

The audit team reviewed ADOT's 2021 Training Plan and ADOT's PAIR responses pertaining to its training program. The ADOT's EP staff training matrix indicates that, while ADOT identifies the availability of staff needing training, many staff have not taken advantage of the opportunity for training, including other ADOT divisions subject to the 327 MOU provisions. The ADOT's training plan identifies that the training interval for some topics, such as the NEPA Assignment Program, is only once per staff member regardless of the period of time since the previous round of training. Staff may benefit from regular "refresher" type training, especially as regulatory requirements and policy may change over time.

Status of Previous General Observations and Non-Compliance Observations From the Audit #2 Report

This section describes the actions ADOT has taken (or is taking) in response to observations made during the second audit. The ADOT was provided the second audit draft report for review and provided comments to FHWA on August 2, 2021.

Observation #1: Deficiencies and gaps in ADOT's manuals and procedures.

During Audit #2, the audit team identified deficiencies in ADOT's manuals and procedures which may result in incomplete project documentation or analysis and increase the risk for non-compliance. The first was in the ADOT CE Checklist Manual and the EA/EIS Manual, specifically the process for re-evaluations for EAs and EISs was not well-defined. Although the team observed some improvements to the manuals in Audit #3, the deficiency identified in Audit #2 was not resolved and is an observation again in Audit #3. The other was the ADOT Section 4(f) Manual, documentation forms, and desk reference/matrix containing information inconsistent with FHWA guidance and regulation. The deficiencies identified in Audit #2 were addressed by ADOT, but additional issues were identified by the audit team in Audit #3.

Non-compliance Observation #1: Deficiencies in Section 4(f) evaluation of archaeological resources.

The audit team observed similar inconsistencies as were observed in Audit #1 during the project file reviews for Audit #2 and identified procedural deficiencies relating to ADOT's Section 4(f) evaluation. The consultation letter sent to the Arizona SHPO did not state ADOT's intent to apply the archaeological exception to sites or include other Section 4(f) information regarding the sites identified. In Audit

#3, the audit team acknowledges changes were made to ADOT's Section 106 Federal-aid Programmatic Agreement Manual, but FHWA provided corrections to the draft language for ADOT to incorporate.

Non-compliance Observation #2: Deficiencies in analysis of right-of-way impacts.

The ADOT's procedures (ADOT EA/EIS Manual) and FHWA's regulations, policies, and guidance provide information on how to consider right-of-way impacts in the NEPA analysis. The FHWA's regulations, policies, and guidance provide additional information for how early property acquisitions should be considered with the right-of-way impacts analysis. In Audit #2 for the 327 MOU, the audit team found one project file did not demonstrate that early acquisition of properties and previous relocations were adequately addressed in the impact analysis in the NEPA document. The ADOT submitted a letter to FHWA on April 28, 2022, detailing the steps ADOT will take within 60 days as a corrective action to address the right-of-way non-compliance observation. On May 23, 2022, ADOT submitted to FHWA updated procedures regarding right-of-way impacts in their NEPA analyses and FHWA provided technical assistance to ADOT regarding these procedures. This corrective action by ADOT resolves the non-compliance observation.

Observation #3: Inconsistencies in interagency consultation documentation.

After completing the project file review in Audit #2, the audit team found several inconsistencies with ADOT's documentation of compliance with interagency consultation requirements (per 40 CFR 93.105). It is unclear if interagency consultation occurred for some projects since the project files did not include information on agency responses, concurrence, and the comment resolution process. Therefore, it is unknown if the interagency consultation agencies had an opportunity to participate in consultation or if ADOT provided them an opportunity to review and comment on the materials as required by 40 CFR 93.105 and MOU Section 7.2.1. During Audit #3, the audit team found an increased amount of documentation providing evidence of interagency consultation efforts by ADOT in the project files reviewed.

Observation #4: Incomplete development and implementation of performance measures.

During Audit #2, the audit team reviewed ADOT's performance

measures and reporting data submitted for the review period and concluded that ADOT had made progress toward developing and implementing its performance measures. For Audit #3, FHWA continues to identify this program objective as an area of concern, described in the observations above and will continue to evaluate this area in subsequent audits.

Finalizing This Report

The FHWA provided a draft of the audit report to ADOT for a 14-day review and comment period, as well as notification of the non-compliance observations. The ADOT provided comments which the audit team considered in finalizing this draft audit report. The audit team acknowledges that ADOT has begun to address some of the observations identified in this report and recognizes ADOT's efforts toward improving their program. The FHWA is publishing this notice in the **Federal Register** for a 30-day comment period in accordance with 23 U.S.C. 327(g). No later than 60 days after the close of the comment period, FHWA will address all comments submitted to finalize this draft audit report pursuant to 23 U.S.C. 327(g)(2)(B). Subsequently, FHWA will publish the final audit report in the **Federal Register**. The FHWA will consider the results of this audit in preparing the scope of the next annual audit. The next audit report will include a summary that describes the status of ADOT's corrective and other actions taken in response to this audit's conclusions.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Safety Advisory 2023-05; King Pin Assemblies in Highway-Rail Grade Crossing Warning Systems

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

ACTION: Notice of safety advisory.

SUMMARY: FRA is issuing Safety Advisory 2023-05 to heighten awareness within the railroad industry of the potential failure of king pin assemblies in highway-rail grade crossing warning systems equipped with breakaway gates. This Safety Advisory recommends that railroads inspect and replace all worn components in king pin assemblies. This Safety Advisory also recommends that railroads develop inspection and

maintenance programs for king pin assemblies.

FOR FURTHER INFORMATION CONTACT:

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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 binding in any way. This document does not review or replace any previously issued guidance.

SUPPLEMENTARY INFORMATION:

Background

King pin assemblies were introduced in the early 1990s as the rail industry transitioned from wooden crossing gate arms to aluminum and/or fiberglass

crossing gate arms. Inspection and maintenance programs for king pin assemblies have not, however, been widely adopted and implemented within the railroad industry, even though some king pin assemblies have been in service since their original installation. King pin assemblies cannot be inspected without removing the crossing gate arm. In addition, the recommended maintenance of king pin assemblies is not usually conveyed by manufacturers in published guidance.

For highway-rail grade crossing warning systems equipped with king pin assemblies, the crossing gate slides onto the king pin at a 90-degree angle when the crossing gate is installed. The crossing gate is then pushed all the way up on the king pin and rotated into place. Shear bolts are installed to keep the crossing gate in position. When properly installed, the bulk of the crossing gate's weight rests permanently on the king pin and post pin tabs.

However, the king pin assembly can be damaged under normal operating conditions by vehicle strikes, high winds, rust, worn gate boot(s), and corrosion. If the highway-rail grade crossing gate is being held in place by a worn or damaged king pin assembly, the crossing gate may drop off the king pin and post pin tabs. When this occurs, the crossing gate may be held in place by only the shear bolts, which are not designed to hold the weight of the crossing gate. Therefore, if relied upon to hold the crossing gate in place, the shear bolts could stretch and break unexpectedly, allowing the crossing gate to fall. This could happen very quickly, potentially causing injury to railroad employees or members of the general public in close proximity to the crossing gate.

Illustrations of Defects

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Figure 1-King pin and gate assembly



Figure 2-King pin and gate assembly close-up

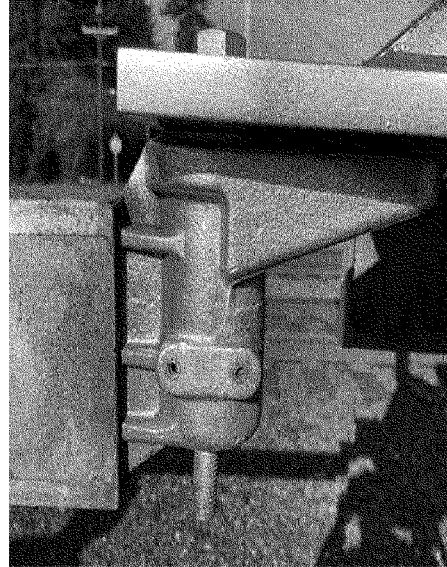


Figure 3-King pin with gate removed



Figures 4,5,6-Heavily oxidized and worn king pin tabs

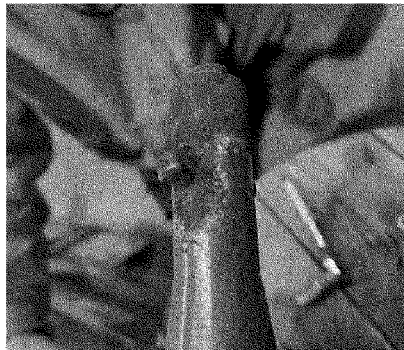




Figure 7-Roll pin crack on king pin



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Recommended Actions

To ensure the safety of the Nation's railroads, their employees, and the general public, FRA recommends that railroads take the following actions:

(1) Inspect king pin assemblies in highway-rail grade crossing warning systems and replace all worn components.

(2) Develop inspection and maintenance programs for king pin assemblies that incorporate maintenance procedures recommended by the manufacturer (if applicable), including lubrication of king pin assemblies to reduce wear and tear on the components. These inspection and maintenance programs should include periodic inspections of the king pin assembly with the crossing gate removed, as well as inspection of the king pin assembly each time the crossing gate is re-hung or replaced. These inspection and maintenance programs should also address the replacement of worn components and give special consideration to highway-

rail grade crossing warning systems that are exposed to high levels of salt, which can cause corrosion.

(3) Issue instructions requiring employees to stay clear of descending crossing gates until fully lowered and to discuss potential failure of the king pin assembly in job safety briefings, when applicable. Railroads should also issue instructions requiring employees to warn others to stay clear of descending crossing gates until fully lowered.

Issued in Washington, DC.

Amitabha Bose,
Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Safety Advisory 2023-06; Roadway Maintenance Machines—Importance of Clear Communications and Compliance With Applicable Rules and Procedures

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

ACTION: Notice of safety advisory.

SUMMARY: FRA is issuing Safety Advisory 2023-06 to emphasize the importance of rules and procedures regarding the safety of roadway workers who operate or work near roadway maintenance machines (RMM). This safety advisory recommends that railroads and contractors review and update their rules regarding the safety of roadway workers who operate or work near RMMs, communicate those changes to their employees, and monitor their employees for compliance with existing rules and procedures and