

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.

FMCSA 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 and the reasons for denying an application must be published in the **Federal Register** (49 CFR 381.315(b)).

On December 16, 2015 (80 FR 78292), FMCSA published a final rule requiring most drivers then required to prepare hours-of-service (HOS) records of duty status (RODS) to use electronic logging devices (ELDs) instead of the previous paper logs to document their RODS. The compliance date for the ELD requirement was December 18, 2017.

III. Request for Exemption

The Small Business in Transportation Coalition (SBTC) is a non-profit trade organization with more than 8,000 members. SBTC stated that it “represents, promotes, and protects the interest of small businesses in the transportation industry. Through the exemption application, SBTC seeks relief from the ELD requirements for small private, common and contract motor carriers with fewer than 50 employees.” SBTC contends that:

“[T]he ELD rule is not a ‘safety regulation’ per se as the FMCSA has concluded. Rather it is a mechanism intended to enforce a safety regulation by regulating the manner in which a driver records and communicates his compliance. That is, it is merely a tool to determine compliance with an existing rule that regulates over-the-road drivers’ driving and on duty time, namely the actual safety regulation: the [HOS] regulations codified at 49 CFR 395.3 and 395.5. However, the ELD rule is not a safety regulation itself. Therefore, it is our position that this rule does *not* itself impact safety, and that the level of safety will not change based on whether or not our exemption application is approved. That would require a change to the [hours-of-service rules].”

SBTC asserts that the exemption would not have any adverse impacts on operational safety, as motor carriers and drivers would remain subject to the HOS regulations in 49 CFR 395.3, as well as the requirements to maintain a paper RODS under 49 CFR 395.8. The applicant argues that the requested exemption would allow motor carriers

with fewer than 50 employees to maintain their current practices that have resulted in a proven safety record. A copy of SBTC’s application for exemption is available for view in the docket for this rulemaking.

Public Comments

On June 5, 2018, FMCSA published SBTC’s application for exemption and requested public comment (83 FR 26140). The Agency received more than 1,900 comments. Although some comments focused more on the HOS rules than the exemption application and others were simply unclassifiable, the Agency estimates that over 95 percent of the comments favored the exemption, while more than 4 percent were opposed.

FMCSA Decision

For the reasons given below, FMCSA denies the SBTC application for exemption. The SBTC application does not meet the regulatory standards for an exemption. SBTC failed to provide “[t]he name of the individual or motor carrier that would be responsible for the use or operation of CMVs” under the exemption [49 CFR 381.310(b)(2)]. SBTC did not provide the name of a single motor carrier. SBTC failed to “[p]rovide[] an estimate of the total number of drivers and CMVs that would be operated under the terms and conditions of the exemption” [§ 381.310(c)(3)]. Instead, SBTC said “we defer to FMCSA to determine the total number of drivers and CMVs that would be operated under the exemption.” SBTC failed to “[e]xplain[] how you would ensure that you could achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation” [§ 381.310(c)(5)]. The application said “we believe the level of safety is already assured by the pre-existing Hours of Service rule as opposed to this ELD enforcement mechanism rule.”

Nor did SBTC meet the statutory requirement in 49 U.S.C. 31315(b)(5)(D) to describe “[t]he specific countermeasures the person would undertake to ensure an equivalent or greater level of safety than would be achieved absent the requested exemption.” SBTC proposed no countermeasures at all.

For all of these reasons, FMCSA denies SBTC’s request for exemption.

Issued on: July 9, 2019.

Raymond P. Martinez,
Administrator.

[FR Doc. 2019–15206 Filed 7–16–19; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0346]

Commercial Driver’s Licenses; Pilot Program To Allow Drivers Under 21 To Operate Commercial Motor Vehicles in Interstate Commerce; Extension of Comment Period

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

ACTION: Notice and request for comments; extension of comment period.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) extends the comment period for its May 15, 2019 notice concerning a possible pilot program to allow non-military drivers aged 18, 19, and 20 to operate commercial motor vehicles (CMVs) in interstate commerce. FMCSA received a request for an extension to the comment period from the American Trucking Associations (ATA). The Agency believes it is appropriate to extend the comment period to provide interested parties additional time to submit their responses to the notice. Therefore, the Agency extends the deadline for the submission of comments from July 15, 2019, to August 14, 2019.

DATES: The comment period for the notice published May 15, 2019 at 84 FR 21895 is extended. Comments must be received on or before August 14, 2019.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2018–0346 using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov/docket?D=FMCSA-2018-0346>. 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Mr. Selden Fritschner, Commercial Drivers License Division, Federal Motor Carrier

Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, selden.fritschner@dot.gov, 202–366–0677. If you have questions on viewing or submitting material to the docket, contact Docket Services, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2018–0346), indicate the specific section of the notice 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/docket?D=FMCSA-2018-0346>. 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.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov/docket?D=FMCSA-2018-0346> 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., ET, Monday through Friday, except Federal holidays.

C. 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, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

II. Background

The May 2019 notice (84 FR 21895) requested public comment on six subject areas: Training and experience, operational requirements, participation requirements, technology requirements, insurance, and research and data.

The comment period for the notice was set to expire on July 15, 2019. FMCSA received a request to extend the comment period, as noted above. A copy of the request is included in the docket referenced at the beginning of this notice.

ATA requested a 30-day extension of the comment period, stating that the additional time was needed to enable them to gather safety performance data and other relevant information to more fully address the issues presented in a way that will best aid the Agency.

FMCSA believes that other potential commenters to this notice will benefit from an extension as well. Accordingly, FMCSA extends the comment period for all comments on the notice to August 14, 2019.

Issued on: July 12, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–15212 Filed 7–12–19; 4:15 pm]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Early Scoping Notice

AGENCY: Federal Transit Administration, DOT.

ACTION: Early scoping for a MAX tunnel project in metropolitan Portland, Oregon.

SUMMARY: The Federal Transit Administration (FTA) and Metro (the designated Metropolitan Planning Organization, or MPO, for the Portland region) issue this early scoping notice for a MAX tunnel project (Project). Metro is exploring ways to improve transit time and reliability to and through the Portland Central City. The purpose of this early scoping notice is to advise other agencies and the public

of the intent to further study the feasibility of a tunnel under downtown Portland. The Project would improve regional transit service by addressing current and projected travel time, reliability, and resiliency issues for trips to and across Portland’s downtown core. Early scoping for the feasibility study is occurring within the context of the Council on Environmental Quality’s regulations for complying with the National Environmental Policy Act (NEPA).

DATES:

MAX Tunnel Study Open House: 5 to 7 p.m., July 22, 2019, Metro Regional Center, 600 NE Grand Avenue, Portland, OR 97232, Council Chamber.

Additional Opportunity to Comment:

An online survey at <https://www.oregonmetro.gov/public-projects/max-tunnel-study> will be open until 12:00 a.m. on August 12, 2019. Paper copies of the survey are available at reception at Metro, 600 NE Grand Avenue, Portland, OR 97232, and at reception at TriMet Administrative Office, 1800 SW 1st Avenue #300, Portland, OR 97201.

ADDRESSES: Written comments on this notice should be submitted by Monday, August 12, 2019, to Investment Areas, Metro, 600 NE Grand Avenue, Portland, OR 97232. Telephone: (503) 813–7535; email: maxtunnel@oregonmetro.gov.

FOR FURTHER INFORMATION CONTACT:

Mark Assam, Environmental Protection Specialist, Federal Transit Administration, Region 10, 915 Second Avenue, Room 3142, Seattle, WA 98174. Telephone: (206) 220–4465. Eryn Kehe, Communications Supervisor, Metro, 600 NE Grand Avenue, Portland, OR 97232. Telephone: (503) 797–1881.

SUPPLEMENTARY INFORMATION: This notice invites the public to comment on a statement of the Purpose and Need for a tunnel, the Project study area, potential impacts, and potential alternatives. This notice also invites the public to review and comment on reports previously developed by local planning and transportation agencies, including Metro and the Tri-County Metropolitan Transportation District of Oregon (TriMet), that support the focus to further study a tunnel. Early scoping is intended to identify the most reasonable alternatives to undergo formal scoping and NEPA environmental review. Information about an upcoming public meeting, opportunities to comment, and the Project’s Purpose and Need is set forth in the following sections.