

agencies, law enforcement agencies, and public utilities. PJH's customers require timely responses and long hours when dealing with emergency-related incidents. PJH's helicopters must be fueled and serviced in a timely fashion by PJH's ground support crews. PJH is requesting an exemption from 49 CFR 395.3(a)(1) and 49 CFR 395.3(a)(2), for all of its ground support equipment operators.

The requested exemption would apply to approximately 32 ground support equipment operators who all possess commercial driver's licenses with applicable endorsements, including the operation of tank vehicle combinations. A ground support equipment operator is an individual specially trained to work around helicopters performing refueling, rigging, reloading and maintenance duties. PJH states in its application that if its ground crew cannot legally support the helicopter for the duration of the requirements, the firefighters, law enforcement and linemen will not have air support and resources at remote locations. This in turn, results in communities being under greater threat from fires, lawless individuals and destabilized electrical grids.

The first exemption, if granted, would allow PJH's ground support equipment operators to drive up until the end of the 16th hour after coming on duty instead of 14 hours. PJH states that is an emergency response company contracted to agencies focused on public safety, and that there currently are no exemption provisions in the Part 395 HOS regulations for private companies that assist in emergency efforts. PJH's Federal and State government contracts specify that ground support equipment operators must be available for a maximum of 14 hours. On a typical day, at 6:00 a.m., the commercial motor vehicle (CMV) is dispatched 100 miles away to a remote landing area. Upon arrival, the unit stays at the dispatched location to support efforts in extinguishing a fire until 8:30 p.m. The unit is then released by the agency to travel to the nearest lodging 1.5 hours away. This would result in the driver arriving at 10:00 p.m., and at this point, the driver is in violation of the "14-hour rule" in 49 CFR 395.3(a)(2). In summary, at the end of the day, when the helicopter is finished flying, a mechanic is required to inspect and repair the aircraft as needed. With a long flight day and these added duties, a PJH mechanic is most certainly going to exceed the "14-hour rule" when finished with maintenance duties and travelling between the helicopter and the place of lodging. Without the

requested 16-hour exemption, PJH's ground crew must be released earlier in the day to get back to the place of lodging before reaching the "14-hour rule" limit, which decreases the availability of the aircraft by a minimum of 14 total hours each week.

PJH's second exemption request is intended to work in conjunction with the first request and would enable its ground support equipment operators to have only 8, instead of 10, consecutive hours off duty before coming on duty again. Relating to the scenario detailed above, in complying with the current "14-hour rule," PJH's employees also cannot go on duty to drive until 8:00 a.m. the next morning, at the earliest, after a required 10 consecutive hour rest break. As is typical with these operations, if the helicopter was dispatched at 6:00 a.m. to another fire, which resulted in a 3-hour drive time, the PJH driver would not arrive until 11:30 a.m. at the earliest. Depending on the helicopter model's fuel capacity and burn rate, the average helicopter can only fly for 2 hours. Due to the driver's duty limitations, the helicopter would be unable to support emergency incidents for at least 3.5 hours until the fuel truck arrives to refuel. If the driver in this example—a not uncommon one—was able to utilize the proposed exemption request of 8 consecutive hours off duty instead of 10, the helicopter would have been available to fight fires for an additional 2 hours the second day, and the PJH driver would not be in violation of the Federal HOS regulations. As a part of this exemption request, PJH's "ground crew members" would be required to have had 8 uninterrupted hours off duty [instead of 10] before driving again, provided they have had at least 2 hours off duty during that 16-hour period PJH they also requested, and are responding to or returning from an active incident as requested by an officer of a public agency or public utility.

PJH states that the ground crew members' schedules are characterized by daytime hours, low-stress periods of waiting during the workday, and very limited hours of actual driving on public roads. Ground crew members are relieved of any work—and are off duty—for long periods throughout a typical workday, so, relative to the service provided, allowing 2 more hours of duty time when coming on duty responding to and returning from emergency incidents would, if anything, increase the overall safety of the public.

PJH believes that its application includes simple, alternative HOS options; among them not driving after the 16th hour after coming on duty and

allowing only 8 hours consecutively off duty before coming on duty again. In addition, the driver must have at least 2 hours off duty during that 16-hour period and be responding to or returning from an active incident as requested by an officer of a public agency or public utility. PJH's drivers would need to use this exemption, on average, once every two weeks during the months of April through October.

PJH would still be required to use electronic logging devices to help track duty hours, and most of the time they would be subject to Part 395 HOS rules. PJH has proposed conditional rules that are designed to keep the drivers using this exemption from driving fatigued. PJH states that when using this proposed exemption, its drivers would achieve a level safety that meets or exceeds the current regulations. A copy of PJH's application for exemptions is available for review in the docket for this notice.

Issued on: March 22, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019-06097 Filed 3-28-19; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0085]

Hours of Service of Drivers: National Waste & Recycling Association; Application for Exemption

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

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

SUMMARY: FMCSA announces that it has received an application from the National Waste & Recycling Association (NWRA) requesting an exemption from one of the criteria for using the "short-haul—100 air-mile radius driver" exception to the requirement for the preparation and retention of records of duty status (RODS). NWRA asks that all short-haul commercial motor vehicle (CMV) drivers in the waste and recycling industry be allowed up to 14 hours (instead of the current 12 hours) to return to the original work reporting location without losing their short-haul status. FMCSA requests public comment on NWRA's application for exemption.

DATES: Comments must be received on or before April 29, 2019.

ADDRESSES: You may submit comments identified by Federal Docket

Management System Number FMCSA–2019–0085 by any of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. See the *Public Participation and Request for Comments* section below for further information.

- *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.

- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number of this notice. DOT posts all comments received without change to www.regulations.gov, including personal information in a comment. Please see the *Privacy Act* heading below.

Docket: To read background documents or comments, go to www.regulations.gov 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 on-line FDMS is available 24 hours each day, 365 days each year.

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 personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS) at www.dot.gov/privacy.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: (202) 366–2722; Email: MCPSD@dot.gov. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2019–0085), the specific section of this document to

which the comment applies, and provide reasons for suggestions or recommendations. You may submit 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 your document so the Agency can contact you if it has questions about your submission.

To submit your comments online, go to www.regulations.gov and put the docket number, “FMCSA–2019–0085” in the “Keyword” box, and click “Search.” When the new screen appears, click on the “Submit a Formal Comment” button and type your comment into the text box in the following screen. Indicate 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. FMCSA will consider all comments and material received during the comment period and may grant or deny this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). 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 safety analyses and public comments submitted, 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 reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain the terms and conditions of the

exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

Under FMCSA’s current hours-of-service (HOS) rules, drivers are not required to prepare and maintain records of duty status (RODS) provided that (among other things) they return to their normal work reporting location and are released from work within 12 hours after coming on duty (49 CFR 395.1(e)(1)). A driver who exceeds the 12-hour limit loses the short-haul exception and must immediately prepare RODS for the entire day, often by means of an electronic logging device (ELD) (49 CFR 395.8(a)(1)(i)).

NWRA represents approximately 700 publicly traded and privately-owned local, regional, national and international waste and recycling companies. These motor carriers operate more than 100,000 waste and recycling collection trucks and employ an even greater number of CMV drivers. NWRA indicated its members represent approximately 70 percent of the private sector waste and recycling market.

The industry’s fleet includes, but is not limited to, waste and recycling collection trucks, roll-off trucks, post collection tractor trailers, container delivery vehicles, and grapple trucks. Their drivers routinely qualify for the short-haul HOS exception in 49 CFR 395.1(e)(1). Waste and recycling companies operate local route service trucks with drivers starting and ending their days at the same location and their drivers rarely travel beyond a 40-mile radius from the work-reporting location.

Residential collection route trucks repeatedly stop and start while on-route in order to collect a load of waste or recyclable materials, with an average of 400 to 600 stops at residences each day. Commercial collection route trucks tend to have fewer stops than those on residential routes, but can average more than 80 stops per day at business addresses. On occasion, drivers in this industry cannot complete their duty day within 12 hours. The drivers may exceed the 12-consecutive hour limitation of the short-haul exception more than 8 times in any 30-day period due to operating restrictions placed upon the industry by States and localities, inclement weather, traffic congestion, and other circumstances beyond their control. Once they exceed the 8-in-30-day threshold, NWRA’s companies must install electronic logging devices (ELDs) to document drivers’s duty status (see 49 CFR 395.8(a)(1)(iii)(A)(1)). Therefore, NWRA’s application for an exemption to allow waste and recycling industry

drivers and companies to continue to qualify for the short-haul exception, up to the 14th hour after coming on duty, would help some of petitioner's drivers avoid the economic burden of installing ELDs when they occasionally exceed the 8-in-30-day threshold for the ELD mandate.

While NWRA recognizes the safety benefits that ELDs present for other industry sectors, it claims that these devices are actually counterproductive for the waste and recycling industry due to the frequency with which these drivers must interact with them. Waste and recyclable collection CMV drivers are required to interact with and make duty status changes in the ELD or RODS when stopping at one-third to one-half of their 400 to 600 stops per day or every 22 seconds—the average time to service a customer—before then driving to the next residence, which could be less than 100 feet away.

NWRA notes that certain CMV drivers may already operate up to 14 hours without forfeiting short-haul status. Drivers in the asphalt-paving business were granted a similar exemption [83 FR 3864, Jan. 26, 2018], and 49 CFR 395.1(e)(1)(ii)(B) reflects a statutory exemption for the ready-mixed concrete industry. NWRA further notes that FMCSA recently granted one of its member companies—Waste Management Holdings, Inc.—a similar exemption [83 FR 53940, Oct. 25, 2018]. NWRA argues that granting a broader exemption would create regulatory consistency across the entire waste and recycling industry.

NWRA asserts that waste and recycling carriers have virtually no record of HOS violations in the Agency's Compliance, Safety, Accountability (CSA) Safety Measurement System (SMS) HOS BASIC scores, nor is there a history of CSA intervention consequences for HOS non-compliance with these carriers. NWRA further adds that there is no equivalent or greater level of safety that ELDs would bring to the waste and recycling industry. The waste and recycling industry recognizes and agrees with the need for ELDs for drivers and carriers in long haul, over-the-road, and regional operations, as well as for those carriers with Unsatisfactory safety ratings and that are over the threshold in their CSA HOS BASIC score. For these reasons, NWRA states that the agency should not require CMV drivers and companies transporting waste and recyclable material to invest in ELDs by granting this exemption request.

NWRA's application for exemption is available for review in the docket

referenced at the beginning of this notice.

Issued on: March 22, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019-06094 Filed 3-28-19; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Competitive Funding Opportunity: Innovations in Transit Public Safety

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Funding Opportunity (NOFO).

SUMMARY: The Federal Transit Administration (FTA) is soliciting proposals under the Department of Transportation's Public Transportation Innovation Program to select an eligible project or projects that will identify innovative solutions to reduce or eliminate human trafficking occurring on transit systems, protect transit operators from the risk of assault, and reduce crime on public transit vehicles and in facilities. The awarded projects will be referred to as the Innovations in Transit Public Safety projects, and the available funding is \$2,000,000 in research funds.

DATES: Applicants must submit completed proposals for funding opportunity

FTA-2019-006-TSO through the *GRANTS.GOV* "APPLY" function by 11:59 p.m. Eastern Time on May 28, 2019. Prospective applicants should register as soon as possible on the *GRANTS.GOV* website to ensure they can complete the application process before the submission deadline. Application instructions are available on FTA's website at <http://transit.dot.gov/howtoapply> and in the "FIND" module of *GRANTS.GOV*.

FTA will not accept mail and fax submissions.

FOR FURTHER INFORMATION CONTACT: Dakisha Spratling, FTA Office of Transit Safety and Oversight; phone: (202) 366-2530; email: FTAPublicSafety@dot.gov.

SUPPLEMENTARY INFORMATION:

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Information

A. Program Description

The Innovations in Transit Public Safety projects are funded through the Public Transportation Innovation Program (49 U.S.C. 5312), with the goal of developing innovative projects that assist transit agencies with identifying and adopting specific measures to address public safety in transit systems, including crime prevention, human trafficking, and operator assault.

Human Trafficking is a crime that involves exploiting a person for labor, services, or commercial sex. Section 7102(9), of Title 22, U.S.C., defines "severe forms of trafficking in persons," as:

(a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(b) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

The coercion can be subtle or overt, physical or psychological. Exploitation of a minor for commercial sex is human trafficking, regardless of whether any form of force, fraud, or coercion was used. There is no single profile of a trafficking victim. Victims of human trafficking can be anyone—regardless of race, color, national origin, disability, religion, age, gender, sexual orientation, gender identity, socioeconomic status, education level, or citizenship status.

The U.S. Department of Transportation (DOT) combats human trafficking by working with public and private sector stakeholders to empower transportation employees and the traveling public to recognize and report possible instances of human trafficking. The Innovations in Transit Public Safety projects support the DOT's Transportation Leaders Against Human Trafficking initiative, which has the following focus areas: Leadership, training and education, policy development, public awareness, and information sharing and analysis.

Eligible projects will identify innovative solutions to reduce or eliminate human trafficking occurring on transit systems, protect transit operators from the risk of assault, and reduce crime on public transit vehicles and facilities. Specific project eligibility under this competitive allocation is described in Section C of this notice.

B. Federal Award Information

The FTA makes available \$2,000,000 under the Public Transportation Innovation Program (49 U.S.C. 5312) to