

over the age of 21, resulting in more drivers leaving the profession.

*Response:* FMCSA is not in a position to answer the question about who will insure the apprentice drivers, but notes that any motor carrier wishing to participate in the SDAP Program will need to provide proof that their apprentice drivers are covered by a valid insurance policy, or that the motor carrier is a participant in FMCSA's self-insurance program. As to the comment regarding mistreatment of apprentice drivers, FMCSA notes that the requirements for RA programs under DOL regulations provide protection from the type of mistreatment the commenter discussed. This is one reason why FMCSA partnered with the DOL and is requiring that motor carriers participating in the SDAP Program also become Registered Apprenticeship participants.

APCIA's comment raised questions regarding the data FMCSA will collect and the data that FMCSA will use as comparison data. APCIA stated that FMCSA "must show that participating drivers are no more likely than the current population of interstate commercial truck drivers [to] have highway accidents." APCIA also noted that the information collected should capture any additional training that individual motor carriers may add, on top of those required by the SDAP Program, and requested that the final public data set include detailed statistical information on the program's safety results, to aid insurers in making decisions in the future.

*Response:* While the APCIA has provided statistics on crash rates of younger drivers, one of the key components of this pilot program is to identify how a structured training and probationary period can enhance the safety of younger CMV operators, which can only be determined through conducting the pilot program. FMCSA agrees that it is important to collect information on any remedial or additional training that occurs and has included this information in the monthly data collection plan. FMCSA will publish all detailed statistics collected during the study provided no personally identifiable information is included.

Finally, TSC, CRASH, and PATT noted their opposition to the SDAP Program, and urged that FMCSA immediately terminate it. In the alternative, the commenters requested that FMCSA add several requirements to the SDAP Program, including: extending requirements for the technology that is required to be installed in a CMV past the probationary periods to the entirety

of the apprenticeship; requiring both front- and rear-facing cameras; and requiring all participating motor carriers to agree to a compliance review or DOT audit within 18 months of acceptance into the SDAP Program. Additionally, Samsara, Inc. also recommended requiring both forward facing and in-cab camera views.

*Response:* FMCSA agrees with and accepts the requirement for both forward facing- and rear- (in-cab) facing cameras throughout the participation period of apprentices to be able to collect adequate safety data. Requiring additional technology, such as speed limiters or active braking mitigation devices past the probationary period could be prohibitive to smaller carriers wishing to participate, and therefore FMCSA has decided not to extend the technology requirements past what is in the IJA. FMCSA will note that the adoption of these technologies is steadily increasing, and it is therefore likely that a large percentage of apprentices, if not all, will continue to utilize these technologies throughout their tenure in the program despite the lack of requirement. FMCSA will collect data on a monthly basis regarding which technologies are actively employed on the vehicles which apprentices are driving. FMCSA requiring a compliance review or DOT audit of up to 1,000 carriers participating in the program would detract resources from carriers who have been flagged for a compliance review or DOT audit due to safety-related reasons. This requirement is not feasible for FMCSA to implement at this time.

*Title:* Safe Driver Apprenticeship Pilot Program.

*OMB Control Number:* 2126-0075.

*Type of Request:* Renewal of an information collection previously approved under emergency authority.

*Respondents:* Motor carriers; drivers.

*Estimated Number of Respondents:* 14,830 total (1,600 motor carriers and 13,230 CMV drivers); 5,410 annually (1,000 carriers and 4,410 CMV drivers).

*Estimated Time per Response:*

Application (motor carrier, apprentice driver, and experienced driver): 20 Minutes; safety benchmark certifications: 15 Minutes; monthly driving and safety data: 60 Minutes; miscellaneous data submission: 90 Minutes.

*Expiration Date:* July 31, 2022.

*Frequency of Response:* Application (motor carrier, apprentice driver, and experienced driver): Once; safety benchmark certifications: Twice for each apprentice driver; monthly driving and safety data: Monthly; miscellaneous data submissions: Monthly.

*Estimated Total Annual Burden:* 169,344 hours total, or 56,448 hours annually (motor carriers: 164,934 hours total, or 54,978 hours annually, which includes a one-time application, two safety benchmark certifications for each participating apprentice, and monthly driving and safety data on all participating apprentices as well as miscellaneous data submissions; drivers: 13,797 hours total, or 4,599 hours annually which includes a one-time application for experienced and apprentice drivers).

*Definitions:* N/A.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB's clearance of this ICR.

Issued under the authority of 49 CFR 1.87.

**Thomas P. Keane,**

*Associate Administrator, Office of Research and Registration.*

[FR Doc. 2022-14626 Filed 7-8-22; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2022-0002-N-11]

#### 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) abstracted 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 1, 2022, 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 August 10, 2022.

**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 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Ms. Hodan Wells, Information Collection Clearance Officer, at email: [Hodan.Wells@dot.gov](mailto:Hodan.Wells@dot.gov) or telephone: (202) 868–9412.

**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 1, 2022, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICR for which it is now seeking OMB approval. See 87 FR 19176. FRA received one comment from the Association of American Railroads (AAR) related to the proposed collection of information.

In its comment letter, AAR expressed its concerns about the reliability of the data collected by the blocked crossing portal, noting the potential for the public to submit reports of trains moving through highway-rail grade crossings in the ordinary course of operations rather than of avoidable, blocked crossing incidents. AAR also noted that there is no mechanism in place to guard against individuals submitting multiple reports of a single event, asserting that a small number of people could repeatedly submit a high volume of complaints regarding trains at specific locations. Finally, AAR asserted that FRA failed to take into account the paperwork burden imposed when FRA requests further information from a railroad as part of its blocked crossing investigation.

As referenced below, the Infrastructure Investment and Jobs Act, (Pub. L. 117–58), also known as the “Bipartisan Infrastructure Law” (BIL) requires that FRA maintain an online portal and corresponding database to receive information from the public regarding blocked highway-rail grade crossings. Section 22404(i) of BIL requires FRA to submit a report to Congress that discusses, among other things, whether FRA’s blocked crossing portal continues to be an effective method to collect blocked crossing information, as well as changes that could be made to improve its

effectiveness. On June 14, 2022, FRA published a request for information (RFI) in the **Federal Register**, soliciting comments on how FRA’s engagement with affected parties and changes to the portal and related operations can improve the effectiveness of the portal. See 87 FR 36036. FRA encourages AAR and other affected parties to submit its suggestions on how to improve the effectiveness of the portal to the RFI docket.

FRA appreciates AAR’s comments about the quality of the blocked crossing portal’s collected data and seeks comments through the RFI on ways in which it can be improved. Before FRA follows up with a railroad on a reported blocked crossing, FRA reviews information available about the blocked crossing incident. If FRA determines that the blocked crossing arose because a train moved through a highway-rail grade crossing in the ordinary course of operations, FRA will not investigate the incident further. In addition, if FRA determines that the railroad had an operational justification for blocking the crossing, FRA will include this information in its records.

Since the introduction of the blocked crossing portal in 2020, FRA has streamlined its procedures for following-up with railroads in response to blocked crossing reports. In response to AAR feedback that FRA’s inquiries were too onerous, FRA completes the majority of its follow-up requests after a brief phone call with the involved railroad or during stakeholder meetings. Additionally, FRA also recognizes that railroads may not collect the requested information and, in those circumstances, FRA considers the response of “not known” sufficient. Nonetheless, FRA agrees with AAR that it should adjust its estimated paperwork burdens to account for railroad responses to FRA’s inquiries. Accordingly, FRA is updating its burden estimates in the re-published PRA table to better account for railroads’ burdens in response to FRA’s follow-up inquiries.

Before OMB decides whether to approve the proposed collection of information, it must provide 30 days 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(a); 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:* Inquiry into Blocked Highway-Rail Grade Crossings throughout the United States.

*OMB Control Number:* 2130–0630.

*Abstract:* In 2020, FRA created a dedicated website allowing the public and law enforcement personnel to use web-based forms to voluntarily submit information about blocked crossings to FRA.<sup>1</sup> Under the currently approved information collection request, users provide information regarding the location, date, time, duration, and immediate impacts of highway-rail grade crossings blocked by slow-moving or stationary trains. FRA uses the data collected to gain a more complete picture of where, when, for how long, and what impacts result from reported blocked crossing incidents.<sup>2</sup> Additionally, FRA uses the information to respond to congressional inquiries so that congressional staff can respond to their constituents. Furthermore, FRA uses the information gathered to facilitate meetings, outreach, and other solutions for stakeholders to reduce or eliminate blocked crossing concerns.

Upon accessing these web-based forms, users are notified there are no Federal laws or regulations that specifically address the length of time a

<sup>1</sup> Access to the web-based form used by the public is unrestricted. Access to the web-based form used by law enforcement personnel and first responders is restricted to law enforcement personnel with usernames and passwords managed by FRA.

<sup>2</sup> The data collection is not designed to provide a representative sample or create generalizable statistics. Additionally, the data gathered from this collection is not suitable for use in budgetary requests or regulatory proposals.

train may occupy a highway-rail grade crossing. Users are also notified that information submitted will not be forwarded to a railroad, State, or local agency, and will only being used for data collection purposes to determine the locations, times, and impacts of blocked crossings.

On November 15, 2021, the BIL was enacted. In addition to mandating that FRA establish an online portal and corresponding database to receive information regarding blocked highway-rail grade crossings, section 22404 of BIL “encourages each complainant to report the blocked crossing to the relevant railroad.” Therefore, in preparation for this new statutory mandate, FRA proposes to modify the existing web-based forms by adding one question, “have you contacted the railroad?” Otherwise, the rest of the questions on the web-based forms will remain the same.<sup>3</sup>

Currently, there are no Federal laws or regulations that specifically address how long a train may occupy a crossing, whether stationary or operating at slow speeds. Some States and local municipalities have laws that vary in how long trains are permitted to occupy crossings. However, there are legitimate

operational reasons why trains may block grade crossings, including trains stopping for compliance with Federal regulatory requirements (such as required safety tests and inspections). Therefore, some courts have found that State laws and regulations that address how long trains may occupy grade crossings have the effect of regulating aspects of railroad operations currently regulated by FRA and are thus preempted by the Federal railroad safety statutes and regulations. (See *CSX Transp., Inc. v. City of Plymouth*, 283 F.3d 812 (6th Cir. 2002)). In addition, some courts have found State laws and regulations attempting to limit the time trains are permitted to occupy grade crossings to be preempted by the Interstate Commerce Commission Termination Act, which provides the Surface Transportation Board with broad jurisdiction over railroad operations. (See *Elam v. Kansas City So.*, 635 F.3d 796 (5th Cir. 2011)).

There are potential safety concerns with crossings that are blocked by trains. For instance, pedestrians may crawl under or through stationary trains. Also, emergency response vehicles and first responders may be delayed when

responding to an incident or transporting persons to a hospital. In addition, drivers may take more risks, such as driving around lowered gates at a crossing or attempting to beat a train through a crossing without gates, in order to avoid a lengthy delay if they are aware that trains routinely block a crossing for extended periods of time. There are also potential economic impacts that affect businesses, such as stores or restaurants not being accessible to their customer base for an extended time period. Finally, highway-rail grade crossings that are blocked for extended time periods may create societal nuisances, such as roadway congestion, delayed mail service and deliveries, disrupted school and work arrival and dismissal, or missed appointments.

*Type of Request:* Revision of a currently approved collection.

*Affected Public:* Public individuals, law enforcement personnel, and first responders.

*Form(s):* FRA F 6180.175.

*Respondent Universe:* Public individuals, law enforcement personnel, and first responders.

*Frequency of Submission:* On occasion. *Reporting Burden:*

Section <sup>4</sup>	Total annual responses	Average time per response	Total annual burden hours	Total cost equivalent
	(A)	(B)	(C) = A * B	(D) = C * wage rate <sup>5</sup>
General public via the unrestricted form on the FRA website .....	15,500 responses ...	3 minutes .....	775	\$20,925
Law enforcement personnel (including first responders) via the limited access form on the FRA website.	350 responses .....	3 minutes .....	17.5	895
Monthly meeting between FRA and Class I railroads on blocked crossings—Review of blocked crossings data from FRA’s blocked crossings portal <sup>6</sup> .	12 meetings and reviews.	20 hours .....	240	18,586
<b>Total</b> .....	<b>15,862 responses ...</b>	<b>N/A .....</b>	<b>1,033</b>	<b>40,406</b>

*Total Estimated Annual Responses:* 15,862.

*Total Estimated Annual Burden:* 1,033 hours.

*Total Estimated Annual Burden Hour Dollar Cost Equivalent:* \$40,406.

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.

Allison Ishihara Fultz,  
Chief Counsel.

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**DEPARTMENT OF TRANSPORTATION**

**Federal Transit Administration**

**FY 2022 Competitive Funding Opportunity: Passenger Ferry Grant Program, Electric or Low-Emitting Ferry Pilot Program, and Ferry Service for Rural Communities Program**

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

**ACTION:** Notice of Funding Opportunity (NOFO).

<sup>3</sup> The average time per response will be remain at 3 minutes per response since the modification made under BIL requirement is *de minimis*.

<sup>4</sup> The current inventory exhibits a total burden of 250 hours while the total burden of this notice is 1,033 hours. The increase in burden hours is due to an anticipated increase in the number of responses.

<sup>5</sup> For the value of the public’s time, FRA used an hourly rate of \$27 per hour from the Department of Labor, Bureau of Labor Statistics (BLS). For law enforcement and first responder respondents, FRA used an hourly wage rate of \$49.74 per hour that includes an average benefit rate of \$20.87 from BLS’ Occupational Employment Statistics (OES) 33–3000, classified within NAICS 999200, State Government—excluding schools and hospitals. See [https://www.bls.gov/oes/current/naics4\\_](https://www.bls.gov/oes/current/naics4_)

*999200.htm*. For railroad respondents, FRA used an hourly wage rate of \$77.44 that includes a 75-percent overhead charge from the Surface Transportation Board’s 2020 Full Year Wage A&B data series for railroad workers.

<sup>6</sup> FRA adds this row in response to AAR’s comments that FRA should account for railroads’ estimated paperwork burdens in responding to FRA’s follow-up inquiries on blocked crossings.