

staff to discuss the carrier's efforts to restore reliable service to its shippers.<sup>1</sup> In a follow-up August 14, 2017 letter, the Board requested that CSXT submit weekly specific service performance data to facilitate these ongoing calls.<sup>2</sup> The performance data, in addition to the data already submitted in *U.S. Rail Service Issues—Performance Data Reporting*, Docket No. EP 724 (Sub-No. 4), is assisting the Board in actively monitoring CSXT's service levels and the effectiveness of its recovery efforts.

The Board has also been working to ensure that CSXT addresses service issues that shippers inform the Board about as they arise. Representatives of RCPA have held numerous meetings and conference calls with affected parties to better understand the specific problems shippers are experiencing and to help facilitate a swift resolution whenever possible. In monitoring CSXT's recent problems, the Board has been providing information to all stakeholders in a transparent manner, requesting specific service performance data, and posting that data to the Board's Web site. RCPA is also having frequent phone conversations with CSXT's senior management regarding these informal service complaints.

CSXT has indicated that its internal metrics are showing that service in some areas is improving and that noticeable improvements should be more evident after Labor Day. Therefore, the Board will hold a public listening session beginning at 9:30 a.m., on Tuesday, September 12, 2017, at its offices in Washington, DC, to hear firsthand from CSXT's senior officials and affected shippers about CSXT's rail service and efforts to improve service.

The Board will direct executive-level officials from CSXT to appear at the listening session to discuss their ongoing and future efforts to improve service and to provide an estimated timeline for recovery of normal service levels. The Board encourages impacted shippers to appear at the public listening session to discuss their service

concerns and comment on the railroad's service recovery efforts. The Board's listening session is not intended to replace the data collection or the informal and confidential dispute resolution process facilitated by RCPA, and stakeholders who do not have formal complaints pending (discussed below) are encouraged to continue communicating through that office.

Additionally, in the past two weeks, some CSXT shippers have filed formal complaints against CSXT seeking service-related injunctive relief and/or money damages (Docket Nos. NOR 42154, NOR 42155, and NOR 42156); a petition to institute a proceeding to address the adequacy of CSXT's service (Docket No. EP 741); and a request for an emergency service order (by letter addressed to the Board Members).<sup>3</sup> The Board believes that the concerns raised in the petition in Docket No. EP 741 are best addressed in this docket, as well as through the Board's other ongoing efforts; accordingly, we will deny the petition in EP 741 to institute a proceeding as unnecessary, but without prejudice to taking more formal action at a later time, if appropriate. In the meantime, the Board will continue to address these important service reliability issues in a transparent manner to ensure shippers, carriers, and all interested stakeholders are fully informed about the Board's work.

*It is ordered:*

1. A public listening session will be held on Tuesday, September 12, 2017, at 9:30 a.m., in the Board's Hearing Room, at 395 E Street SW., Washington, DC, as described above.

2. CSXT is directed to appear at the listening session through executive-level officials.

3. By September 7, 2017, any person wishing to speak at the listening session shall file with the Board a notice of intent to participate (identifying the party and the proposed speaker). The notices of intent to participate need not be served on the parties of record; they will be posted to the Board's Web site when they are filed.

4. The petition to institute a proceeding in Docket No. EP 741 is denied without prejudice.

5. This decision is effective on its service date.

Decided: August 24, 2017.

By the Board, Board Members Begeman, Elliott, and Miller.

**Rena Laws-Byrum,**  
*Clearance Clerk.*

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<sup>3</sup> That letter shortly will be posted as a filing on the Board's Web site under Docket No. EP 742.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No.: FAA-2016-4756]

#### Reduction of Remote Communications Outlets Used by Flight Service Stations in the Conterminous United States

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of final policy.

**SUMMARY:** This action sets forth the final policy determination for the FAA's proposed plan to decommission remote communications outlets (RCO) used by Flight Service Stations in the conterminous United States, Hawaii, and Puerto Rico. Based on comments, the FAA has decreased the number of RCOs planned for decommissioning from 666 to 641, which includes 404 RCOs and 237 VOR outlets.

**DATES:** Applicable: August 30, 2017.

**FOR FURTHER INFORMATION CONTACT:** Teri Bristol, ATO Chief Operating Officer, Office of the Administrator, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-1240.

#### SUPPLEMENTARY INFORMATION:

##### Background

The FAA maintains a network of over 2,100 remote communications outlets (RCOs) throughout the conterminous United States, Hawaii and Puerto Rico. The RCOs are used by a contract service provider to communicate with pilots in flight. By using these frequencies, pilots can obtain weather briefings and file flight plans and receive numerous other services.

On April 28, 2016, the FAA published a notice of proposed policy outlining the plan to reduce the number of radio frequencies used by Flight Service Stations to communicate with aircraft in flight (81 FR 25484). The FAA noted that a network of 1,223 RCOs and 398 VOR frequencies cover a vast majority of the conterminous United States and include duplicate, overlapping, and seldom used frequencies. Based on a study conducted by MITRE, the FAA proposed a policy to decommission 666 RCOs in the conterminous United States, Hawaii, and Puerto Rico.<sup>1</sup> The FAA estimated that, by reducing radio coverage, the agency could save approximately \$2.5 million annually in

<sup>1</sup> The FAA noted that the following frequencies would not be considered for decommissioning: frequencies for emergency use only; frequencies for military use only, frequencies in the State of Alaska, and Ground Communications Outlets.

<sup>1</sup> See Letter from Board Members Ann D. Begeman, Daniel R. Elliott III, and Deb Miller, Surface Transportation Board, to E. Hunter Harrison, President and Chief Exec. Officer, CSX Transportation, Inc. (July 27, 2017) (on file with the Board), available at <http://www.stb.gov> (open tab at "E-Library, select "Correspondence", select "Non-Docketed Public Correspondence", follow "07/27/2017" hyperlink).

<sup>2</sup> See Letter from Board Members Ann D. Begeman, Daniel R. Elliott III, and Deb Miller, Surface Transportation Board, to E. Hunter Harrison, President and Chief Exec. Officer, CSX Transportation, Inc. (Aug. 14, 2017) (on file with the Board), available at <http://www.stb.gov> (open tab at "E-Library, select "Correspondence", select "Non-Docketed Public Correspondence", follow "08/14/2017" hyperlink).

maintenance costs alone. Additional savings would be realized once property leases are terminated and voice-switch communications infrastructure is decreased.

### Discussions of Comments

The FAA received 13 comments on the proposed policy. The following summary of comments reflects the major issues raised and does not restate each comment received. The FAA considered all comments received even if not specifically identified and responded to in this notice. The FAA made revisions to the policy based on comments received.

1. An individual commented that the same frequency, 122.2, was listed twice for Princeton, Minnesota (PNM), one indicated that it would be retained, and one indicated that it would be removed. The FAA will retain PNM 122.2. The commenter also indicated that we have an RCO at Minneapolis that is not on either list. The RCO at Minneapolis, 122.3, will be decommissioned.

2. Two commenters noted that the Duluth, Minnesota (DLH) frequency 124.8 is not a Flight Service Station frequency. The FAA will remove DLH frequency 124.8 from the decommissioning list as it is not a Flight Service Station frequency.

3. Six commenters requested that the FAA not decommission the Galian, Ohio (GQQ) remote communications outlet. Several of these commenters suggested that the frequency was important to corporate, business, and general aviation traffic using the airport. The FAA will not decommission 126.8 at GQQ.

4. Another commenter recommended retaining Du Page, Illinois (DPA) frequency 122.3. The commenter noted that, if both Waukegan, Illinois (UGN) and DuPage, Illinois RCOs were decommissioned, the closest remote communications outlet for pilots flying in the area would be 40–50 miles away—MKE to the North, RFD to the West, IKK to the South and VPZ to the East. The FAA will not decommission DPA frequency 122.3.

5. A commenter noted that RCO usage is not uniformly distributed across the RCO coverage area and asked whether an analysis has been done to determine what percentage of actual FSS transactions would be affected. The individual commented that, if, for instance, there is a mountain pass with notoriously bad weather and pilots frequently call FSS inflight to get the conditions in that area then reduction of service in this area should not be considered equivalent to reduction of service in an area where there are few

contacts made to FSS due to benign weather, few flights, etc.

*Response:* Usage data is not available for individual RCOs. The FAA is retaining coverage across the conterminous United States, Hawaii and Puerto Rico of greater than 98% at 5,000 agl, 97% at 3,000 agl, and 92% at 1,000 agl. The FAA specifically excluded mountainous areas in the western US and also avoided areas where no other Air Traffic frequencies were available.

6. The same commenter indicated that he believed that the baseline coverage should not have excluded VORs that are proposed to be decommissioned. He suggested that not including these VORs in the baseline artificially reduces the baseline coverage with respect to the actual current coverage. He noted that the stated goal was to reduce coverage by less than 10% but, if the baseline is already reduced, the result may be a reduction of more than 10% compared with today.

*Response:* The VORs proposed for decommissioning were considered a given and not considered for retention in the proposal. Approximately 237 individual VORs with voice capability, scheduled for decommissioning through the VOR Minimum Operational Network (MON) program, will be reviewed on a case by case basis. If it is determined that a significant degradation of service capability exists with the decommissioning of a specific VOR, steps will be taken to replace it with a separate RCO.

7. The same commenter also stated that the proposal reduces redundancy which is good from a fiscal and complexity standpoint but is bad when considering that equipment failures happen. He asked whether an analysis had been done of the current and expected reliability of the RCO MON including an assessment of how quickly it can be repaired and what the impact will be on pilots?

*Response:* Most, if not all, of our RCOs have standby receivers and transmitters in case of mechanical malfunction or for use during routine maintenance. In case of a line outage, FTI has a goal of a four-hour restoration time and, in case of major equipment malfunction, Technical Operations has a response time for RCO outages of either 24 or 96 hours depending upon backup and other facilities co-located or nearby. Notices to Airmen (NOTAMs) are issued for RCO outages as they occur. The FAA has concluded that, given these facts, there is no discernable safety impact on the pilot.

8. Finally, this commenter noted that he was concerned that, with the elimination of Flight Watch, there

would be a further reduction of inflight weather resources available to pilots. He noted that, while FIS-B is now available, the coverage area is not 100%, many pilots do not have the necessary equipment to receive FIS-B information, and many pilots do not have the skills necessary to interpret the FIS-B data and rely on FSS personnel. FSS also provides services that FIS-B cannot duplicate such as opening and closing VFR flight plans.

*Response:* The current RCO coverage area was designed at a time when FSS personnel were handling over 10,000 radio calls per day, today they handle less than 1,000 calls per day. Technological advances, including FIS-B, are providing pilots with greater access to inflight weather resources than ever before. This reduction is meant to align the RCO infrastructure with pilot demand. While it is true that FIS-B cannot open or close flight plans, other methods are available for this service including using another nearby RCO, activation and closure using the telephone, assumed departures, etc.

9. Another commenter stated that, with the demise of the En Route Flight Advisory Service (EFAS), he believed it was unwise to eliminate 122.2 MHz and noted that 122.2 and 121.5 are two of the frequencies that pilots are taught to commit to memory as they were “go to” frequencies in a crisis.

*Response:* Where there are multiple frequencies in the same geographic area, the FAA will retain 122.2 to the degree possible (this was the case for the RCO located at Columbus, NE). Over 95% of the current 122.2s are being retained. In addition, Flight Service is moving to retain 103 frequencies which were previously dedicated to EFAS. A number of these will be returned to 122.2 vice 122.0 which will increase the coverage of 122.2's across the country. The FAA conducts safety seminars and other outreach programs to educate pilots on the need to ensure they obtain frequency information for their route of flight prior to departure.

### Final Policy

In accordance with the above, the FAA is adopting the following policy statement on the decommissioning of Remote Communications Outlets used by Flight Service Stations in the conterminous United States, Hawaii, and Puerto Rico.

The FAA will reduce the number of radio frequencies used by Flight Service Stations to communicate with aircraft in flight. Remote communications outlets in 641 locations will be decommissioned beginning in late fiscal year 2017. Notices to Airmen

(NOTAMs) will be issued as each frequency is decommissioned. Frequencies in Alaska and those designated for emergency or military use are not included.

A link to maps showing the approximate frequency coverage after the reduction at various altitudes, with percentages of coverage can be found here: [http://www.faa.gov/about/office\\_org/headquarters\\_offices/ato/service\\_units/systemops/fs/media/Radio\\_Reduction\\_Fed\\_Reg.pdf](http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/fs/media/Radio_Reduction_Fed_Reg.pdf).

A link to the frequencies that will be decommissioned can be found here: [http://www.faa.gov/about/office\\_org/headquarters\\_offices/ato/service\\_units/systemops/fs/media/RCO\\_Master\\_List.xlsx](http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/fs/media/RCO_Master_List.xlsx).

The FAA posted frequently asked Questions and Answers regarding the Reduction of Remote Communications Outlets Used by Flight Service Stations in the Conterminous United States on [http://www.faa.gov/about/office\\_org/headquarters\\_offices/ato/service\\_units/systemops/fs/media/RCO\\_Reduction\\_FAQ\\_030217.pdf](http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/fs/media/RCO_Reduction_FAQ_030217.pdf).

These Questions and Answers will be periodically updated until FAA charts and publications are revised to reflect the changes in this notice.

Issued in Washington, DC, on August 23, 2017.

**Michael P. Huerta,**

*Administrator, Federal Aviation Administration.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2017-0069]

#### Notice To Extend the Public Comment Period for the Notice of Intent To Prepare an Environmental Impact Statement for Model Year 2022-2025 Corporate Average Fuel Economy Standards

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice of extension.

**SUMMARY:** NHTSA is extending the public comment period for the Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS) for Model Year 2022-2025 Corporate Average Fuel Economy (CAFE) Standards to Monday, September 25, 2017. The NOI was published in the **Federal Register** on Wednesday, July 26, 2017. The public comment period

for the NOI was originally scheduled to end on Friday, August 25, 2017.

**DATES:** To ensure that NHTSA has an opportunity to fully consider scoping comments, scoping comments should be received on or before Monday, September 25, 2017. NHTSA will consider comments received after that date to the extent the rulemaking schedule allows.

**ADDRESSES:** You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Mail:** Docket Management Facility, M-30, U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- **Hand Delivery or Courier:** U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.
- **Fax:** 202-493-2251.

Regardless of how you submit your comments, you must include the docket number identified in the heading of this notice. Note that all comments received, including any personal information provided, will be posted without change to <http://www.regulations.gov>. Please see the "Privacy Act" heading below.

You may call the Docket Management Facility at 202-366-9324.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. We will continue to file relevant information in the Docket as it becomes available.

**Privacy Act:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://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>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).

**Confidential Business Information:** If you wish to submit any information

under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given below under **FOR FURTHER INFORMATION CONTACT**. When you send a comment containing confidential business information, you should include a cover letter setting forth the information specified in NHTSA's confidential business information regulation. See 49 CFR part 512. In addition, you should submit a copy from which you have deleted the claimed confidential business information to the Docket by one of the methods set forth above.

**FOR FURTHER INFORMATION CONTACT:** For technical issues, contact Ken Katz, Fuel Economy Division, Office of International Policy, Fuel Economy, and Consumer Programs, telephone: 202-366-4936, email: [Ken.Katz@dot.gov](mailto:Ken.Katz@dot.gov); for legal issues, contact Russell Krupen, Legislation & General Law Division, Office of the Chief Counsel, telephone: 202-366-1834, email: [Russell.Krupen@dot.gov](mailto:Russell.Krupen@dot.gov), at the National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Requests to be placed on the project mailing list may be sent to either individual by mail or email.

**SUPPLEMENTARY INFORMATION:** On Wednesday, July 26, 2017, NHTSA published in the **Federal Register** a document titled "Notice of Intent to Prepare an Environmental Impact Statement for Model Year 2022-2025 Corporate Average Fuel Economy Standards." 82 FR 34740. The public comment period for the NOI was scheduled to end on Friday, August 25, 2017.

On Tuesday, August 15, 2017, NHTSA received a request for a 30-day extension of the public comment period from the Sierra Club, the Center for Biological Diversity, Environment America, the Safe Climate Campaign, and the Environment Law & Policy Center. NHTSA has reviewed the request and is extending the public comment period for the NOI by 31 days to Monday, September 25, 2017. NHTSA will consider comments received after that date to the extent the rulemaking schedule allows.

Issued in Washington, DC, under authority delegated in 49 CFR parts 1.81 and 1.95.

**Raymond R. Posten,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2017-18366 Filed 8-25-17; 11:15 am]

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