

5. The Intellistop module type and/or subtype(s) involved in the crash or incident.

6. Information, if any, indicating that the Intellistop module is, or was, not working as intended, or caused confusion or a roadway hazard for either the consumer or other motorists.

Annual data. At the end of each 12-month period this exemption is in effect, the Applicant shall, within 60 days, submit a report detailing all information in its possession regarding crash rates and vehicle miles traveled by CMVs equipped with a module covered by this exemption. Additionally, the report shall specify the number and type of CMVs the Applicant is operating under the exemption, the module type or sub-type installed on each CMV, the affected lamps (rear clearance, identification, and/or brake lamps), the number of covered vehicles sold or transferred in ownership during the 12-month reporting period, and a statement certifying that any sold/transferred vehicle(s) have been restored to compliance with applicable FMVSSs and FMCSRs.

Meetings. The Applicant shall, at FMCSA's request, meet with FMCSA to answer questions regarding data and information provided by the Applicant under this exemption.

(v). *Early Termination.* The exemption is valid for 5 years from the date of issuance unless rescinded earlier by FMCSA. FMCSA will terminate the exemption if: (1) the Applicant fails to comply with the terms and conditions; (2) the exemption results in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

(vi). *Notification from the Public.* Interested parties possessing information that would demonstrate that Encore's CMVs equipped with Intellistop's pulsating rear-light module may not be achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

(vii). *Non-Endorsement.* This limited and conditional exemption does not constitute an endorsement of the Intellistop product by FMCSA, NHTSA, the U.S. DOT, or any of their components, or by any of these agencies' employees or agents. As a

condition of the continued effectiveness of this exemption, Intellistop is expressly prohibited from describing its product as approved by, endorsed by, or otherwise authorized by FMCSA, NHTSA, or U.S. DOT, or as compliant with Federal safety regulations.

VII. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

Vincent G. White,
Deputy Administrator.

[FR Doc. 2024-21681 Filed 9-20-24; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Quarterly Reports of Positive Train Control System Performance

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

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public that FRA has determined it is in the public interest for railroads to continue submitting reports of their positive train control (PTC) systems' performance to FRA on a quarterly basis as the Infrastructure Investment and Jobs Act currently requires, and as the Office of Management and Budget (OMB) has approved through March 31, 2027.

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: On November 15, 2021, President Joseph R. Biden signed into law the Infrastructure Investment and Jobs Act, which included the Passenger Rail Expansion and Rail Safety Act of 2021.¹ Section 22414 of the Passenger Rail Expansion and Rail Safety Act of 2021 requires PTC-mandated host railroads² and other railroads subject to FRA's PTC

regulations³ to submit Reports of PTC System Performance on Form FRA F 6180.152⁴ to FRA on a quarterly basis, instead of biannually as otherwise required by FRA's regulations at 49 CFR 236.1029(h).⁵

Section 22414 of the Passenger Rail Expansion and Rail Safety Act of 2021 requires FRA, by November 15, 2024, to reduce the frequency with which host railroads must submit Reports of PTC System Performance (Form FRA F 6180.152) to not less frequently than twice per year, unless FRA determines that quarterly reporting is in the public interest and publishes a justification for such determination in the **Federal Register**. 49 U.S.C. 20157(m)(3)(B); 49 CFR 1.89. FRA has determined that it is in the public interest for host railroads to continue submitting Reports of PTC System Performance (Form FRA F 6180.152) to FRA on a quarterly basis, rather than reverting to a lesser or biannual frequency, and the purpose of this notice is to provide the necessary justification under Section 22414. *See* 49 U.S.C. 20157(m)(3)(B).

As background, 49 U.S.C. 20157(m) and 49 CFR 236.1029(h) require each applicable host railroad to submit certain metrics about PTC system performance to FRA on behalf of the host railroad itself and each of its applicable tenant railroads. The metrics include, for example, the number of PTC system initialization failures, cut outs, and malfunctions during the reporting period, with subtotals that identify whether the source or cause of the initialization failures, cut outs, and malfunctions was the onboard subsystem, the wayside subsystem, the communications subsystem, the back office subsystem, or a non-PTC component.⁶

In addition, railroads' Reports of PTC System Performance (Form FRA F 6180.152) must encompass positive performance-related information in addition to failure-related information. For example, railroads report the number of enforcements by the PTC system in which it is reasonable to assume an accident or incident was prevented.⁷ These statistics enable FRA to evaluate PTC technology's positive impact on rail safety and the extent to

³ Title 49 Code of Federal Regulations (CFR) part 236, subpart I.

⁴ OMB Control No. 2130-0553. The Quarterly Report of PTC System Performance (Form FRA F 6180.152) is available in FRA's eLibrary at <https://railroads.dot.gov/elibrary/quarterly-report-ptc-system-performance-form-fra-f-6180152>.

⁵ 49 U.S.C. 20157(m).

⁶ 49 U.S.C. 20157(m)(2)(A)-(C); 49 CFR 236.1029(h)(1)(i)-(iii).

⁷ 49 U.S.C. 20157(m)(2)(E); 49 CFR 236.1029(h)(1)(v).

¹ Infrastructure Investment and Jobs Act, Public Law 117-58, 135 Stat. 429 (Nov. 15, 2021).

² *I.e.*, host railroads subject to Title 49 United States Code (U.S.C.) 20157.

which PTC systems are meeting their desired objectives.

In October 2021, OMB initially approved Form FRA F 6180.152 when it was a biannual reporting requirement under FRA's regulations, 49 CFR 236.1029(h), *Biannual Report of PTC System Performance*. In October 2022, OMB approved Form FRA F 6180.152, as modified by 49 U.S.C. 20157(m), simply to shift to a quarterly frequency as required. Most recently, in March 2024, OMB re-approved Form FRA F 6180.152 for a three-year period through March 31, 2027, in its current form, the Quarterly Report of PTC System Performance.

FRA has had the benefit of receiving railroads' Reports of PTC System Performance (Form FRA F 6180.152) on a quarterly basis for the last six quarters. FRA has found that the quarterly frequency has improved FRA's ability to oversee the performance and reliability of PTC systems effectively. For example, FRA has been able to monitor more closely industry-wide and system-by-system trends in PTC system reliability, without needing to wait six months for the next set of performance-related statistics. FRA also utilizes the data it receives in railroads' Quarterly Reports of PTC System Performance to inform and perform other necessary oversight, including inspections, targeted audits, and program reviews. The quarterly frequency enables FRA to direct its resources to areas, including specific PTC-governed track segments, that show the potential for a possible unsafe condition or where PTC system failures are occurring at a relatively high rate or trending upwards. The quarterly frequency enables FRA to intervene more promptly than it would be able to with less frequent reporting.

Also, railroads' Quarterly Reports of PTC System Performance must contain a summary of any actions the host railroad and its tenant railroads are taking to reduce the frequency and rate of initialization failures, cut outs, and malfunctions, such as any actions to correct or eliminate systemic issues and specific problems.⁸ Requiring railroads to provide this data to FRA on a quarterly basis, rather than a biannual basis, helps ensure that both host railroads and tenant railroads are regularly taking actions to improve the performance of their PTC systems and enables FRA to monitor and track railroads' corrective actions regularly throughout the year.

As noted above, OMB has approved the Quarterly Report of PTC System

Performance (Form FRA F 6180.152) through March 31, 2027. Before that expiration date, FRA will issue the requisite 60-day and 30-day notices in the **Federal Register** to solicit public comment pursuant to the Paperwork Reduction Act.

Issued in Washington, DC.

John Karl Alexy,

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

[FR Doc. 2024-21654 Filed 9-20-24; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2022-0114; Notice 2]

Winnebago Industries, Inc., Denial of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).
ACTION: Denial of petition.

SUMMARY: Winnebago Industries, Inc., (Winnebago or petitioner), has determined that certain model year (MY) 2013-2023 Winnebago motorhomes do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*. Winnebago filed a noncompliance report dated November 11, 2022, and amended the report on December 2, 2022, and May 17, 2023. Winnebago petitioned NHTSA on December 2, 2022, and amended the petition on May 17, 2023, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces the denial of Winnebago's petition.

FOR FURTHER INFORMATION CONTACT: Leroy Angeles, Office of Vehicle Safety Compliance, NHTSA, (202) 366-5304.

SUPPLEMENTARY INFORMATION:

I. Overview: Winnebago determined that certain MY 2013-2023 Winnebago motorhomes do not fully comply with paragraph S6.4.1 and Table IV-a of FMVSS No. 108, *Lamps, Reflective Devices, and Associated Equipment* (49 CFR 571.108).

Winnebago filed a noncompliance report dated November 11, 2022, and amended the report on December 2, 2022, and May 17, 2023, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. Winnebago petitioned NHTSA on December 2, 2022, and amended its

petition on May 17, 2023, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

Notice of receipt of Winnebago's petition was published with a 30-day public comment period, on August 1, 2023, in the **Federal Register** (88 FR 50276). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2022-0114."

II. Vehicles Involved: Winnebago reported that 13,126 of the following motorhomes, manufactured between April 5, 2012, and November 4, 2022, are potentially involved:

- 2015-2021 Winnebago Vista
- 2015-2021 Winnebago Sunstar
- 2013-2019 Winnebago Horizon
- 2014-2023 Winnebago Forza
- 2018-2021 Winnebago Intent
- 2015-2016 Winnebago Brave
- 2015-2016 Itasca Tribute

III. Rule Requirements: Paragraphs S6.4.1 and S7.1.1.6 and Table IV-a of FMVSS No. 108 include the requirements relevant to this petition.¹ Each turn signal lamp, stop lamp, high-mounted stop lamp, and school bus signal lamp must meet the applicable effective projected luminous lens area requirement specified in Tables IV-a, IV-b, and IV-c of FMVSS No. 108. For the subject vehicles, the luminous lens area of the turn signals shall be no smaller than 7,500 square millimeters.

IV. Noncompliance: Winnebago explains that the subject vehicles are equipped with front turn signal lamps that do not meet the luminous lens area requirements specified by S7.1.1.6 and Table IV-a of FMVSS No. 108. Specifically, the luminous lens area of the turn signals equipped in the subject vehicles is 6,361 square millimeters, thus, 1,139 square millimeters smaller than the minimum area required by the standard.

V. Summary of Winnebago's Petition: The following views and arguments presented in this section, "V. Summary of Winnebago's Petition," are the views

¹ In an email dated April 9, 2024, Winnebago clarified that the front turn signal is affected by the subject noncompliance, therefore paragraph S7.1.1.6 of FMVSS No. 108 also include the requirement relevant to Winnebago's petition.

⁸ 49 U.S.C. 20157(m)(2)(H); 49 CFR 236.1029(h)(2).