Control Safety Plans (PTCSP). As these RFAs may

involve requests for FRA's approval of proposed material modifications to FRA-certified positive train control (PTC) systems, FRA is publishing this notice and inviting public comment on railroads' RFAs to their PTCSPs.

DATES: FRA will consider comments received by October 14, 2021. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to PTC systems.

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 numbers for the host railroads that filed RFAs to their PTCSPs are cited above and in the Supplementary Information section of this notice. 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.

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 49 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 PTCSP, a host railroad must submit, and obtain FRA's approval of, an RFA to its PTCSP under Title 49 Code of Federal Regulations (CFR) Section 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 of a signal and train control system. Accordingly, this notice informs the public that host railroads' recent RFAs to their PTCSPs are available in their respective public PTC dockets, and this notice provides an opportunity for public comment on these RFAs.

On September 10, 2021, the following 19 host railroads jointly submitted an

RFA to their respective PTCSPs for their Interoperable Electronic Train Management Systems (I-ETMS): Alaska Railroad Corporation (ARR), The Belt Railway Company of Chicago (BRC), BNSF Railway (BNSF), Caltrain (PCMZ), Canadian National Railway (CN), Canadian Pacific Railway (CP), Consolidated Rail Corporation (CRSH), CSX Transportation, Inc. (CSX), Kansas City Terminal Railway (KCT), Kansas City Southern Railway (KCS), National Passenger Railroad Corporation (Amtrak), New Mexico Rail Runner Express (NMRX), Northeast Illinois Regional Commuter Railroad Corporation (Metra), Northern Indiana Commuter Transportation District (NICD), Norfolk Southern Railway (NS), South Florida Regional Transportation Authority (SFRV), Southern California Regional Rail Authority (Metrolink), Terminal Railroad Association of St. Louis, and Union Pacific Railroad (UP). Their joint RFA is available in Docket Numbers FRA-2010-0028, -0029, -0039, -0042, -0043, -0045, -0048, -0051, -0054, -0056, -0057, -0058, -0059, -0060, -0061, -0062, -0064, -0065, and -0070.

Interested parties are invited to comment on any RFAs to railroads' PTCSPs by submitting written comments or data. During FRA's review of railroads' RFAs, 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 PTC systems. 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 railroads' RFAs to their PTCSPs 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](http://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.

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2021-0012]

Request for Information on Transit Worker Safety

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

ACTION: Request for information.

SUMMARY: The Federal Transit Administration (FTA) administers the Public Transportation Safety Program (Safety Program) to improve the safety performance of the Nation's transit systems. FTA adopted the principles and methods of Safety Management Systems (SMS) as the foundation of the Safety Program. FTA uses SMS processes and activities to proactively identify and address safety risk at the industry level. Through this Request for Information (RFI), FTA solicits public input regarding safety topics that affect transit workers in two areas: Rail transit Roadway Worker Protection (RWP) and transit worker assault prevention. FTA will use this information to evaluate potential actions to mitigate the identified safety risk for transit workers.

DATES: Comments are requested by November 23, 2021.

ADDRESSES: You may file comments identified by docket number FTA-2021-0012 by any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov> and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Ave. SE, between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* (202) 493-2251.

Instructions: For detailed instructions on submitting comments, see the Public Participation heading of the

SUPPLEMENTARY INFORMATION section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Privacy Act: Except as provided below, all comments received into the docket will be made public in their entirety. The comments will be searchable by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You should not include information in your comment that you do not want to be made public. You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or at <https://www.transportation.gov/privacy>.

FOR FURTHER INFORMATION CONTACT: Ray Biggs, Office of Transit Safety and Oversight—Safety Assurance and Risk Management Division, 1200 New Jersey Avenue SE, Mail Stop TSO-10, Washington, DC 20590, (202) 366-4043 or Ray.Biggs@dot.gov.

SUPPLEMENTARY INFORMATION: In August 2016, FTA published the Public Transportation Safety Program regulation, 49 CFR part 670, adopting the principles and methods of SMS and clarifying that FTA will follow these principles and methods in its development of rules, regulations, policies, guidance, best practices, and technical assistance administered under the authority of 49 U.S.C. 5329.

FTA expanded its safety oversight capabilities by establishing an internal SMS approach for identifying transit safety hazards and mitigating safety risk. In 2019, FTA implemented its Safety Risk Management (SRM) process to proactively address safety concerns impacting the transit industry. The SRM process follows a five-step approach: (1) Identify safety concerns; (2) assess safety risk; (3) develop mitigation; (4) implement mitigation; and (5) monitor safety performance. As a result of the first two steps, FTA may develop and advance appropriate mitigations to address a safety risk, such as proposed safety regulations, general or special directives, safety advisories, or technical assistance and training activities.

FTA is currently analyzing two safety concerns utilizing its SRM process related to transit worker safety: RWP and transit worker assault prevention. FTA has observed that transit agencies have worked to improve transit worker safety in both safety concern areas through new technologies, increased training, and the establishment of new rules and procedures.

Rail Transit Roadway Worker Protection

An RWP program is a rail transit agency's (RTA) approach to ensuring

worker safety during tasks conducted on or about the transit roadway, such as track inspections. These programs are designed to protect workers from the movement of trains, as well as other hazards on the roadway, like electrified third rail. Some programs include redundant protections, or protections beyond the workers' ability to detect a train.

FTA categorizes redundant protection into two main groups, physical and procedural. Physical redundant protections are technological or mechanical interventions that physically stop a train from striking a roadway worker, such as a derailer or shunt in the signal system. Procedural redundant protections are rules-based interventions that rely on worker training and compliance, such as the use of foul time to clear the track for workers.

The National Transportation Safety Board (NTSB) and Transit Advisory Committee for Safety (TRACS) recommended that FTA take action to address safety concerns associated with RWP. The NTSB included "Improving Rail Worker Safety" in its 2021-2022 Most Wanted List, which identified FTA's lack of RWP regulations, as well as concerns about a lack of redundant protections and deficiencies in agency RWP training programs. TRACS developed eight RWP recommendations in the final report submitted in September 2020, which included minimum safety rules and requirements, as well as research and best practices for RWP.

Transit Worker Assault Prevention

TRACS also recommended actions to address transit worker assault. FTA continues to explore options for potential FTA actions to address this concern. From 2010 to 2020, FTA has noted an average annual increase of 17 percent in the rate of all security events reported to the National Transit Database (NTD) per passenger boarding. There also has been an increase in the rate of assaults on transit operators, defined by the NTD as the personnel (other than security agents) scheduled to be aboard vehicles in revenue operations, including vehicle operators, conductors, and ticket collectors. Based on a review of NTD data, FTA also notes that other transit workers such as station managers, who do not meet the NTD definition of operators but are public-facing, also experience assaults in transit systems.

For the purposes of this RFI, in discussing transit worker assault, FTA will use definitions established in the NTD. The NTD defines assault as "an