

provision of the Federal railroad safety regulations contained at 49 CFR 236.1005(c), *Hazard detectors*. FRA assigned the petition Docket Number FRA–2022–0092.

Specifically, LIRR is seeking relief from § 236.1005(c) because the Advanced Civil Speed Enforcement System II (ACSES II) Tunnel Collision Avoidance (TCA) package for LIRR's locomotives will not be completed before LIRR's commencement of its East Side Access passenger service and the opening of the Grand Central Madison tunnels. LIRR notes it has existing hazard detection, which protects against the misrouting of oversized trains, within LIRR's cab signaling and automatic train control system. LIRR also describes how its operating practices provide additional protection. LIRR is seeking a temporary waiver from § 236.1005(c) because LIRR's positive train control system, ACSES II, is currently not integrated with, and does not enforce, LIRR's hazard detector, as § 236.1005(c) otherwise requires.

Exhibit A to LIRR's petition describes the exact measures LIRR will use during the period of its temporary waiver, if granted, to ensure oversized trains are not routed to, and do not enter, the tunnels. LIRR also explains that “[a]s soon as the new ACSES software which includes the TCA functionality can be deployed to the LIRR rolling stock fleet, [positive train stop (PTS)] enforcement at permissive aspects for oversized LIRR trains will be provided.” LIRR's petition for a waiver also includes a statement of no objection from Amtrak, its applicable tenant railroad.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at <https://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 <https://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by November 15, 2022, will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Given the urgent nature of this waiver request and the resulting abbreviated comment period, FRA will be holding a virtual question and answer session on November 7, 2022, from 3:00 p.m. to 7:00 p.m. EST. During this session, FRA will be available to answer technical questions relating to LIRR's waiver petition. Please use the following link to

obtain further information regarding this virtual question and answer session: <https://railroads.dot.gov/LIRR-ESA-PTC-waiver>.

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 <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 also <https://www.regulations.gov/privacy-notice> for the privacy notice of *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 No. FRA–2010–0056]

BNSF Railway Company's Request To Amend Its Positive Train Control Safety Plan and 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 October 5, 2022, BNSF Railway Company (BNSF) submitted an updated request for amendment (RFA) to its FRA-approved Positive Train Control Safety Plan (PTCSP). As this RFA may involve a request for FRA's approval of proposed material modifications to an FRA-certified positive train control (PTC) system, FRA is publishing this notice and inviting public comment on the railroad's RFA to its PTCSP.

DATES: FRA will consider comments received by November 10, 2022. 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–2010–0056. 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 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 PTCSP, a host railroad must submit, and obtain FRA's approval of, an RFA to its 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 of a signal and train control system. Accordingly, this notice informs the public that, on October 5, 2022, BNSF submitted an updated RFA to its PTCSP for its Interoperable Electronic Train Management System (I-ETMS) and that updated RFA is available in Docket No. FRA–2010–0056. BNSF initially submitted the RFA to its PTCSP on September 2, 2022, and subsequently submitted an updated version of its RFA and PTCSP on October 5, 2022, in response to FRA's feedback, which noted the need to satisfy the RFA content requirements under 49 CFR 236.1021(m).

In summary, BNSF's RFA proposes two modifications to its PTCSP. First, BNSF proposes to incorporate into its PTCSP information about its use of its Integrated Locomotive Computer as a speed source, which FRA already approved in a previous joint RFA on September 1, 2021.

Second, pursuant to the authority at 49 CFR 236.1006(b)(5)(vii), BNSF is proposing to utilize certain alternative procedures instead of the default procedures under § 236.1006(b)(5), which permits the operation of a locomotive or train without an onboard PTC apparatus in certain circumstances. Under 49 CFR 236.1006(b)(5)(vii), FRA's regulations permit a railroad to propose such alternative procedures in its RFA and/or PTCSP. For example, as detailed in BNSF's updated RFA and PTCSP, BNSF is seeking to replace the default procedures under § 236.1006(b)(5)(i) and (ii). Specifically, BNSF proposes to use the exception under § 236.1006(b)(5) to perform short freight movements, within a single control point (measured by one home signal to the opposing home signal) at restricted speed, where no other trains may enter the control point during the excepted movement. In its RFA, BNSF further discusses the existing exception requirements and alternative procedures it will comply with when performing excepted movements under 49 CFR 236.1006(b)(5).

Interested parties are invited to comment on BNSF's RFA to its PTCSP 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 PTCSP 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.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2002-13398]

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 on September 14, 2022, the Hillsborough Transit Authority (HART) 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 parts 240 (Qualification and Certification of Locomotive Engineers) and 242 (Qualification and Certification of Conductors). The relevant FRA Docket Number is FRA-2002-13398.

Specifically, HART requests to extend its existing relief related to the shared use operation of its TECO Line Streetcar System at a "limited connection" with track operated by CSX Transportation (CSXT) in Tampa, Florida. HART states that two FRA inspections of the 14th Street shared at grade rail-rail crossing have been completed in the previous five years and all reports show no exceptions. HART also notes that the standard operating procedure at this interlocking location was updated in 2017 with the cooperation of CSXT, and reviewed in August 2022.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at 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 December 20, 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, 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.

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-2017-0104]

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 on September 20, 2022, Caltrain 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 238, Passenger Equipment Safety Standards. The relevant FRA Docket Number is FRA-2017-0104.

Specifically, Caltrain seeks to extend its waiver of compliance from a portion of 49 CFR 238.113(a)(2), *Emergency window exits*, for the Caltrain Electric Multiple Unit restroom car. The Americans with Disabilities Act (ADA)-compliant restroom facility extends from the exterior side door to nearly the centerline of the car, thus precluding the placement of the emergency window exit in this quadrant of the car in the lower main level. Caltrain states that it believes the intent of the emergency window requirement is met, as the position of the window provides the