

agency, set the daily traffic volume limit at 499 in 1996 (54 FR 33230).

The ELDT regulations, implemented on February 7, 2022, and set forth in 49 CFR 380, subparts F and G, established minimum training standards for individuals applying for certain CDLs and defined curriculum standards for theory and BTW training. The ELDT curriculum in 49 CFR part 380, appendix A, section A3.1, requires Class A CDL applicants to demonstrate proficiency in proper techniques for initiating vehicle movement, executing left and right turns, changing lanes, navigating curves at speed, entry and exit on the interstate or controlled access highway, and stopping the vehicle in a controlled manner. Under 49 CFR 380.603(a)(2), drivers issued a restricted CDL by the State of Alaska are exempt from the ELDT requirements.

Applicant's Request

Alaska's Ice Road Driving School seeks an exemption from the requirements, set forth in 49 CFR part 380, Appendices A and B, that driver trainees seeking a Class A or Class B CDL demonstrate proficiency in BTW maneuvers related to entering the on ramp, exiting the off ramp, right turns, and left turns. The applicant states that due to Alaska's unique road system they believe that the exemption would benefit Alaska's driver training schools and give them confidence to take on prospective students and complete the required BTW training safely. Alaska's Ice Road Driving School requests the exemption regarding routing prescriptions that are specific to exact off and on ramps, and right and left turns, adding that it will aid in the safe administration of road tests by the Alaska State Department of Motor Vehicles. The applicant seeks the exemption on behalf of itself and all State and local commercial driving schools in Alaska as well as individuals qualified as third-party testers in the State of Alaska.

IV. Method To Ensure an Equivalent or Greater Level of Safety

Alaska's Ice Road Driving School believes that the specified portions of the ELDT regulation could be waived safely by allowing the school and the State of Alaska to prescribe routes based upon the area in which the road skills exam would be administered. The applicant further believes that the road skills test for a CDL applicant can safely be administered by the State test examiner as set routes can be established and approved without the CDL applicant completing certain

portions of the mandatory BTW training.

V. Public Comments

On April 20, 2023, FMCSA published Alaska's Ice Road Driving School's application and requested public comment [88 FR 24463]. The Agency received no comments in response to the notice.

VI. FMCSA Safety Analysis and Decision

FMCSA evaluated Alaska's Ice Road Driving School application and denies the exemption request. The applicant failed to establish that they would maintain a level of safety equivalent to, or greater than, the level achieved without the exemption. Granting the exemption would result in drivers receiving a CDL even though they had not demonstrated proficiency in the three driving skills from which exemption is requested. In addition, on December 28, 2022, the Agency granted an exemption to the State of Alaska [87 FR 79932] which allows the State to waive specified portions of the CDL skills test for drivers in 14 defined geographical areas that lack infrastructure to allow completion of the full skills test. Drivers who receive a restricted CDL under the provisions of the 2022 exemption are also exempt from the ELDT regulations. The relief requested by Alaska's Ice Road Driving School falls within the scope of that exemption to the extent that drivers would not be subject to ELDT requirements if, pursuant to the 2022 exemption, they received a restricted CDL allowing them to operate a commercial motor vehicle only within 14 designated geographical areas of the State. This exemption for the State of Alaska is effective from December 28, 2022, through December 30, 2024. The Agency does not believe it is appropriate to grant a State-wide exemption when the previous exemption provides a targeted solution in 14 specific regions of the State where there are challenges to achieving full compliance with the rules. In addition, there were no comments filed in support of Alaska's Ice Road Driving School's request.

For the above reasons, Alaska's Ice Road Driving School's exemption application is denied.

Earl Stanley Adams, Jr.,
Deputy Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Safety Advisory 2023-04; High-Impact Wheels Causing Damage to Rails and Track Structures

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

ACTION: Notice of safety advisory.

SUMMARY: This Safety Advisory recommends railroads utilize Wheel Impact Load Detectors (WILD) to properly identify and replace high-impact railcar wheels that could cause significant damage to rails and supporting track structures. FRA's preliminary investigation of a recent train derailment in Gothenburg, Nebraska, indicates that high-impact wheels damaged the rail the train was operating over and caused the derailment. Current industry practices for using WILDs to identify and replace high-impact wheels could help prevent such incidents in the future.

FOR FURTHER INFORMATION CONTACT: Mr. Charles P. King, Director, Office of Railroad Infrastructure and Mechanical Equipment, at telephone: 202-329-5031 or email: *Charles.King@dot.gov*.

Disclaimer: This Safety Advisory is considered guidance pursuant to DOT Order 2100.6A (June 7, 2021). Except when referencing laws, regulations, policies, or orders, the information in this Safety Advisory does not have the force and effect of law and is not meant to bind the public in any way. This document does not revise or replace any previously issued guidance.

SUPPLEMENTARY INFORMATION:

Background

In 2015, FRA issued Safety Advisory 2015-01 recommending, among other things, the use of WILDs to improve safety,¹ recognizing the potential value of these wayside detection systems, if they are appropriately installed, maintained, and utilized. FRA recommended railroads continue to install and maintain WILDs along certain routes and monitor their measurements to determine when to replace wheels. In that Safety Advisory, FRA also recommended that railroads lower the impact threshold for action to replace the wheels on any car in a high-hazard flammable train.

WILDs supplement, and do not substitute, the existing wheel

¹ <https://railroads.dot.gov/elibrary/mechanical-inspections-and-wheel-impact-load-detector-standards-trains-transporting-large>.

regulations² that focus on preventing broken wheels and other wheel failures. WILD measurements are intended to focus more on the interaction between the wheels and the rail and prevent broken rails and other rail failures. WILDs are designed to measure the impact of a railcar's wheels on the rail and alert the operating railroad and car owner when wheels have a high impact. WILDs measure this impact on the rail in KIPs (1,000 pounds-force). High-impact wheels (generally considered to be more than 90 KIPs) are typically caused by a flat spot or other wheel defect. If not addressed, high-impact wheels can damage rail and track structures and cause a derailment.

On February 21, 2023, 30 freight cars carrying coal derailed in a train in Gothenburg, Nebraska. FRA's preliminary investigation indicates the derailment was likely caused by high-impact wheels breaking a track joint bar. Records from FRA's investigation show one of the freight cars had a WILD measurement of 130.6 KIPs when it operated over the track joint bar that was found broken. Records also show this freight car continued to operate for several months prior to the derailment after its high-impact wheels were identified by WILDs. WILD measurements showed high-impact wheels in November and December 2022, and again in January 2023. During its investigation, FRA also identified eight other freight cars in the derailed train with high-impact wheels.

Recommendations

In light of the Gothenburg, Nebraska, accident, FRA recommends railroads and contractors continue to use WILDs to help identify and replace high-impact wheels according to railroad current industry practices. Specifically, wheels with a WILD measurement greater than 80 KIPs should be replaced when in a repair shop, and wheels with a WILD measurement greater than 90 KIPs should be replaced when found in any other location in service. In addition, railroads should review procedures for identifying dynamic ratios to help predict high-impact wheels when cars are loaded. A dynamic ratio is the ratio of a WILD measurement of a loaded railcar compared to when it is empty. The peak impact is the highest WILD measurement recorded. The impact measurement varies during operation due to the changing operating environment, including changes in speed. Wheels should be replaced when an empty railcar with a dynamic ratio of 5 or higher has a preceding peak impact

greater than 100 KIPs. Replacement at such time will reduce or eliminate further damage to the freight car's wheels, rails, and track structures. In addition, FRA recommends railroads and contractors review this Safety Advisory with employees to increase their awareness of the possible consequences of allowing freight cars with high-impact wheels to continue to operate.

Conclusion

FRA encourages all railroad industry members to take actions consistent with the recommendations of this Safety Advisory. FRA may modify this Safety Advisory, issue additional safety advisories, or take other appropriate action necessary to ensure the highest level of safety on the Nation's railroads, including pursuing other corrective measures under its rail safety authority.

Issued in Washington, DC.

Amitabha Bose,
Administrator.

[FR Doc. 2023-19677 Filed 9-11-23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[DOT-OST-2023-0137]

Advisory Committee on Transportation Equity (ACTE); Notice of Public Meeting

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice of public meeting.

SUMMARY: DOT OST announces a meeting of ACTE, which will take place via videoconference.

DATES: The meeting will be held Friday, September 22, 2023, from 2:30 to 4:30 p.m. Eastern Time. Requests for accommodations because of a disability must be received by Friday, September 15. Requests to submit questions must be received no later than Friday, September 15.

ADDRESSES: The meeting will be held via videoconference. Those members of the public who would like to participate virtually should go to <https://www.transportation.gov/civil-rights/acte/meetinginfo> to access the meeting, a detailed agenda for the entire meeting, meeting minutes, and additional information on ACTE and its activities.

FOR FURTHER INFORMATION CONTACT: Sandra Norman, Senior Advisor, Departmental Office of Civil Rights and Warner Dixon, Special Assistant for Civil Rights, Departmental Office of

Civil Rights, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 934-2380, ACTE@dot.gov. Any ACTE-related request or submissions should be sent via email to the points of contact listed above.

SUPPLEMENTARY INFORMATION:

Background

Purpose of the Committee

ACTE was established to provide independent advice and recommendations to the Secretary of Transportation about comprehensive, interdisciplinary issues related to civil rights and transportation equity in the planning, design, research, policy, and advocacy contexts from a variety of transportation equity practitioners and community leaders. Specifically, the Committee will provide advice and recommendations to inform the Department's efforts to:

Implement the Agency's Equity Action Plan and Strategic Plan, helping to institutionalize equity into Agency programs, policies, regulations, and activities;

Strengthen and establish partnerships with overburdened and underserved communities who have been historically underrepresented in the Department's outreach and engagement, including those in rural and urban areas;

Empower communities to have a meaningful voice in local and regional transportation decisions; and

Ensure the compliance of Federal funding recipients with civil rights laws and nondiscrimination programs, policies, regulations, and activities.

Meeting Agenda

The agenda for the meeting will consist of:

An inauguration of the ACTE members
An overview of the ACTE charter
An overview of the role and impact of ACTE members
Remarks from Secretary Buttigieg
An overview of ACTE focus areas
A discussion on collaborative approaches and transparency
Concluding remarks

Meeting Participation

Advance registration is required. Please register at <https://www.transportation.gov/civil-rights/acte/meetinginfo> by the deadline referenced in the **DATES** section. The meeting will be open to the public for its entirety. The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because

² See, e.g., 49 CFR 215.103, 229.73, 229.75.