

percentage rate to 25 percent when the industry-wide random controlled substances positive rate is less than 1.0 percent for two consecutive calendar years. 49 CFR 382.305(g). The new annual random testing percentage rate would then apply starting January 1 of the following calendar year. 49 CFR 382.305(f).

In accordance with 49 CFR 382.403, each calendar year FMCSA requires motor carriers selected for the survey to submit their DOT drug and alcohol testing program results. Selected motor carriers are responsible for ensuring the completeness, accuracy, and timeliness of the data submitted. The survey requires motor carriers to provide information to the Agency on the number of random tests conducted and the corresponding positive rates.

For the 2013 survey, notices were sent out to 3,251 randomly selected motor carriers primarily via email and U.S. mail for those motor carriers with invalid or no email addresses. Of these forms, 2,236 were completed and returned to FMCSA, resulting in usable data from 1,654 carriers comprising of 497,270 CDL drivers based on the motor carriers' survey responses. Respondents providing non-usable data represent entities that are out of business, exempt, have no testing program in place, or belong to consortia that did not test any drivers for the carrier during 2013.

The estimated positive random controlled substance test rate in 2013 is 0.7 percent. The 95-percent confidence interval for this estimate ranges from 0.6–0.8 percent. In other words, if the survey were to be replicated, it would be expected that the confidence interval derived from each replication would contain the true usage rate in 95 out of 100 surveys. For 2011 and 2012, the estimated positive usage rate for drugs was estimated to be 0.9 percent and 0.6 percent, respectively.

For calendar year 2015, in order to ensure reliability of the data, the FMCSA Administrator made the decision to maintain the annual testing percentage rate at 50 percent and sought additional information related to drivers' positive test rates. Following a third consecutive calendar year of data reporting the positive rate below 1.0 percent FMCSA announces that the random controlled substances annual percentage testing rate will change from 50 percent to 25 percent. The new minimum annual percentage rate for random drug testing will be effective January 1, 2016. This change reflects the sustained low positive test rate and will result in an estimated \$50 million in annual savings to motor carriers by requiring that fewer drivers be tested.

In accordance with 49 CFR 382.305(e)(2) if, in the future, the reported positive rate for any calendar year is equal to or greater than 1.0 percent, the FMCSA Administrator will increase the minimum annual percentage rate for random controlled substances testing to 50 percent of all driver positions.

#### **Minimum Annual Percentage Rates for Random Controlled Substances Testing for 2016**

Effective January 1, 2016, the minimum annual percentage rate for random controlled substances testing is 25 percent of the average number of driver positions. The minimum annual percentage rate for random alcohol testing will remain at 10 percent.

Issued on: December 17, 2015.

**T.F. Scott Darling, III,**  
*Acting Administrator.*

[FR Doc. 2015–32364 Filed 12–23–15; 8:45 am]

**BILLING CODE 4910–EX–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

[Docket No. 2015–0124]

#### **Potential Benefits and Feasibility of Voluntary Compliance; Public Listening Sessions**

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

**ACTION:** Notice of public listening sessions.

**SUMMARY:** The FMCSA announces that it will hold two public listening sessions, on January 12 and 31, 2016, to solicit information on the potential benefits and feasibility of voluntary compliance and ways to credit carriers and drivers who initiate and establish programs that promote safety beyond the standards established in FMCSA regulations. The recently enacted Fixing America's Surface Transportation (FAST) Act mandates that the FMCSA Administrator allow recognition for a motor carrier that installs advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs and other standards for use by motor carriers to receive recognition, including credit or an improved Safety Measurement System (SMS) percentile. FMCSA is soliciting comment to develop a process for identifying and reviewing these opportunities to provide credit to those carriers and drivers who go above and beyond the regulatory requirements. The listening

sessions are intended to provide interested parties with an opportunity to share their views on this topic with Agency representatives, along with any data or analysis they may have. All comments will be transcribed and placed in the docket referenced above for FMCSA's consideration. The entire proceedings of both meetings will be webcast.

**DATES:** The listening sessions will be held on Tuesday, January 12, 2016, from 9:30 a.m. to 11:30 a.m. and 2:30 p.m. to 4:30 p.m., Local Time, and on Sunday, January 31, 2016, from 2:00 p.m. to 4:00 p.m., Local Time. If all interested parties have had the opportunity to comment, the sessions may conclude early.

**ADDRESSES:** The January 12 listening session will be held at the Kentucky International Convention Center, Room 108, 221 Fourth St., Louisville, KY 40202. The January 31 session will be held at the Georgia World Congress Center, Building C, 285 Andrew Young International Blvd. NW., Atlanta, GA. In addition to attending the session in person, the Agency offers several ways to provide comments, as enumerated below.

*Internet Address for Live Webcast.* FMCSA will post specific information on how to participate via the Internet on the FMCSA Web site at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov) in advance of the listening session.

You may submit comments identified by Docket Number FMCSA–2015–0124 using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *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., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received, without change, to [www.regulations.gov](http://www.regulations.gov), including any personal information included in a comment. Please see the *Privacy Act* heading below. To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

*Docket:* For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at any time or visit Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The online Federal document management system is available 24 hours each day, 365 days each year. If you would like acknowledgment that the Agency received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments on-line.

**FOR FURTHER INFORMATION CONTACT:** Ms. Shannon L. Watson, Senior Policy Advisor, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590 or by telephone at 202-366-2551.

If you need sign language interpretation or any other accessibility accommodation, please contact Ms. Watson by Monday, January 4, 2016, to allow us to arrange for such services. FMCSA cannot guarantee that interpreter services requested on short notice will be provided.

**SUPPLEMENTARY INFORMATION:**

*Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA-2015-0124), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, put the docket number, FMCSA-2015-0124, in the keyword box, and click "Search." When the new screen appears, click on the "Comment Now!" button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility,

please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may draft a notice of proposed rulemaking based on your comments and other information and analysis.

*Viewing Comments and Documents*

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>. Insert the docket number, FMCSA-2015-0124, in the keyword box, and click "Search." Next, click the "Open Docket Folder" button and choose the document to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays.

*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).

**I. Background**

The trucking and bus industries and the U.S. Department of Transportation have invested in the research, development, and testing of strategies and technologies to reduce truck and bus crashes. In September 2014, the Commercial Vehicle Safety Alliance (CVSA) submitted a request to FMCSA to consider initiating a pilot program to investigate the benefits and feasibility of a voluntary compliance program. Citing research that has been underway for several years, the Agency established an Alternative Compliance team in December 2014, the goal of which was to analyze the concept and gather data to support how it might be developed and implemented.

On March 30-31, 2015, the Agency's Motor Carrier Safety Advisory Committee (MCSAC) deliberated on the potential benefits and feasibility of a voluntary compliance program and ways to credit carriers and drivers who initiate and establish programs that promote safety beyond FMCSA's regulations. The MCSAC completed its deliberations during its June 15-16,

2015, meeting and subsequently submitted its final report on Task 15-1 to the Agency on September 21, 2015. A copy of the report is posted at the MCSAC's Web site, <http://mcsac.fmcsa.dot.gov/meeting.htm>.

On April 23, 2015 (80 FR 22770), the Agency published a notice requesting responses to specific questions and any supporting data the Agency should consider in the potential development of a Beyond Compliance program.<sup>1</sup> The notice indicated that Beyond Compliance would include voluntary programs implemented by motor carriers that exceed regulatory requirements and improve the safety of commercial motor vehicles and drivers operating on the Nations' roadways by reducing the number and severity of crashes. Beyond Compliance would not result in regulatory relief.

Section 5222 of the recently enacted the Fixing America's Surface Transportation Act (Pub. L. 114-94, Dec. 4, 2015, 129 Stat. 1312) (FAST) mandates that the FMCSA Administrator allow recognition for a motor carrier that installs advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs and other standards for use by motor carriers to receive recognition, including credit or an improved SMS percentile. This provision requires the Administrator, after providing notice and comment, to develop a process for identifying and reviewing these opportunities to provide credit to those carriers and drivers who go above and beyond the regulatory requirements.

The January 12, 2016, session will be held at the American Bus Association's (ABA) Marketplace conference in Louisville, Kentucky. The January 31, 2016, session will be held at the United Motorcoach Association (UMA) Expo 2016 conference in Atlanta, Georgia.

All comments will be transcribed and placed in the docket referenced above for FMCSA's consideration. The entire proceedings of both meetings will be webcast.

**II. Meeting Participation and Information FMCSA Seeks From the Public**

The listening session is open to the public. Speakers should try to limit their remarks to 3-5 minutes. No preregistration is required. Attendees may submit material to the FMCSA staff at the session for inclusion in the public

<sup>1</sup> See <https://www.gpo.gov/fdsys/pkg/FR-2015-04-23/pdf/201509463.pdf> or <https://www.fmcsa.dot.gov/regulations/notices/201509463>.

docket referenced at the beginning of this notice.

FMCSA would like to know the views of the public on the concept, with any data or analysis to support it, with regard to 3 basic areas:

(1) What voluntary technologies or safety program best practices would be appropriate for beyond compliance; (2) what type of incentives would encourage motor carriers to invest in technologies and best practices programs; and (3) how FMCSA would verify that the voluntary technologies or safety programs are being implemented.

FMCSA will docket the transcripts of the webcast and a separate transcription of each listening session will be prepared by an official court reporter.

Dated: December 18, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015-32358 Filed 12-23-15; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2005-20383]

#### Petition for Waiver of Compliance

In accordance with part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that by a document dated October 28, 2015, the Maine Eastern Railroad (MERR) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 236. FRA assigned the petition Docket Number FRA-2005-20383.

This request is for relief from the mechanical locking requirements found in 49 CFR 236.312, *Movable bridge, interlocking of signal appliances with bridge devices*, on the Carlton Bridge at Bath, ME, Milepost 30.0 on the Rockland Branch. Specifically, MERR requests permission to detect displacement of the bridge-locking members when displaced more than 2 inches from their proper position, instead of the existing 1-inch requirement.

MERR states that it was granted relief from the 1-inch locking requirement in 2005 in Docket Number FRA-2005-20383, but allowed that waiver to expire in 2010. MERR notes that it is not possible to maintain the 1-inch span lock retraction limit in cold-temperature extremes. These conditions will cause the movable span-locking members to move within the fixed span positions

enough to cause a noncompliance of the 1-inch requirement. The contraction of the steel affects the moveable span's west-end span lock adjustment, which requires a maintainer to travel to the bridge piers to seasonally adjust both west-end span lock circuit controller boxes to a setting of 2 inches to compensate for the contraction. Later in the season, the settings must be returned to 1 inch. This often places the maintainer at a safety risk due to icy conditions. The span lock members extend approximately 13 inches in length into the fixed portions when the movable span is locked with the fixed span.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Fax: 202-493-2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by February 8, 2016 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if

submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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). See also <http://www.regulations.gov/#!privacyNotice> for the privacy notice of regulations.gov.

Issued in Washington, DC.

**Robert C. Lauby,**

*Associate Administrator for Railroad Safety, Chief Safety Officer.*

[FR Doc. 2015-32450 Filed 12-23-15; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2015-0130]

#### Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated September 25, 2015, BNSF Railway (BNSF) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 213, Track Safety Standards. FRA assigned the petition Docket Number FRA-2015-0130.

Pursuant to 49 CFR 213.113(a), BNSF requests a waiver from the accepted practice of stop/start rail testing to deploy nonstop continuous test rail flaw inspection to begin November 1, 2015, and to be in effect for 3 years.

The test process would occur on the main tracks of the following subdivisions: Panhandle, Hereford, Clovis, Gallup, Seligman, Fort Scott, Thayer North, Thayer South, Birmingham, Amory, Cuba, River, Cherokee, and Afton.

BNSF will gradually deploy the process over time as they measure the results and prioritize the areas expected to benefit the most from this alternative method. BNSF will notify FRA when implementing on a specific subdivision. Multiple data acquisition and/or field verification vehicles may be used as required to accomplish the desired testing production rates.

Currently, the BNSF subdivisions proposed for nonstop testing are required by 49 CFR 213.237, *Inspection*