

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration**

[Docket No. FRA–2024–0005]

**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) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Request (ICR) summarized below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On April 2, 2024, 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 September 23, 2024.

**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 the particular ICR by selecting “Currently under Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Ms. Arlette Mussington, Information Collection Clearance Officer, at email: [arlette.mussington@dot.gov](mailto:arlette.mussington@dot.gov) or telephone: (571) 609–1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: [joanne.swafford@dot.gov](mailto:joanne.swafford@dot.gov) or telephone: (757) 897–9908.

**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 April 2, 2024, FRA published a 60-day notice in the **Federal Register** soliciting public comment on the ICR for which it is now seeking OMB approval. See 89 FR 22767. FRA has received no comments related to the proposed collection of information.

Before OMB decides whether to approve this proposed collection of information, it must provide 30-days’ notice 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 1320.12(d); 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 methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

*Title:* FRA Workforce Development (WFD) Study on Performance Management Systems and Organizational Culture and Diversity.

*OMB Control Number:* 2130–NEW.

*Abstract:* This project is being conducted in response to a Broad Agency Announcement (BAA) topic released in 2020 entitled “Research in Response to Railroad Systems Issues Strategic Priorities.” FRA has released BAAs aimed at workforce training and development, developing educational and vocational pipelines, and addressing issues around equity and inclusivity within the rail industry. Existing research on demographics, organizational practices, and policies, as well as industry culture need to be updated to account for the profound changes in employment practices and workforce dynamics in the last few years, including inflation and supply chain issues. This data collection effort will improve the understanding of the current state of the industry and establish a baseline against which to measure future impacts.

The team conducting this research will survey and interview a cross-section of stakeholders familiar with the current culture in rail, about barriers to entry they see and experience as

impacting minority populations. Part of the data analysis will examine findings by employment position to determine if the views at the executive or managerial levels are similar or shared by individuals and staff in more entry-level positions. The research team will also review source documents and artifacts which show how the stakeholder’s performance management system was designed and how it is intended to work. Data will be collected and compiled from interviews and focus groups about how well the performance management system functions in practice, whether the intended use differs from actual use, and whether observed differences in use benefit or hinder efficacy in recruiting and retaining diverse talent.

The study focuses on performance management systems because there is evidence that organizational culture plays a significant role in shaping industry demographics. The findings from this research will provide a better understanding of how employees at various levels are affected by performance management systems and how these systems contribute to organizational culture. The project team will provide FRA with data and best practices that could be used to recommend workforce development initiatives, that may affect organizational culture, for rail organizations and other related industries. Therefore, the research will offer novel, actionable solutions for diversifying the rail workforce.

The main objectives in this study are to: (1) expand on research done to date and to gain a better understanding of the organizational culture and challenges in recruiting and retaining underrepresented individuals in the rail industry; (2) understand how employees at various levels are affected by performance management systems and organizational culture; and (3) examine and identify best practices for the use of performance management systems as a tool for equitable and diverse recruitment, development, retention, and promotion.

Primary users of this information will be those in the rail industry. The findings of this study will provide qualitative data on the current workforce culture in rail and how performance management systems may affect organizational culture. Industry stakeholders, FRA, and DOT may use this data to identify gaps, develop approaches, and create interventions/solutions to enhance workforce development initiatives for underrepresented groups.

FRA will publish the results of this study. A summary of the results may also be presented at technical meetings, such as the annual meeting of the Transportation Research Board, or at conferences/talks with professional associations such as the Women's Transportation Seminar and the American Public Transportation Association.

*Type of Request:* Approval of a new collection of information.

*Affected Public:* Rail stakeholders including those in labor positions, carrier management, research/academia, professional association staff, HR personnel, regulators, executive level staff, etc.

*Form(s):* FRA F 6180.278 and FRA F 6180.279.

*Respondent Universe:* Rail stakeholders including those in labor positions, carrier management, research/academia, professional association staff, human resources (HR) personnel, regulators, executive level staff, etc.

*Frequency of Submission:* On occasion.

*Total Estimated Annual Responses:* 95.

*Total Estimated Annual Burden:* 25 hours.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

*Authority:* 44 U.S.C. 3501–3520.

**Christopher S. Van Nostrand,**

*Deputy Chief Counsel.*

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**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No. FTA–2024–0007]

#### Notice of FTA's Review of Its Partial Waiver of Buy America Requirements for Vans and Minivans and Request for Comment

**AGENCY:** Federal Transit Administration, Department of Transportation.

**ACTION:** Notice; request for comment.

**SUMMARY:** The Federal Transit Administration (FTA) is seeking comment on an extension of its existing partial general nonavailability waiver for mass-produced, unmodified, non-ADA accessible vans and minivans. Following review and consideration of comments, FTA will determine whether to extend the waiver, modify the waiver, or allow the waiver to lapse.

**DATES:** Comments must be received by September 23, 2024. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** Please submit all comments electronically to the Federal eRulemaking Portal. Go to <https://www.regulations.gov> and follow the instructions for submitting comments.

*Instructions:* All submissions must refer to the Federal Transit Administration and the docket number at the top of this notice. Note that all submissions received, including any personal information provided, will be posted without change and will be available to the public at <https://www.regulations.gov>. You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000 (65 FR 19477), or at <https://www.transportation.gov/privacy>. Confidential Business Information may be protected following the procedures outlined at the end of this notice.

**FOR FURTHER INFORMATION CONTACT:** Jason Luebbers, FTA Attorney-Advisor, at (202) 366–8864 or [jason.luebbers@dot.gov](mailto:jason.luebbers@dot.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of this notice is to seek public comment on whether FTA should grant an extension to its October 25, 2022, partial general nonavailability waiver for mass-produced, unmodified vans and minivans (87 FR 64534). If not extended, the waiver will expire after October 24, 2024.

#### Background

On November 15, 2021, President Biden signed into law the Build America Buy America Act (BABA), enacted as Title IX of the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117–58, div. G, sections 70901–27). BABA requires Federal agencies periodically to review existing general applicability waivers of Buy America requirements by publishing in the **Federal Register** a notice that: (i) describes the justification for a general applicability waiver and (ii) requests public comments for a period of not less than 30 days on the continued need for the general applicability waiver. BABA section 70914(d).

Obtaining information through this notice and request for comment is consistent with the BABA requirement to review waivers of general applicability and will help FTA determine the current state of domestic production of vans and minivans prior to expiration of the partial general nonavailability waiver. Following the review of comments received, FTA will publish in the **Federal Register** a

determination on whether it will renew the general applicability waiver, modify the waiver, or allow it to lapse. Through this notice, FTA describes the original justification for its partial general nonavailability waiver for mass-produced unmodified non-ADA-accessible vans and minivans and seeks public comment on whether it continues to be justified.

#### Partial General Buy America Waiver for Vans and Minivans

Under FTA's Buy America statute (49 U.S.C. 5323(j)), FTA may obligate funds for a project to procure rolling stock only if the cost of components and subcomponents produced in the United States is more than 70 percent of the cost of all components of the rolling stock, and final assembly of the rolling stock occurs in the United States. 49 U.S.C. 5323(j)(2)(C). A manufacturer of rolling stock must submit to pre-award and post-delivery audits and independent inspections to verify its compliance with Buy America. 49 U.S.C. 5323(m).

On October 25, 2022, following multiple individual requests for a Buy America waiver for non-ADA-accessible vans or minivans that can be used in federally funded vanpool programs, FTA issued a partial, time-limited, general nonavailability waiver from the Buy America requirements. FTA issued a partial waiver to maximize the use of materials produced in the United States, consistent with Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers (86 FR 7475). Specifically, FTA waived the Buy America requirements for mass-produced, unmodified, non-ADA-accessible vans and minivans with seating capacity for at least six adults, not including the driver. Eligible vehicles, in lieu of applying the general Buy America standards for rolling stock, must meet the following qualifications:

(1) Final assembly must occur in the United States, as reported to the National Traffic Safety Administration (NHTSA) under the American Automobile Labeling Act (AALA); and

(2) The country of origin of the engine or motor must be the United States, as reported to NHTSA under the AALA. See 49 U.S.C. 32304 and 49 CFR part 583.

FTA planned for the waiver to expire two years after the date of issuance, or upon FTA's publication of a **Federal Register** notice rescinding the waiver after determining that a fully Buy America-compliant vehicle has become available, whichever occurred first. Unless FTA extends the waiver, the