

exemption sought by LRDM, in light of the limitations set forth in § 13541(e)(1).

IV. Background

A motor carrier engaged in the interstate transportation of household goods must follow the regulations in 49 CFR part 375. The term “household goods motor carrier” is defined in section 375.103 as a motor carrier that, in the ordinary course of business of providing transportation of household goods, offers some or all of the following additional services: binding and nonbinding estimates; inventorying; protective packing and unpacking of items at personal residences; and loading and unloading at personal residences. However, the term HHG motor carrier excludes any motor carrier providing transportation of HHGs in containers or trailers that are entirely loaded and unloaded by an individual (other than an employee or agent of the motor carrier). This is the LSE provision.

V. Request for Exemption

LRDM (US DOT # 25982) is a minority-owned motor carrier with its principal place of business located in Bronx, New York. According to LRDM, for almost 50 years this company has been a leader in providing interstate household goods moving and storage services for primarily minority communities from and between New York, Florida, Connecticut, Illinois, Massachusetts, Pennsylvania, Puerto Rico, and the Dominican Republic.

According to LRDM, in the past several years there has been a need in communities served by LRDM for an efficient, low-cost, no-frills shipment service for SRS consisting primarily of fewer than 10 items weighing a total of no more than 1,000 pounds. Such items include bicycles, refrigerators, washer/dryers and other similar goods. In response to this need, LRDM offers an SRS service that it says combines the efficiency and economy of freight with the safety and professional service of a traditional HHG move.

LRDM contends that the HHG regulations hinder its efforts to meet the needs of the communities it serves. The regulations do not exempt SRS under the Limited Service Exclusion¹ (LSE)

¹ The LSE is a statutory provision that pertains to the definition of “household goods motor carrier.” Through the LSE, Congress specifically excluded certain motor carriers from the definition of household goods motor carriers, and thus exempted those carriers from household goods regulations when the carrier “does not load and unload” the contents of the containers the carrier is shipping. Carriers falling under the LSE are not subject to household goods and consumer protection regulations under FMCSA regulations parts 375 (for

because LRDM takes the time and effort to load and unload these small shipments for its customers. As a result the regulations classify these shipments as large HHG moves.

LRDM seeks the ability to offer its customers an option to ship a limited number of small items at a flat rate that its customers can afford, free from extra costs and burdens associated with HHG regulations. LRDM is requesting that its specialized service be exempt from the HHG requirements under 49 CFR part 375. LRDM asserts that its SRS warrant an exemption from the application of part 375 because such an exemption is in the public interest. It claims that the exemption would further support DOT’s transportation policy goals by promoting safe, economical, and efficient transportation by allowing a variety of quality and price options to the public.

To LRDM’s knowledge no other carrier/mover, ground, freight, or otherwise, offers a similar service. These shipments are unique and in a class of their own; are too large and/or heavy for ground transportation; and too small to be economical or affordable to be shipped as freight or through a portable storage container covered under the LSE.

LRDM explains that its customers cannot turn to traditional ground carriers because the SRS shipments far exceed those services’ 150 pound maximum weight for any one parcel. Nor can its customers turn to less-than-truckload (LTL) freight services which are prohibitively expensive due to mileage and other freight charges. LTL carriers also require sophisticated packing with items securely fastened to a pallet or skid.

LRDM advises that customers cannot turn to the portable storage container service options. According to LRDM, those services, although excluded from HHG moving regulations under the LSE, are not made for SRS and are prohibitively expensive. For example, the cost of shipping an average sized refrigerator from New York to Miami would cost between \$600–\$1,000 by traditional freight service (not including the cost and time to properly pack and secure the refrigerator on a pallet) and over \$1,800 by a portable storage container service. However, in comparison, if LRDM was not required

household goods, including form requirements), 365 (for motor carrier registration requirements) and 387 (for insurance requirements). See 49 U.S.C. 13102(12)(C); see also 49 CFR 375.103, HHG definition, paragraphs (3) and (4); Limited Service Exclusion for Household Goods Motor Carriers and Related Registration Requirements for Brokers, 78 Fed. Reg. 19568 (Apr. 1, 2013).

to burden its customers with the “excessive costs” and “unreasonable forms” associated with HHG regulations intended for much larger moves, LRDM would be able to offer shipment of the same merchandise for a flat fee in the range of \$125–\$500.

LRDM contends that the intent of the LSE was to give consumers “access to low-cost transportation services as an alternative to traditional, full-service, moving companies.” The intent of its exemption application is exactly the same; to give consumers access to an efficient and affordable shipping option for SRS.

LRDM states that the HHG regulations were not meant to regulate SRS. LRDM believes the HHG regulations, as they are currently applied to smaller shipments, are unnecessary and unreasonable. Rather than being a means of protecting the public from carrier abuses, HHG regulations burden LRDM’s customers with excessive costs and unreasonably lengthy and confusing forms that undermine DOT’s transportation policy goals.

LRDM advises that the forms require LRDM to spend time and resources assisting its customers traverse the maze of paperwork required by the HHG regulations no matter how small the shipment. These resources could be used to make SRS shipments more affordable and more efficient.

A copy of LRDM’s application for the exemption is available for review in the docket for this notice.

Issued on: August 18, 2016.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Amended Pre-Trip Safety Information for Motorcoach Passengers

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

ACTION: Notice.

SUMMARY: The FMCSA amends its pre-trip safety guidance recommending that the motorcoach industry encourage passengers to use lap/shoulder seat belts. This amended guidance is provided in response to National Transportation Safety Board (NTSB) recommendations and the National Highway Transportation Safety Administration’s (NHTSA) Final Rule published on November 25, 2013 [78 FR

70416] titled, "Federal Motor Vehicle Safety Standards; Occupant Crash Protection."

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Nahmens, Commercial Passenger Carrier Safety Division (MC-ECP), greg.nahmens@dot.gov, 202-366-5054. Office hours are from 8:00 a.m. to 5:00 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

On February 26, 1999, the NTSB issued recommendations H-99-7 and H-99-8 to the Secretary of Transportation concerning safety briefing materials for motorcoach operators, and pre-trip safety information for passengers. The recommendations provided as follows:

H-99-7 Provide guidance on the minimum information to be included in safety briefing materials for motorcoach operators.

H-99-8 Require motorcoach operators to provide passengers with pre-trip safety information.

The recommendations resulted from NTSB's special investigation report, "Selective Motorcoach Issues," which included two motorcoach crashes from the late 1990s where passengers felt a general sense of panic and did not know what to do on a motorcoach during the emergency. The NTSB concluded that emergency instructions can be crucial to a safe and expedient evacuation in the event of a motorcoach crash or emergency.

In the spring of 2003, FMCSA formed a stakeholder working group to develop guidance in response to the NTSB recommendations. The working group met on September 16, 2003. Because of the operational variances in the industry, making it inappropriate to apply one basic regulatory approach universally, FMCSA decided to allow motorcoach companies the flexibility to conduct pre-trip safety briefings that are tailored to each individual company's overall safety and operational procedures. FMCSA concluded, based upon the diverse operational types of motorcoach carriers, that it would be best to initially encourage the motorcoach industry to take voluntary action to improve pre-trip safety awareness for passengers.

A notice and request for comments was published in the **Federal Register** on August 28, 2006, [71 FR 50971] which proposed the voluntary adoption of pre-trip safety briefings by the motorcoach industry, with flexible implementation in consideration of the diverse operational types and styles.

On September 13, 2007, the FMCSA published a final notice in the **Federal Register** [72 FR 52424] announcing the Agency's "Basic Plan for Motorcoach Passenger Safety Awareness," and ranking the recommended safety topics in order of importance with a list of examples of the various methods for presenting the safety information.

To assist the motorcoach industry with implementation of passenger safety-awareness programs, FMCSA developed materials including two sample pamphlets, a pre-trip informational poster, and an audio pre-trip safety briefing which was translated into six foreign languages and recorded. These informational tools were mailed to all registered motorcoach companies, distributed at industry seminars and conferences, and placed on FMCSA's Web site to encourage free downloading, adoption, and use.

More recently, NHTSA published a Final Rule on November 25, 2013, [78 FR 70416] titled, "Federal Motor Vehicle Safety Standards; Occupant Crash Protection," which amended Federal Motor Vehicle Safety Standards (FMVSS) numbers 208 and 210 to require lap/shoulder seat belts for each passenger seating position in all new over-the-road buses, and in new buses other than over-the-road buses with a gross vehicle weight rating greater than 26,000 pounds, with certain exclusions. Prior to this, seat belts were only required to be installed for the driver.

On August 4, 2015, in response to a multiple-fatality crash in Orland, California, the previous year involving a motorcoach and subsequent fire, NTSB issued new recommendations to FMCSA concerning safety briefing materials for motorcoach operators, and pre-trip safety information for passengers. The recommendations are provided below.

H-15-14 Require all passenger motor carrier operators to (1) provide passengers with pre-trip safety information that includes, at a minimum, a demonstration of the location of all exits, explains how to operate the exits in an emergency, and emphasizes the importance of wearing seat belts, if available; and (2) also place printed instructions in readily accessible locations for each passenger to help reinforce exit operation and seat belt usage.

H-15-15 Update your Web site guidance to include information on the mandated three-point restraints effective November 2016 for all new over-the-road buses and for other than over-the-road buses with a gross vehicle weight rating greater than 11,793 kilograms (26,000 pounds).

With this notice, FMCSA is adding the use of seat belts to the previously issued pre-trip safety information for passenger carriers. In an effort to assist

motorcoach companies with implementing this amended safety-awareness program for passengers, FMCSA has developed sample safety information, which it makes available to motorcoach carriers and passengers through presentations, during industry and public safety events and through the FMCSA public Web site at <https://www.fmcsa.dot.gov/safety/passenger-safety/pre-trip-safety-information-bus-passengers>. An electronic version of the safety briefing information is available in both English and other languages. Content is also available on the Agency's Web site which can be downloaded and printed for the convenience and use of the industry and public. These materials are available at no charge and can be used by motorcoach companies whether they choose to distribute safety information to passengers during boarding or elect to place safety briefing information in the pouches or sleeves of the seatbacks.

Amended Basic Plan for Motorcoach Passenger Safety Awareness

FMCSA announces the following revisions to the Basic Plan; they are listed in order of importance.

Amended Basic Plan for Motorcoach Passenger Safety Awareness

Recommended Safety Topics To Be Covered

1. *Emergency exits*—Point out the location of all emergency exits (push-out windows, roof vent, and side door) and explain how to operate them. Emphasize that, whenever feasible, the motorcoach door should be the primary exit choice. Encourage able-bodied passengers to assist any injured or mobility-impaired passengers during an emergency evacuation. Provide passengers with sufficient guidance to ensure compliance with 49 CFR 392.62, "Safe operation, buses."

2. *Seat Belt Use*—If equipped, recommend the use of shoulder/lap seat belts whenever passengers occupy any seating position.

3. *Emergency Contact*—Advise passengers to call 911 by cellular telephone in the event of an emergency.

4. *Driver Direction*—Advise passengers to look to the driver for direction and follow his/her instructions.

5. *Fire Extinguisher*—Point out the location of the fire extinguisher.

6. *Restroom Emergency Push Button or Switch*—Inform motorcoach passengers of the emergency signal device in the restroom.

7. *Avoiding Slips and Falls*—Warn passengers to exercise care when

boarding and exiting the motorcoach and to use the handrail when ascending or descending steps. Encourage passengers to remain seated as much as possible while the motorcoach is in motion. If it is necessary to walk while the motorcoach is moving, passengers should always use handrails and supports.

Methods of Presenting the Amended Safety Information

The following presentation methods are examples of how to present safety information to motorcoach passengers. The list below should not be construed to restrict combinations of the following methods or additional presentation methods.

1. *During passenger boarding*—Informational pamphlets or printed materials could be distributed to motorcoach passengers during boarding.

2. *After passenger boarding and immediately prior to moving the motorcoach*—

a. The driver requests the passengers to review informational pamphlets/printed materials located in the seat back pocket.

b. The driver provides an oral presentation (similar to the presentations by airline flight attendants prior to take-off) with or without informational pamphlets/printed materials as visual aids.

c. An automated presentation over the motorcoach audio system.

d. An automated presentation over the motorcoach video system.

Timing and Frequency of the Presentation

Demand-responsive motorcoach operations, such as charters and tour services, should present the safety information to motorcoach passengers after boarding and prior to movement of the motorcoach.

Fixed route motorcoach service operations should present the safety information at all major stops or terminals, after any new passengers have boarded and prior to movement of the motorcoach.

Issued on: August 18, 2016.

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

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Environmental Impact Statement for the Long Bridge Project in Washington, DC

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

ACTION: Notice of intent (NOI) to prepare an environmental impact statement (EIS).

SUMMARY: FRA announces its intent to prepare an EIS for the Long Bridge Project jointly with the District Department of Transportation (DDOT). The Long Bridge Project (Proposed Action) consists of potential improvements to bridge and related railroad infrastructure located between the Virginia Railway Express (VRE) Crystal City Station in Arlington, Virginia and Control Point (CP) Virginia in Washington, DC. FRA and DDOT will develop the EIS in compliance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* FRA and DDOT invite the public and Federal, state, and local agencies to provide comments on the scope of the EIS, including the purpose and need; alternatives to analyze; environmental effects to consider and evaluate; methodologies to use for evaluating effects; and the approach for public and agency involvement.

DATES: Persons interested in providing written comments on the scope of the EIS (scoping comments) must do so by September 26, 2016. Please submit written comments via the methods specified below.

A public scoping meeting is scheduled on Wednesday, September 14, 2016, between 3:00 p.m. and 6:00 p.m. in Washington, DC. The meeting will be held at the L'Enfant Plaza Club Room, Promenade Level, 470 L'Enfant Plaza SW., Washington, DC 20024. Oral and written comments will be accepted at the September 14, 2016 meeting. The meeting facilities will be accessible to persons with disabilities. If special translation, signing services, or other special accommodations are needed, please email: info@longbridgeproject.com, or call 202-671-2829 at least one week prior to the meeting.

ADDRESSES: The public and other interested parties are encouraged to submit written scoping comments by mail, the Internet, email, or in person at the scoping meeting. Scoping comments can be mailed to the address identified in the "For Further Information

Contact" paragraph below. Internet and email correspondence may be submitted through the Long Bridge Project Web site (<http://longbridgeproject.com/>) or at info@longbridgeproject.com.

FOR FURTHER INFORMATION CONTACT:

Amanda Murphy, Environmental Protection Specialist, Office of Railroad Policy and Development, Federal Railroad Administration, 1200 New Jersey Avenue SE., (Mail Stop-20), Washington, DC 20590; telephone: (202) 493-0624.

SUPPLEMENTARY INFORMATION: FRA is an operating administration of DOT and is responsible for overseeing the safety of railroad operations, including the safety of any proposed rail ground transportation system. FRA is also authorized to provide, subject to appropriations, funding for intercity passenger and rail capital investments and to provide loans and other financial support for railroad investment. In 2016, FRA awarded DDOT a grant to prepare an EIS for the Proposed Action, and FRA may provide funding or financing for the rehabilitation or replacement of the Long Bridge in the future.

FRA is the lead Federal agency under NEPA; DDOT, as project sponsor, is a joint lead agency. FRA and DDOT will prepare the EIS consistent with NEPA, the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA in 40 CFR parts 1500-1508; FRA's Procedures for Considering Environmental Impacts in 64 FR 28545, dated May 26, 1999; and 23 U.S.C. 139. After release and circulation of a Draft EIS for public comment, FRA will issue a single document consisting of the Final EIS and a Record of Decision under the Fixing America's Surface Transportation Act (Pub. L. 114-94, section 1304(n)(2)) unless it determines that statutory criteria or practicability considerations preclude issuing a combined document.

The EIS will also document compliance with other applicable Federal, state, and local environmental laws and regulations, including: section 106 of the National Historic Preservation Act; the Clean Water Act; section 4(f) of the Department of Transportation Act of 1966; the Endangered Species Act; Executive Order 11988 and USDOT Order 5650.2 on Floodplain Management; Executive Order 11990 on Protection of Wetlands; the Magnuson-Stevens Act related to Essential Fish Habitat; the Coastal Zone Management Act; and Executive Order 12898 on Environmental Justice.