

**Attachment B (Drafting Example):  
Manuals, Agreements, Control,  
Monitoring, And Reporting Documents**

*State department of transportation (State DOT) manuals, agreements and other control, monitoring, and reporting documents that are used on Federal-aid projects. (The following provides examples of the types of manuals, guidelines and procedures that will be listed in Attachment B and the type of information needed for each document. The format is optional and the items listed are not all inclusive or applicable to all States.)*

**Example for Construction Specifications**

- Standard Specifications
  - Elements that require the Federal Highway Administration (FHWA) approval:
    - Specifications that will be used on the National Highway System (NHS). (23 CFR 625.3)

**Example State DOT Manuals That Will Be Used on Federal-Aid Projects**

- Highway Design Manual—information and guidance to design road projects.
  - Elements that require FHWA approval:
    - Roadway design standards for 3R and preventative maintenance projects on the NHS. [23 CFR 625.3, 625.4(a)(3)]
  - Elements required by Federal law or regulation included in this manual that do not require FHWA approval:
    - Erosion and Sediment Control Guidelines (23 CFR 650.211)
- Right of Way Manual—right-of-way organization, policies, and procedures. Describes functions and procedures for all phases of the real estate program, including appraisal and appraisal review, negotiation and eminent domain, property management, and relocation assistance.
  - Elements that require FHWA approval:
    - All elements. Right-of-way organization, policies, and procedures (23 CFR 710.201)

**Additional Manuals, Agreements, Control, Monitoring, and Reporting Documents**

- Noise Analysis and Abatement Policy (23 CFR part 772)
- Programmatic Agreement for Processing Interstate Access Requests (MAP-21, Section 1505)
- Asset Management Plan [23 U.S.C 119(e)(5)]

- Value Engineering Policy and Procedures [23 CFR 627.1]
- Quality Assurance Program [23 CFR 637.205]
- Construction Manager/General Contractor (CM/GC) procurement procedures [23 CFR 635.504(c)]
- Pavement Design Policy [23 CFR part 626]

**Attachment C (Drafting Example):  
Stewardship and Oversight Indicators**

*Indicators used to monitor assumptions of responsibility per section VI. C. of this Agreement. (This list is provided as an example. The format is optional and the items listed are not all inclusive or applicable to all states.)*

**Example Stewardship and Oversight Indicator**

- Fiscal year Disadvantaged Business Enterprise (DBE) overall participation rate.
  - Percent of DBE goal achieved.
  - Average number of bidders per project per type of work per year.
  - Percent of projects with low bid within +/- 10 percent of Engineer's Estimate.
  - Percentage of projects that are awarded within 120 days of authorization.
  - Number of National Bridge Inspection Standards metrics that are fully compliant.
  - Percent of environmental mitigation commitments completed.
  - Average number of days between the date of project final acceptance by State department of transportation and project close out date in the Financial Management Information System (FMIS).
  - Percent of projects closed out with final costs within 110 percent of award amount.
  - Percent of projects closed out with final time expended within 135 percent of original contract time.
  - Percent of current year projects in the State Transportation Improvement Program advanced as scheduled.
  - Percent of projects with right-of-way (ROW) acquired by acquisition due date.
  - Number of projects with conditional ROW certifications.
  - Number of disposals of excess ROW below fair market value.
  - Number of non-Interstate access breaks and/or encroachments approved.
  - Number of modifications to project end dates in FMIS.
  - Expenditures determined to be ineligible for Federal participation.

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**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

[Docket No. FRA-2010-0061]

**Union Pacific Railroad'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 December 12, 2022, Union Pacific Railroad (UP) submitted a 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 January 10, 2023. 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-2010-0061. 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](mailto: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 December 12, 2022, UP submitted an RFA to its PTCSP for its Interoperable Electronic Train Management System (I-ETMS), and that RFA is available in Docket No. FRA-2010-0061.

Interested parties are invited to comment on UP's RFA to its PTCSP by submitting written comments or data. During FRA's review of this railroad's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. See 49 CFR 236.1021; see also 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA to its PTCSP at FRA's sole discretion.

#### Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. 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 <https://www.regulations.gov/privacy-notice> for the privacy notice of regulations.gov. To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

**Carolyn R. Hayward-Williams,**

*Director, Office of Railroad Systems and Technology.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2022-0098]

#### Brightline Trains Florida's Request for Approval To Field Test Positive Train Control

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

**ACTION:** Notice of availability and request for comments.

**SUMMARY:** This document provides the public with notice that on December 9, 2022, Brightline Trains Florida (BTF) submitted a document entitled, "Brightline OX Line Segment Test Request 120922," dated December 9, 2022, to FRA. BTF asks FRA to approve its request so that BTF may field test its trains that have been equipped with positive train control (PTC) technology.

**DATES:** FRA will consider comments received by February 21, 2023. 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:** All comments should identify the agency name and Docket Number FRA-2022-0098 and may be submitted on <https://www.regulations.gov>. Follow the online instructions for submitting comments. 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](mailto:Gabe.Neal@dot.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to 49 CFR 236.1035, a railroad must obtain FRA's approval before field testing an uncertified PTC system, or a product of an uncertified PTC system, or any regression testing of a certified PTC system on the general rail system. See 49 CFR 236.1035(a). BTF is requesting FRA's approval to field test the Interoperable Electronic Train Management System on territory BTF owns between Cocoa Junction and the Orlando International Airport, which BTF's test request refers to as the Orlando Extension (OX) Line Segment. As discussed below, please see BTF's test request for the required information, including a complete description of BTF's Concept of Operations and its specific test procedures, including the

measures that will be taken to ensure safety during testing.

BTF's test request is available for review online at <https://www.regulations.gov> (Docket No. FRA-2022-0098). Interested parties are invited to comment on the test request by submitting written comments or data. During its review of the test request, FRA will consider any comments or data submitted. However, FRA may elect not to respond to any particular comment, and under 49 CFR 236.1035, FRA maintains the authority to approve, approve with conditions, or deny the test request at its sole discretion.

#### Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. 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 <https://www.regulations.gov/privacy-notice> for the privacy notice of regulations.gov. To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

**Carolyn R. Hayward-Williams,**

*Director, Office of Railroad Systems and Technology.*

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**BILLING CODE 4910-06-P**

## DEPARTMENT OF THE TREASURY

RIN 1505-AC62

#### IMARA Calculation for Calendar Year 2023 Under the Terrorism Risk Insurance Program

**AGENCY:** Departmental Offices, Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury (Treasury) is providing notice to the public of the insurance marketplace aggregate retention amount (IMARA) for calendar year 2023 for purposes of the Terrorism Risk Insurance Program (TRIP or the Program) under the Terrorism Risk Insurance Act, as amended (TRIA or the Act). As explained below, Treasury has