

(and equivalent to) the 4R Act protections.

However, in consideration of these comments, FRA has made four modifications to the FRA Guidance. First, section 2 of the FRA Guidance now includes a sentence clearly stating that a grant recipient is responsible for ensuring compliance with the employee protections. Second, a new section 2(b) of the FRA Guidance requires a grant recipient to incorporate into an agreement, new or existing, with a railroad owning rights-of-way the requirement that the railroad notify its employees (and their representatives) of the project funded with financial assistance subject to 49 U.S.C. 22905(c) and the applicability of the employee protections. Third, a new section 2(c) of the FRA Guidance permits any railroad employee (or their representatives) to notify the grant recipient of a dispute or controversy related to these employee protections. Fourth, FRA has modified subsection 8(a) and section 9 to provide a clear mechanism for a railroad employee (or its representative) to dispute whether it would be affected by a project, including the ability to refer the dispute to arbitration. FRA believes this clarification will help address comments regarding the applicability of the protections in instances where a grant recipient contracts directly with a third party (and not the applicable railroad). Together, these four changes clarify the grant recipient's obligations to: ensure compliance with the employee protections; ensure railroad employees and their representatives are on notice of projects subject to the protections; ensure railroad employees and their representatives can notify the grant recipient of any dispute relating to the protections; and provide a mechanism to resolve disputes as to whether a railroad employee is affected by a project.

A commenter suggested that the FRA Guidance should also apply to post-construction maintenance activities relating to Federally financed construction projects subject to the grant conditions described in section 22905(c). FRA disagrees. Pursuant to section 22905(c)(2)(B), the protections apply to those actions "taken in connection" with the project. FRA understands this language to limit the protections to the activities necessary to complete the project funded with FRA financial assistance. The protections do not extend to activities, like maintenance, that follow the completion of the project and which are not funded by FRA's financial assistance.

FRA made several additional revisions to the proposed guidance. One

commenter requested that the "Average Monthly Time" used to calculate displacement allowances be based on hours worked rather than days worked. FRA agrees with this change and modified subsection 1(b) accordingly. A commenter also requested that FRA revise the definition of the term "Dismissed Employee" to include employees who are "unable to secure another position by exercise of their seniority rights," rather than the proposed language that excluded employees who "can secure another position by exercise of their seniority rights." FRA agrees with this change and modified subsection 1(c) accordingly. A commenter also requested that FRA revise subsection 4(b)(ii) of the FRA Guidance, titled "Subject of Negotiations," to clarify that changes to infrastructure, including rights-of-way, track, and signal and crossing systems, that may result in dismissal or displacement of protected employees or rearrangement of forces involving such employees shall be subject to review and negotiation by the parties to the extent necessary to ensure compliance with the FRA Guidance. FRA agrees with this proposed change and modified subsection 4(b)(ii) accordingly.

Issued in Washington, DC  
**Allison Ishihara Fultz,**  
*Chief Counsel.*

[FR Doc. 2022-25882 Filed 11-25-22; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Safety Advisory 22-3 Steering Gearbox Bolt Failure

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

**ACTION:** Notice of Safety Advisory.

**SUMMARY:** The Federal Transit Administration (FTA) is issuing Safety Advisory 22-3 to recommend that transit agencies identify Nova Bus models manufactured in 2018 or later that use a Bosch steering gearbox affixed to the vehicle frame through a mounting plate and perform inspections, as recommended by Nova Bus. In addition, FTA recommends that any transit agency that identifies buses equipped with this mounting plate assembly submit a summary of their findings to FTA. FTA Safety Advisory 22-3 "Steering Gearbox Bolt Failure" is available in its entirety on FTA's Safety Advisory website: ([https://](https://www.transit.dot.gov/regulations-and-guidance/safety/fta-safety-advisories)

[www.transit.dot.gov/regulations-and-guidance/safety/fta-safety-advisories](https://www.transit.dot.gov/regulations-and-guidance/safety/fta-safety-advisories)).

**DATES:** FTA recommends that transit agencies perform the actions described in SA 22-3 by December 13, 2022. In addition, FTA recommends that affected transit agencies submit a summary of their findings to FTA via email at [FTASystemSafety@dot.gov](mailto:FTASystemSafety@dot.gov) by January 12, 2023.

**FOR FURTHER INFORMATION CONTACT:** Joseph DeLorenzo, Associate Administrator for Transit Safety and Oversight and Chief Safety Officer, telephone (202) 366-1783 or [Joseph.DeLorenzo@dot.gov](mailto:Joseph.DeLorenzo@dot.gov).

*Authority:* 49 U.S.C. 5329; 49 CFR 1.91 and 670.29.

**Veronica Vanterpool,**  
*Deputy Administrator.*

[FR Doc. 2022-25896 Filed 11-25-22; 8:45 am]

**BILLING CODE 4910-57-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket No. DOT-OST-OST-2022-0131]

#### Privacy Act of 1974; System of Records

**AGENCY:** Office of the Departmental Chief Information Officer, Office of the Secretary of Transportation, DOT.

**ACTION:** Notice of a new system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, the Department of Transportation (DOT) proposes to establish a new system of records (hereafter referred to as "Notice") titled, "Department of Transportation, Federal Aviation Administration DOT/FAA 855 Science, Technology, Engineering, and Math (STEM) Aviation and Space Education (AVSED) Outreach Program." This system of records allows the Federal Aviation Administration (FAA) to collect, use, maintain, and disseminate the records needed for students, parents, teachers, and other similar educators to register for outreach events and contests that are hosted by the FAA. This includes collecting, using, maintaining, and disseminating information when complying with the Children's Online Privacy Protection Act of 1998 (COPPA), 15 U.S.C. 6501-6506 (2001) requirement to obtain parental consent. Additionally, this system of records will provide FAA with a means to document participation, and completion of FAA outreach events and contests.

**DATES:** Submit comments on or before December 28, 2022. The Department