

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 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.

**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 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 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).

**FOR FURTHER INFORMATION CONTACT:** Ms. Pearl Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: (202) 366-4325; Email: [MCPSPD@dot.gov](mailto:MCPSPD@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-2019-0188), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. 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 the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to [www.regulations.gov](http://www.regulations.gov) and put the docket

number, “FMCSA-2019-0188” in the “Keyword” box, and click “Search.” When the new screen appears, click on “Comment Now!” button and type your comment into the text box in 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.

#### 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. 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

Drivers qualifying for the HOS short-haul exception in 49 CFR 395.1(e)(1) do not have to maintain a record of duty status (RODS), provided that (among other things) they operate within a 100 air-mile radius of their normal work reporting location and return to that location and are released from work within 12 hours after coming on duty. A driver who exceeds the 100 air-mile radius or the 12-hour limit loses the short-haul exception and must immediately prepare RODS for the

entire day, or use an electronic logging device (ELD) if the driver is required to prepare RODS for more than eight days in a thirty day period, per 49 CFR 395.8(a)(1)(i).

PSA is requesting an exemption to increase the 100 air-mile radius in 49 CFR 395.1(e)(1) to 150 air-miles for its drivers. This proposed exemption would enable the drivers not exceeding the 150 air-mile radius to utilize time records instead of a RODS for that day.

PSA reported in its application that drivers pick up and deliver products between manufacturing facilities, many of whom are sister companies. Drivers also drive to PSA retail stores. They drive for short periods of time, usually less than two hours between stops. These stops or deliveries allow the driver to remain alert. All drivers operate property-carrying CMVs within 150 air-miles and return to their work reporting location at the end of each day.

PSA wrote that current operations include trips between 103 and 109 air-miles. PSA contends that the use of ELDs or maintaining driver logs adds substantial costs to its operation and does not increase the level of safety. PSA requests that the exemption cover the maximum allowable duration of 5 years.

#### IV. Method To Ensure an Equivalent or Greater Level of Safety

To ensure an equivalent level of safety PSA offers monitoring CSA safety management scores, managing hours of service, requiring both pre-trip and post-trip vehicle inspection, as well as training in defensive driving. PSA reports that its CSA safety management scores are zero in all seven categories; with no recordable accidents during the past 24 months. A copy of the application for exemption is available for review in the docket for this notice.

Issued on: November 6, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019-24722 Filed 11-13-19; 8:45 am]

BILLING CODE 4910-EX-P

#### DEPARTMENT OF TRANSPORTATION

##### Federal Railroad Administration

[Docket Number FRA-1999-6253]

##### Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on October 31, 2019, the Utah Transit Authority (UTA) petitioned the

Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 210, 217, 218, 219, 220, 221, 222, 223, 225, 228, 229, 231, 234, 238, 239, 240, 242, and 243. FRA assigned the petition Docket Number FRA–1999–6253.

UTA, operator of the rail fixed guideway public transit system TRAX in Salt Lake City, Utah, seeks an extension of the terms and conditions of its current shared use waiver of compliance. TRAX is operated with temporal separation on track owned by UTA and shared partially with Utah Railway Company and Savage Bingham & Garfield Railroad Company freight trains dispatched by UTA. FRA granted the original shared use waiver on August 19, 1999, for the North-South line, modified on March 25, 2011, to include a portion of the Mid-Jordan extension with its additional Siemens S70 rolling stock (77 vehicles). In 2015, FRA renewed the previous waivers, granted relief from additional parts of the CFR, and approved the change of shared use milepost limits on the North-South Line to reflect the cessation of freight service south of 6100 South as part of the transit-exclusive Draper Extension.

Specifically, UTA requests FRA extend the regulatory relief in this docket, noting it has recently retired and disposed of 29 Urban Transportation Development Corporation (UTDC) vehicles acquired from the Santa Clara Valley Transportation Authority. Also, UTA is now requesting relief from part 243 for its light rail operators, supervisors, controller supervisors, and light rail rolling stock maintenance employees because training of these employees is already addressed by the existing Utah Department of Transportation State Safety Oversight Agency program certified by the Federal Transit Administration. UTA Track/Signal and Train Control maintenance-of-way employees will comply with part 243 because these employees also perform work on FRA-compliant Frontrunner commuter service.

UTA states it will adopt specific policies and procedures that will provide a level of safety equivalent to that provided by full compliance with FRA regulations. Also, UTA states that “unlike some light rail systems operating under a shared use waiver, UTA owns the entirety of the TRAX system and corridor, providing it control of the entry of freight trains on the TRAX system.

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 U.S. Department of Transportation’s (DOT) Docket Operations Facility, 1200 New Jersey Ave. 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 parties desire an opportunity for oral comment and a public hearing, 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:

- **Website:** <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 Ave. SE, W12–140, Washington, DC 20590.
- **Hand Delivery:** 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by December 30, 2019 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can 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.). Under 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 <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacyNotice> for the privacy notice of [regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**

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

[FR Doc. 2019–24749 Filed 11–13–19; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2019–0120]

#### Hemphill Brothers Leasing Company; Grant of Petition for Temporary Exemption From Shoulder Belt Requirement for Side-Facing Seats on Motorcoaches

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice of grant of a petition for temporary exemption.

**SUMMARY:** In accordance with the procedures in our regulations, NHTSA is granting a petition from Hemphill Brothers Leasing Company, LLC (Hemphill), for a temporary exemption from a shoulder belt requirement of Federal Motor Vehicle Safety Standard (FMVSS) No. 208, “Occupant crash protection,” for side-facing seats on motorcoaches. The grant permits Hemphill to install Type 1 seat belts (lap belt only) at side-facing seating positions, instead of Type 2 seat belts (lap and shoulder belts). After reviewing the petition and the comments received, the agency has determined that the requested exemption is warranted to enable the petitioner to sell a vehicle whose overall level of safety or impact protection is at least equal to that of a nonexempted vehicle.

**DATES:** This exemption applies to the petitioner’s motorcoaches produced from November 14, 2019 until November 15, 2021.

**FOR FURTHER INFORMATION CONTACT:** Deirdre R. Fujita, Office of the Chief Counsel, NCC–200, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, West Building, Washington, DC 20590. Telephone: (202) 366–2992; Fax: (202) 366–3820.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

##### a. Statutory Authority for Temporary Exemptions

The National Traffic and Motor Vehicle Safety Act (Safety Act), codified as 49 U.S.C. chapter 301, provides the Secretary of Transportation authority to exempt, on a temporary basis, under