

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****[Docket Number FRA–2022–0017]****Petition for Modification of Standards and Alternate Compliance**

Under part 232 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on February 8, 2022, the HeritageRail Alliance (HRA) (co-sponsored jointly by the Railroad Passenger Car Alliance (RPCA)) petitioned the Federal Railroad Administration (FRA) for a modification of standards and alternate compliance in accordance with 49 CFR 232.307, *Modification of brake test procedures*, pertaining to the Federal railroad safety regulations contained at 49 CFR 232.717, *Freight and passenger train car brakes*. FRA assigned the petition Docket Number FRA–2022–0017.

Specifically, HRA/RPCA requests a modification of standards and alternative compliance pursuant to 49 CFR 232.717(d) using HRA Recommended Practice RP–001–21, which includes proposed alternate compliance methods to fulfill the requirements of § 232.717, *Freight and passenger train car brakes*.<sup>1</sup> HRA states that many tourist/museum operations employ obsolete equipment types that are not subject to current Association of American Railroads (AAR) Interchange Rules, nor any other currently published maintenance standard, and that in recent years the maintenance of railroad mechanical systems has moved away from prescribed periodic attention to performance based systems, and that the assurance of safety is achieved by employing more frequent periodic testing (primarily single car tests) to detect degradation of performance. Railroads have also identified opportunities to extend service intervals through application of newer materials, and as tourist and excursion equipment is often used infrequently, extended service periods may be warranted. The Recommended Practice includes justification of the reduction of cleaning, oiling, testing, and stenciling periods (an activity that in itself can degrade the performance and service life of the equipment), and provides documentation guides on the operating history to assure compliance with the conditions of the extension.

A copy of the petition, as well as any written communications concerning the

petition, is available for review online at [www.regulations.gov](http://www.regulations.gov).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments.

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 May 6, 2022 will be considered by FRA before final action is taken. Pursuant to § 232.307(d), if no comment objecting to the requested modification is received during the 60-day comment period, or if FRA does not issue a written objection to the requested modification, the modification will become effective May 23, 2022.

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](http://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](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 Number FRA–2007–0007]****Petition for Expansion of Waiver of Compliance**

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on July 9, 2020, SMS Rail Service (SLRS) petitioned the Federal Railroad Administration (FRA) to expand a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part

223 (Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses). The relevant FRA Docket Number is FRA–2007–0007.

Specifically, SLRS requests to expand its existing relief from 49 CFR 223.11, *Requirements for existing locomotives*, for locomotive SLRS 308, which is currently operated within the Pureland Industrial Park in Bridgeport, New Jersey. SLRS requests to expand the service area to include Penn Warner Industrial Park in Morrisville, Pennsylvania. In support of its request, SLRS states that neither area has a history of vandalism or broken glass, nor overhead bridges or tunnels. Additionally, SLRS notes that track speeds are restricted speed not exceeding 10 miles per hour.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov).

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 April 21, 2022 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](http://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](http://www.regulations.gov).

<sup>1</sup> To view the Recommended Practice, see <https://www.regulations.gov/document/FRA-2022-0017-0001>.

Issued in Washington, DC.

**John Karl Alexy,**

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

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2022-0049]

#### Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: REEL ADVENTURE (Motor); Invitation for Public Comments

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before April 6, 2022.

**ADDRESSES:** You may submit comments identified by DOT Docket Number MARAD-2022-0049 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD-2022-0049 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2022-0049, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

*Note:* If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

**Instructions:** All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

#### FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-459, Washington, DC 20590. Telephone 202-366-5723, Email [James.Mead@dot.gov](mailto:James.Mead@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described in the application, the intended service of the vessel REEL ADVENTURE is:

—*Intended Commercial Use of Vessel:* “Fishing charter.”

—*Geographic Region Including Base of Operations:* “California.” (Base of Operations: San Pedro, CA)

—*Vessel Length and Type:* 44.8' Motor.

The complete application is available for review identified in the DOT docket as MARAD 2022-0049 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

#### Public Participation

##### *How do I submit comments?*

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

*Where do I go to read public comments, and find supporting information?*

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD-2022-0049 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

*Will my comments be made available to the public?*

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

*May I submit comments confidentially?*

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to [SmallVessels@dot.gov](mailto:SmallVessels@dot.gov). Include in the email subject heading “Contains Confidential Commercial Information” or “Contains CCI” and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

#### Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)