

According to the verified notice, the parties executed an agreement on September 1, 2022, by which EMR will acquire the Line from CMQR.

EMR certifies that the proposed acquisition and operation of the Line does not involve a provision or agreement that may limit future interchange with a third-party connecting carrier. EMR further certifies that its projected annual revenues as a result of this transaction will not exceed the maximum revenue of a Class III rail carrier and will not exceed \$5 million.

The transaction may be consummated on or after on or after November 5, 2022, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than October 28, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36641, should be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E St. SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on EMR's representative, David E. Benz, Thompson Hine LLP, 1919 M Street NW, Suite 700, Washington, DC 20036.

According to EMR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at www.stb.gov.

Decided: October 18, 2022.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

Kenyatta Clay,
Clearance Clerk.

[FR Doc. 2022-22912 Filed 10-20-22; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability for Proposed Voluntary Agreement at Statue of Liberty National Monument and Governors Island National Monument

AGENCY: Federal Aviation Administration (FAA), Transportation.

ACTION: Notice of availability.

SUMMARY: The FAA, in cooperation with the National Park Service (NPS), has initiated development of a voluntary agreement pursuant to the National Parks Air Tour Management Act of 2000 (the Act) and its implementing regulations. The Act allows the FAA and NPS to enter into voluntary agreements with commercial air tour operators. A voluntary agreement manages commercial air tour operations over a national park by establishing conditions for the conduct of the commercial air tour operations. Implementation of a voluntary agreement helps protect park resources and the visitor experience without compromising aviation safety or the air traffic control system. This notice announces the public availability of the proposed voluntary agreement for Statue of Liberty National Monument and Governors Island National Monument (collectively referred to as the Parks).

DATES: Comments must be received on or before 30 days from this notice.

ADDRESSES: Comments will be received on the NPS Planning, Environment and Public Comment System (PEPC) website. The PEPC website for the Parks is: <https://parkplanning.nps.gov/NYHarborAirTours>.

FOR FURTHER INFORMATION CONTACT: Keith Lusk, Special Programs Staff, Federal Aviation Administration, Western-Pacific Region Headquarters, 777 S. Aviation Boulevard, Suite 150, El Segundo, CA 90245, telephone: (424) 405-7017, email: Keith.Lusk@faa.gov.

SUPPLEMENTARY INFORMATION: The FAA is issuing this notice pursuant to the National Parks Air Tour Management Act of 2000 (Pub. L. 106-181 (<https://www.govinfo.gov/link/plaw/106/public/181?link-type=html>)) and its implementing regulations contained in title 14, Code of Federal Regulations, part 136, subpart B, National Parks Air Tour Management. The Act requires that commercial air tour operators conducting or intending to conduct commercial air tours over a unit of the National Park system apply to the FAA for operating authority before engaging in that activity. The Act further requires the FAA and the NPS to establish an air tour management plan (ATMP) for each National Park System unit for which one or more applications has been submitted, unless that unit is exempt from this requirement. As an alternative to an ATMP, the FAA and the NPS may enter into a voluntary agreement with a commercial air tour operator who has applied to conduct commercial air tour operations over a national park including an operator that has interim

operating authority for the park or a new entrant commercial air tour operator. Voluntary agreements must address the management issues necessary to protect the resources and visitor use of the park without compromising aviation safety or the air traffic control system. A voluntary agreement may also include conditions for the conduct of air tour operations and provisions to ensure the stability of and compliance with the voluntary agreement. Each voluntary agreement reflects the provisions and conditions appropriate for the particular national park to which the agreement applies.

A single voluntary agreement covers both Parks. Part 135 operators who have been granted interim operating authority for the Parks are included in this voluntary agreement and operators who apply for authority to conduct tours of the Parks will also be considered as part of the application process. Information on how to apply for authority is presented in the Frequently Asked Questions document that is available on the PEPC website shown above.

Written comments on the proposed voluntary agreement can be submitted via PEPC. Comments will not be accepted by fax, email, or any other way than those specified above. All written comments become part of the official record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Issued in El Segundo, CA, on October 18, 2022.

Keith Lusk,
Program Manager, Special Programs Office,
Western-Pacific Region.

[FR Doc. 2022-22889 Filed 10-20-22; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2022-0092]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on October 14, 2022, the Long Island Rail Road (LIRR) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from a

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 oversize 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.*

[FR Doc. 2022–22848 Filed 10–20–22; 8:45 am]

BILLING CODE 4910–06–P

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.