

modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

Under authority delegated in 49 CFR 1.95

**R. Ryan Posten,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2014-27887 Filed 11-24-14; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Final Decision on Proposed Airport Access Restriction

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

**ACTION:** Notice.

**SUMMARY:** The FAA has completed its review of the application for an airport noise and access restriction submitted by Los Angeles World Airports (LAWA) for the Los Angeles International Airport (LAX). The FAA determined that the application does not provide substantial evidence that the proposed restriction meets three of the six statutory conditions for approval under the Airport Noise and Capacity Act of 1990 (ANCA). The FAA's decision was signed on November 7, 2014, and transmitted to LAWA on November 8, 2014.

**DATES:** *Effective date:* November 25, 2014. The effective date of the FAA's decision on the application for a mandatory noise and access restriction at LAX is November 7, 2014.

**FOR FURTHER INFORMATION CONTACT:** James Byers, Airport Planning and Environmental Division, APP-400, 800 Independence Avenue SW., Washington, DC 20591. Email address: [jim.byers@faa.gov](mailto:jim.byers@faa.gov); telephone: 202-267-3007.

**SUPPLEMENTARY INFORMATION:** This Notice also announces the availability of the FAA's final agency order disapproving the proposed access restriction at [http://faa.gov/airports/environmental/airport\\_noise/part\\_161/](http://faa.gov/airports/environmental/airport_noise/part_161/).

The Airport Noise and Capacity Act of 1990 (hereinafter referred to as "the Act" or "ANCA") provides notice, review, and approval requirements for

airports seeking to impose noise or access restrictions on Stage 3 aircraft operations that become effective after October 1, 1990. 49 U.S.C. 47521 *et seq.*

ANCA established a 180-day review period for the application. Under 14 CFR 161.313(c)(4)(ii), the review period starts on the date of receipt of the complete application, which was May 22, 2014.

On January 30, 2013, the FAA received an application from LAWA under Title 14, Code of Federal Regulations, 14 CFR part 161, seeking the FAA's review of a proposed Stage 3 aircraft noise and access restriction at LAX. The FAA reviewed the application in accordance with 14 CFR 161.313(a), and determined it to be incomplete in the areas of Noise Exposure Maps (NEMs); Noise Study Area; Technical Data Supporting Noise Impact Analysis; and Cost Benefit Analysis. The FAA sent notice of this decision to LAWA on March 1, 2013. On March 15, 2013, the FAA provided LAWA with additional information regarding the types of information and analysis required to complete the application.

On March 28, 2013, LAWA stated its intent to revise the Part 161 application and resubmit it for further review. On July 5, 2013, FAA received a "Supplemental Analysis" from LAWA. The FAA reviewed the Supplemental Analysis and determined that the application continued to be incomplete in the areas of Airport Noise Study Area and Noise Contours; Technical Data Supporting Noise Impact Analysis; and Cost Benefit Analysis. The FAA sent notice of this decision to LAWA on August 2, 2013. On August 20, 2013, LAWA stated its intent to supplement the Part 161 application and resubmit it to the FAA. On May 12, 2014, FAA received LAWA's supplemented application, followed by an errata sheet on May 22, 2014. On June 10, 2014, FAA determined LAWA's application to be complete. On June 27, 2014, the FAA published a notice in the **Federal Register** announcing its determination that LAWA's application was complete and inviting public comments. 79 FR 36577. The FAA received 21 separate comments, which the FAA considered during its evaluation of the LAWA application.

By law, the FAA may only approve a noise or access restriction affecting the operations of Stage 3 aircraft if the applicant demonstrates, by substantial evidence, that each of six statutory conditions have been met. These six statutory conditions of approval are:

- Condition 1: The restriction is reasonable, nonarbitrary, and nondiscriminatory;

- Condition 2: The restriction does not create an undue burden on interstate or foreign commerce;

- Condition 3: The proposed restriction maintains safe and efficient use of the navigable airspace;

- Condition 4: The proposed restriction does not conflict with any existing Federal statute or regulation;

- Condition 5: The applicant has provided adequate opportunity for public comment on the proposed restriction; and

- Condition 6: The proposed restriction does not create an undue burden on the national aviation system.

The FAA evaluated LAWA's application under the provisions of ANCA and 14 CFR 161.317 and determined that the application satisfies the requirements under Condition 3, Condition 5, and Condition 6. However, the application does not satisfy the requirements under Condition 1, Condition 2, or Condition 4. Therefore, in accordance with the requirements set forth in ANCA, the FAA disapproved the application on November 7, 2014.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on November 17, 2014.

**Elliott Black,**

*Director, Office of Airport Planning and Programming.*

[FR Doc. 2014-27815 Filed 11-24-14; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Random Drug and Alcohol Testing Percentage Rates of Covered Aviation Employees for the Period of January 1, 2015, Through December 31, 2015

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

**ACTION:** Notice.

**SUMMARY:** The FAA has determined that the minimum random drug and alcohol testing percentage rates for the period January 1, 2015, through December 31, 2015, will remain at 25 percent of safety-sensitive employees for random drug testing and 10 percent of safety-sensitive employees for random alcohol testing.

**FOR FURTHER INFORMATION CONTACT:** Ms. Vicky Dunne, Office of Aerospace Medicine, Drug Abatement Division, Program Policy Branch (AAM-820), Federal Aviation Administration, 800 Independence Avenue SW., Room 806,

Washington, DC 20591; Telephone (202) 267-8442.

**Discussion:** Pursuant to 14 CFR 120.109(b), the FAA Administrator's decision on whether to change the minimum annual random drug testing rate is based on the reported random drug test positive rate for the entire aviation industry. If the reported random drug test positive rate is less than 1.00%, the Administrator may continue the minimum random drug testing rate at 25%. In 2013, the random drug test positive rate was 0.485%. Therefore, the minimum random drug testing rate will remain at 25% for calendar year 2015.

Similarly, 14 CFR 120.217(c), requires the decision on the minimum annual random alcohol testing rate to be based on the random alcohol test violation rate. If the violation rate remains less than 0.50%, the Administrator may continue the minimum random alcohol testing rate at 10%. In 2013, the random alcohol test violation rate was 0.091%. Therefore, the minimum random alcohol testing rate will remain at 10% for calendar year 2015.

**SUPPLEMENTARY INFORMATION:** If you have questions about how the annual random testing percentage rates are determined please refer to the Code of Federal Regulations Title 14, section 120.109(b) (for drug testing), and 120.217(c) (for alcohol testing).

Issued in Washington, DC, on November 13, 2014.

**James R. Fraser,**  
*Federal Air Surgeon.*

[FR Doc. 2014-27829 Filed 11-24-14; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Safety Advisory 2014-02]

#### **Roadway Worker Authority Limits—Importance of Clear Communication, Compliance With Applicable Rules and Procedures, and Ensuring That Appropriate Safety Redundancies Are in Place in the Event of Miscommunication or Error**

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

**ACTION:** Notice of Safety Advisory.

**SUMMARY:** FRA is issuing Safety Advisory 2014-02 to reemphasize the importance of clear communication and compliance with applicable rules and procedures regarding roadway worker authority limits on controlled track.

FRA believes it is necessary to issue this advisory in light of the miscommunication or error involved in recent roadway worker incidents that occurred at locations that were either outside of authority limits or within authority limits that were no longer protected due to dispatcher error. This safety advisory recommends that railroads monitor their employees for compliance with existing applicable rules and procedures and that they also examine their train dispatching systems, rules, and procedures to ensure that appropriate safety redundancies are in place in the event of miscommunication or error. In addition, this safety advisory recommends that if a railroad determines that appropriate safety redundancies are not in place, the railroad should adopt electronic technology that would provide appropriate safety redundancies, and adopt certain interim safety measures and procedures at least until such technology is in place.

#### **FOR FURTHER INFORMATION CONTACT:**

Kenneth Rusk, Staff Director, Track Division, Office of Railroad Safety, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590, telephone (202) 493-6236; or Anna Nassif Winkle, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590, telephone (202) 493-6166.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

FRA is concerned about the infrequent, but repetitive incidents involving roadway workers being struck or nearly struck by trains that appear to be due to miscommunication or error regarding the roadway workers' authority limits or location in relation to the authority limits. This safety advisory discusses six such incidents, three of which resulted in four employee fatalities. However, there have been other close-call incidents involving similar circumstances that did not result in fatalities but further highlight the need for this safety advisory. Information regarding some of the incidents discussed below is based on FRA's preliminary findings and the respective railroad's reporting to date. The probable causes and contributing factors, if any, have not yet been established for all of these incidents and nothing in this safety advisory is intended to attribute a cause to these incidents, or place responsibility for these incidents on the acts or omissions of any person or entity.

The following is a summary of the circumstances involved in each of the incidents:

In November 2013, a BNSF Railway Co. (BNSF) lead welder was killed when his welding truck collided with an eastbound freight train on a single main track at a location that was outside of his roadway work group's limits of authority. It appears from FRA's preliminary investigation that the two-man work group set on the track at a location outside of their authority limits after the workers disagreed regarding the extent of the authority limits and after not being able to quickly resolve the discrepancy because the screen displaying their authority was not visible at the time they set on the track. The foreman was apparently attempting to "wake up" the computer screen as the operator was setting their vehicle on and operating over the track, rather than remaining clear of the track until the discrepancy could be resolved, as required by the railroad's good faith challenge procedures.

In May 2013, a Metro-North Commuter Railroad Co. (Metro-North) track foreman was struck and killed by a passenger train in Danbury, Connecticut, after a student dispatcher prematurely removed the control signal blocking devices that had been established for the track foreman's work group, and cleared the signal for the passenger train. Investigation by FRA and the National Transportation Safety Board (NTSB) determined that the student dispatcher assumed that the foreman no longer needed the main track after the dispatcher had lined the foreman-piloted locomotive crane into an out-of-service track. Several weeks prior to this incident, a very similar incident occurred on the same railroad. However, in that situation, the roadway worker detected the advancing train movement in sufficient time to move away from the track and avoid being struck by the train.

In May 2013, a CSX Transportation, Inc. (CSX) hi-rail vehicle collided with a CSX train while traveling southward on the CSX Florence Division, Charlotte Subdivision. The hi-rail was operating under an EC-1 authority (a form of exclusive track occupancy), but was struck when it encountered the northbound CSX train at milepost (MP) 340.52. This location was approximately one and one-quarter miles outside of the authority limits the track inspector operating the vehicle had requested and was granted (*i.e.*, from MP 339.1 to MP 339.3). FRA's investigation also determined that in requesting authority from the dispatcher, the track inspector stated his location as MP 339.5, which