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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2012-0032]

#### Commercial Driver's License Standards: Application for Exemption; Daimler Trucks North America (Daimler)

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of application for exemption; request for comments.

**SUMMARY:** FMCSA announces that Daimler Trucks North America (Daimler) has requested an exemption for one commercial motor vehicle (CMV) driver from the Federal requirement to hold a commercial driver's license (CDL) issued by one of the States. Daimler requests that the exemption cover Mr. Christian Urban, a project engineer who will test drive CMVs for Daimler within the United States. This driver holds a valid German CDL and wants to test-drive Daimler vehicles on U.S. roads to better understand product requirements for these systems in "real world" environments, and verify results. Daimler believes the requirements for a German CDL ensure that the same level of safety is met or exceeded as if this driver had a U.S. State-issued CDL.

**DATES:** Comments must be received on or before July 2, 2015.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA-2012-0032 by any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments.
- *Fax:* 1-202-493-2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.

**Instructions:** All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the *Public Participation* heading below. Note that all comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided. Please see the *Privacy Act* heading below.

**Docket:** For access to the docket to read background documents or comments received, go to [www.regulations.gov](http://www.regulations.gov) at any time and in the box labeled "SEARCH for" enter FMCSA-2012-0032 and click on the tab labeled "SEARCH."

**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 [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**Public Participation:** The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines under the "help" section of the Federal eRulemaking Portal Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online.

**FOR FURTHER INFORMATION CONTACT:** Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202-366-4325. Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than,

the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

In the May 12, 2012, **Federal Register** (77 FR 31422) FMCSA granted Daimler a similar exemption for two of its test drivers. Each held a valid German CDL but lacked the U.S. residency necessary to obtain a CDL. FMCSA concluded that the process for obtaining a German CDL is comparable to or as effective as the U.S. CDL requirements and ensures that these drivers will likely achieve a level of safety equivalent to or greater than the level that would be obtained in the absence of the exemption.

#### Request for Exemption

Daimler has applied for an exemption for one of its engineers from 49 CFR 383.23, which prescribes licensing requirements for drivers operating CMVs in interstate or intrastate commerce. This driver, Mr. Christian Urban, is unable to obtain a CDL in any of the U.S. States. A copy of the application is in Docket No. FMCSA-2012-0032.

The exemption would allow Mr. Urban to operate CMVs in interstate or intrastate commerce to support Daimler field tests designed to meet future vehicle safety and environmental regulatory requirements and to promote the development of technology advancements in vehicle safety systems and emissions reductions. According to Daimler, Mr. Urban will typically drive for no more than 6 hours per day for 2 consecutive days, and that 10 percent of the test driving will be on two-lane state highways, while 90 percent will be on interstate highways. The driving will consist of no more than 200 miles per day, for a total of 400 miles during a two-day period on a quarterly basis. He will in all cases be accompanied by a holder of a U.S. CDL who is familiar with the routes to be traveled.

Daimler requests that the exemption cover a two-year period. Mr. Urban holds a valid German CDL, and as explained by Daimler in its exemption request, the requirements for that license ensure that the same level of safety is met or exceeded as if this driver had a U.S. CDL.

FMCSA has determined that the process for obtaining a German-issued CDL is comparable to, or as effective as the Federal requirements of 49 CFR part 383, and adequately assesses a driver's ability to operate CMVs in the United States.

### Request for Comments

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comment on Daimler's application for an exemption from the CDL requirements of 49 CFR 383.23. The Agency will consider all comments received by close of business on July 2, 2015. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will consider to the extent practicable comments received in the public docket after the closing date of the comment period.

Issued on: May 22, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Environmental Impact Statement for Port Bienville Railroad Project

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

**ACTION:** Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS).

**SUMMARY:** The Federal Railroad Administration (FRA) is issuing this NOI to advise the public that the Mississippi Department of Transportation (MDOT) and Hancock County Port and Harbor Commission intend to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act of 1969 (NEPA) to evaluate the impacts of construction and operation of the Port Bienville Railroad Project (Project). The EIS will evaluate route alternatives for freight rail service from the Port Bienville Short Line Railroad in Hancock County, Mississippi to Nicholson in Pearl River County, Mississippi.

**DATES:** FRA invites the public, governmental agencies, and all other interested parties to comment on the scope of the EIS. All such comments should be provided in writing, within thirty (30) days of the publication of this

notice, at the address listed below. Comments may also be provided orally or in writing at the scoping meetings. Once scheduled, scoping meeting dates, times and locations, in addition to information about the EIS for the Port Bienville Railroad Project can be found online <https://www.fra.dot.gov/Page/P0214>.

**ADDRESSES:** Written comments on the scope of the EIS may be mailed or emailed within thirty (30) days of the publication of this notice to Melissa Hatcher, Environmental Protection Specialist, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE., MS-20, Washington, DC 20590 or [melissa.hatcher@dot.gov](mailto:melissa.hatcher@dot.gov).

**FOR FURTHER INFORMATION CONTACT:** Melissa Hatcher, Environmental Protection Specialist, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE., MS-20, Washington, DC 20590, [melissa.hatcher@dot.gov](mailto:melissa.hatcher@dot.gov), or Kim Thurman, MDOT, Environmental Division, P.O. Box 1850, Jackson, MS 39215-1850, [environmentalcomments@mdot.ms.gov](mailto:environmentalcomments@mdot.ms.gov).

**SUPPLEMENTARY INFORMATION:** The EIS will be prepared in accordance with the NEPA and the Council on Environmental Quality (CEQ) regulations for implementing NEPA and FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 26, 1999) (Environmental Procedures). The EIS will also address section 106 of the National Historic Preservation Act (16 U.S.C. 470(f)), section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303), E.O. 12898 and USDOT Order 5610.2(a) on Environmental Justice, and other applicable Federal and state laws and regulations. The EIS will:

- Present the Purpose and Need for the Proposed Action.
- Identify the reasonable alternatives that satisfy the Purpose and Need for the Proposed Action.
- Establish the no-build or no-action alternative to serve as a baseline for comparison.
- Describe the environment likely to be affected by the Proposed Action.
- Describe the potential environmental impacts associated with the reasonable alternatives and propose mitigation measures to reduce significant impacts.

FRA, in cooperation with MDOT, will prepare an EIS for the Project proposed by MDOT and Hancock County Port and Harbor Commission. The Proposed Action will connect the Port Bienville Short Line Railroad, located at the Port

Bienville Industrial Park, Hancock County, with the Norfolk Southern Railroad, located in the vicinity of Nicholson in Pearl River County, to provide the Port with access to dual Class 1 rail service. The Project is composed of approximately 24 miles of new railroad line. Dual Class I rail access is proposed to enable Hancock and Pearl River Counties and Stennis Space Center to attract new industries to this region that require this level of rail services, and encourage job creation and investment opportunities to help this area recover from recent hurricane disasters that have significantly affected local economies.

The Project's new corridor may involve alteration and fill of "Waters of the United States," as that term is used in the Clean Water Act (33 U.S.C. 1251 *et seq.*), and thus, the EIS process will involve the U.S. Army Corps of Engineers, which is expected to serve as a cooperating agency. The Project's corridor is expected to cross through the acoustical (noise) buffer zone of NASA's Stennis Space Center.

### Project Background

In 2008, the Hancock County Port and Harbor Commission received a \$2.7 million grant from the U.S. Department of Commerce's Economic Development Administration to improve the railway at the Port Bienville Industrial Park. In 2013, a Feasibility Report was completed to determine the feasibility of constructing and operating a new rail line to connect the Port Bienville Short Line Railroad with the Norfolk Southern mainline in Nichols. The study included the development of reasonable alternative corridors; identification of the economic benefits and opportunities associated with the Project; and the recommendation as to the feasibility of the Project. Given the business case for dual Class I rail services, the demands of the existing and emerging business clusters in Hancock and Pearl River Counties, the future benefits to Stennis Space Center, the existing industrial land inventory, and the workforce and transportation assets supporting this region, the construction of this new rail line was determined feasible.

The Project would provide existing businesses access to dual Class I rail service, improving transit time and reliability, and enabling Hancock and Pearl River Counties and the Stennis Space Center to attract new industries to the region. By improving the efficiency of goods movement in the area by rail, the Project would also improve regional air quality and reduce truck traffic on area roads and highways.