

they are not able to or comfortable bicycling, driving their own car if they do not own one, using vehicles from a carsharing company if they have not and do not plan to sign up for such a service, or taking the bus if they simply refuse to do so under any circumstance). Further, machine learning could enable the application to present options the user is more likely to see as attractive under specific trip circumstances (e.g., focusing on transit for commute trips while TNC options for late-night trips).

The application might add a proactive feature to enable and encourage users to indicate within the app their desired travel destination(s), departure time, and mode. Such a feature may be especially important to learn more about users whose trip patterns are quite varied, thereby making it difficult for the study team to predict what trips might be repeated and thus what specific messages should be communicated and for what trips WTA incentives should be offered. Here, participants planning to travel at a time or in a manner that would mean they will be substantially contributing to congestion would be randomly assigned to one of a few different groups within the study. The “no treatment” group within the proactive feature might just receive an in-app response note saying: “Thanks for letting us know. Have a good trip.” The study interest in this group is to ascertain whether the trip is taken as planned. The proactive feature would not include an “information tile” group, as it would not be expected that someone with a specific travel intention would make a change after a somewhat generic positive statement is communicated about an alternative without the needed practical details about using the alternative for the specific trip also being presented. There would be an “action tile” treatment group that would be presented with a range of travel departure and mode choice alternatives that would have reduced congestion impacts to what the user indicated was his or her travel plan, along with costs and estimated travel times associated with the different alternatives. Perhaps, too, users would be provided within the app the ability to book such a trip, such as with a transportation network company (TNC) or through the organization of a real-time carpool. The action tiles presented to this group may be tailored to individuals based upon their previous survey responses and/or reported/observed travel behaviors. A third group would also be presented the information about trip alternatives contained in the action tiles, and then

would be assigned to the WTA survey and treatment, as described above.

Learnings about the effects of the various treatments on individual travel decisions would expand the knowledge and tools available to policy makers to further engage travelers by providing information and offering incentives that are shown to yield more system-efficient travel choices. This will enable an assessment of the expected impacts of city or metropolitan level policy scenarios to encourage the use of apps that offer real-time travel information about a range of alternatives, and provide incentives such as through public-private partnerships (PPPs) that encourage travel choices that reduce congestion.

Respondents: As noted above, up to 7,500 total field-test participants nationwide would be recruited from up to 15 cities.

Frequency: One time collection.

Estimated Average Burden per Response: Approximately 20 minutes prior to field testing, 1 hour and 30 minutes during field testing and 15 minutes as the participant exits field-testing. Approximately 2 hours and 5 minutes per participant in total is anticipated over the 2-year study.

Estimated Total Annual Burden Hours: Approximately 15,625 hours in total is estimated. Significantly, many travel options presented to participants will save them time over alternatives (especially if trip times are shifted to avoid congestion), and thus many participants are expected to experience net time savings. All participation is voluntary, and some participants will be offered compensation.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA’s performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB’s clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: October 30, 2020.

Michael Howell,

Information Collection Officer.

[FR Doc. 2020-24437 Filed 11-3-20; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0287]

Driver Qualification Files: Application for Exemption; Knight-Swift Transportation Holdings, Inc.

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

ACTION: Notice of final disposition; granting of application of exemption.

SUMMARY: FMCSA announces its decision to grant, with conditions, Knight-Swift Transportation Holdings, Inc.’s (Knight-Swift) application for an exemption from the requirement that motor carriers rely on the motor vehicle record (MVR) of their drivers holding a commercial driver’s license (CDL) as proof of the driver’s medical qualifications when the driver undergoes a new medical exam during the initial period of employment as a condition of employment. Knight-Swift would rely on the medical long form for newly hired drivers and then rely on the MVR when the subsequent annual review of the driving record is performed. FMCSA analyzed the exemption application and public comments and determined that the applicant would achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

DATES: The exemption is effective December 4, 2020. The exemption expires November 4, 2025.

ADDRESSES:

Docket: For access to the docket to read background documents or comments, go to 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 Federal Docket Management System (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, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

FOR FURTHER INFORMATION CONTACT: Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of

Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4325. 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

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to www.regulations.gov and insert the docket number, “FMCSA–2018–0347 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. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA shall establish terms and conditions for each exemption to ensure that it will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. 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 the safety analyses and the public comments 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 Agency’s decision must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the granting or denial, and, if granted, the specific person or class of persons receiving the exemption and the regulatory provision or provisions from which the exemption is granted. The notice must specify the effective period of the exemption (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

Knight-Swift has adopted a company policy of requiring all newly hired drivers to undergo a complete medical examination. Knight-Swift explains that it believes this policy combats medical fraud and ensures that the driver is medically qualified at the time of hiring. This medical examination upon hiring is not required by the FMCSRs (unless the driver’s current medical certificate has expired) but it triggers the requirement of 49 CFR 391.51(b)(7)(ii) that Knight-Swift obtain the results of that examination from the SDLA in the form of an updated MVR. Knight-Swift objects to the cost and inconvenience of obtaining the MVR a second time when it recently obtained the MVR pursuant to hiring as required by 49 CFR 391.23(a)(1). It asserts that it is pointless to obtain “information that in most cases we have already verified within the previous few days.” Knight-Swift seeks an exemption from the requirement to obtain a new MVR when the medical examination triggering the requirement was of a newly hired Knight-Swift driver.

Knight-Swift provided data to support their exemption application and this data is included in the docket for this application. The provided data included a sample pool of 5,722 newly hired Knight-Swift drivers with valid 2-year medical cards. After undergoing Knight-Swift’s hiring process, 19% of the sample pool drivers were downgraded to a 1-year certification and 2.1% were disqualified. Knight-Swift did not indicate whether it knew if these drivers (those holding a CDL) provided the new certification to the SDLAs issuing their licenses.

IV. Method To Ensure an Equivalent Level of Safety

To ensure an equivalent level of safety, Knight-Swift proposes to include in the driver qualification file the newly hired driver’s medical examination report in lieu of obtaining a second MVR.

V. Public Comments

On December 23, 2019, FMCSA published notice of Knight-Swift’s application and requested comments (84 FR 68287). Three comments were received from individuals and all opposed granting the exemption. Michael Millard, made the following statement: “To extend the exemption to such a large base of drivers would basically nullify the need for any carrier

to pull Commercial Driver’s Licensing Information System (CDLIS) with the medical status on the driver’s CDLIS report potentially resulting in multiple carriers following suit.” Art Meyer made the following opposing argument “I would highly recommend that this exemption not go through as I am a fleet manager and it never ceases to amaze me that the driver has not certified his medical card with the State and is thus driving on a downgraded D.L. We all should have to follow the rules no matter how big or how small a company we are and to file to [sic] not have to follow the rules tells me why we see so many Swift wrecks on the highways and social media that we do.” Lastly, Jean Publiee argued that Knight-Swift should not be granted an exemption and emphasized that full documentation of a driver should be required.

VI. FMCSA Decision

The FMCSA believes Knight-Swift’s exemption application has merit and with necessary terms and conditions, will allow the applicant to achieve a level of safety equivalent to what is required under the current safety regulations, provided Knight-Swift complies with the imposed terms and conditions. Under current regulations, CMV drivers required to have a commercial driver’s license (CDL) or a commercial learner’s permit (CLP) are required to provide the SDLA with the original or a copy of the medical examiner’s certificate (MEC) (49 CFR 383.71(h)(1) and (3)). This includes an initial MEC and “each *subsequently issued* medical examiner’s certificate”. SDLAs are required to post this information to the driver’s CDLIS driver record within 10 calendar days (49 CFR 383.73(o)(1)). If the driver does not provide an MEC to the SDLA, either at the time of a licensing transaction, when the MEC provided expires or is voided, or after obtaining a subsequently issued MEC, then the SDLA must within 10 calendar days change the driver’s status in the CDLIS driver record to “not certified” (49 CFR 383.73(o)(2)). If this status change occurs, the driver is no longer physically qualified to operate a CMV that requires a CDL or CLP (49 CFR 391.41(a)(2)). The SDLA must notify the CDL or CLP holder of the status as “not certified” and begin the process of downgrading the license, to be completed within 60 days (49 CFR 383.73(o)(4)).

In addition, within 30 days after employing a CMV driver, motor carriers are required to obtain the motor vehicle record from the current licensing SDLA and place a copy in the driver’s driver qualification file (49 CFR 391.23(a)(1)

and (b)). For drivers required to have a CDL or CLP to operate a CMV, the CDLIS motor vehicle record must be obtained and must show that the driver was properly certified as physically qualified (49 CFR 391.23(m)(2) and (3)). The driver's updated MVR showing that he or she was properly certified as physically qualified by submitting the MEC to the SDLA, must be retained in the driver qualification file. This is the requirement for which Knight-Swift is requesting an exemption. A CDL driver who is "without medical certification status information on the CDLIS motor vehicle record is designated 'not-certified' to operate a CMV in interstate commerce" (49 CFR 391.51(b)(7)(ii)). From the MVR, the carrier can verify both that the driver is currently physically qualified and that the driver has a valid CDL that is in effect.

The carrier reviews the MVR as required under the current regulations and the record provides proof that the prospective employee has both a valid CDL and medical certification. The proof of the medical certification comes from the medical certificate issued by a healthcare provider on the National Registry, as long as it has been provided to the SDLA and is entered on the CDLIS driver record.

Knight-Swift has implemented a process through which each newly hired driver must undergo a medical examination by one of its healthcare professionals listed on the National Registry. For all drivers receiving a new medical certificate, the information would be provided to the SDLA for the driver's State of domicile so that the certificate would then serve as the most up-to-date information captured on the MVR. And because the initial MVR obtained for the newly hired driver no longer reflects the most recent medical examination, the carrier needs an exemption. To provide an equivalent level of safety under the requested exemption, Knight-Swift will be required to obtain from the driver proof that the subsequently issued medical examiner's certificate issued as a result of the new examination required by Knight-Swift has been provided to the SDLA. Instead of the MVR, Knight-Swift can obtain other proof for inclusion in the driver qualification file, such as a receipt from the SDLA, a certification from the driver that the subsequently issued certificate has been provided to the SDLA, or any other reliable proof that such action has occurred.

The FMCSA believes that under these unique circumstances, allowing Knight-Swift to rely on its records of medical certificates for the first year of employment for newly hired drivers

would not compromise safety or enforcement of the medical certification requirements for CDL holders. First, the carrier has reviewed the MVR to ensure that each newly hired driver has a valid CDL and the carrier is aware of convictions for traffic offenses that have been posted to the MVR, if the prospective employees have exhibited safety performance problems. Second, Knight-Swift's review of the MVR indicates the newly hired CDL holders were medically certified prior to seeking employment at the company, and the company is aware of the expiration date of that medical certification. The subsequent medical examination provides an extra level of safety assurance for the company by having its own medical examiner verify that each newly hired driver meets FMCSA's physical qualifications standards. Compliance with the condition for obtaining proof that the subsequently issued medical certificate was provided to the SDLA will also ensure that the driver's CDL remains valid. In the event a driver does not pass the company-mandated physical examination, the driver is not allowed to operate CMVs for Knight-Swift until the medical issue(s) are resolved.

In regards to enforcement of the medical certification requirements by Federal or State personnel, they would continue to review the driving record electronically to identify the most up-to-date medical certificate. After the medical certificate prepared by the Knight-Swift medical examiner has been provided to the SDLA, Federal and State personnel would then be able to obtain the information as the most recent assessment of the driver's medical qualification status and the validity of the CDL or CLP.

The Agency believes Knight-Swift's policy of requiring newly hired drivers to undergo a medical exam, although the drivers have a valid medical exam reflected on their MVR at the time of hire, is likely to achieve an equivalent or greater than level of safety than would be achieved absent such exemption.

VII. Terms and Conditions

FMCSA grants Knight-Swift an exemption from the medical certification requirements in 49 CFR 391.51(b)(7)(ii) to permit the company to use newly hired drivers without having to obtain a MVR that reflects the latest medical certification status during the first year of employment. Knight-Swift is subject to the following terms and conditions:

(1) Knight-Swift must maintain the initial MVR reviewed prior to hiring the

driver showing the driver was medically certified by a healthcare professional on the Agency's National Registry of Certified Medical Examiners;

(2) The medical examiner's report the company will rely upon for the first year of employment must be prepared by a healthcare professional on the Agency's National Registry of Certified Medical Examiners and be available for inspection by Federal or State enforcement personnel during an investigation or compliance review;

(3) Knight-Swift must obtain reliable proof that the new medical examiner's certificate was provided by the driver to the SDLA and include such proof in the driver qualification file.

VIII. Preemption of State Laws and Regulations

During the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption (49 U.S.C. 31315(d)).

IX. Notification to FMCSA

Knight-Swift must provide a quarterly report to FMCSA concerning newly hired drivers who are downgraded from a 2-year medical certificate to a shorter duration certificate, or medically disqualified upon completion of the company-mandated medical examination. The report must provide:

- Driver's full name;
- CDL number and State of issuance;
- Medical examiner's name and FMCSA-issued National Registry identification number for the examination recorded on the MVR prior to the Knight-Swift medical exam.
- Examination date and expiration date for the medical exam noted on the MVR;
- Knight-Swift medical examiner's name and FMCSA-issued National Registry identification number.
- Knight-Swift examination date and expiration date for the medical exam.

The report must be transmitted electronically in a manner to protect drivers' Personally Identifiable Information (PII).

Termination

FMCSA does not believe this exemption would result in Knight-Swift or any of its newly hired drivers experiencing a decrease in safety performance. Interested parties possessing information that would otherwise show that the exemption has resulted in a lower level of safety than what would be observed absent the exemptions should immediately notify FMCSA.

The Agency will evaluate any information submitted and, if safety is being compromised or if the continuation of this exemption is inconsistent with 49 U.S.C. 31315(b)(4), FMCSA will immediately take steps to revoke the exemption.

James W. Deck,

Deputy Administrator.

[FR Doc. 2020-24472 Filed 11-3-20; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2020-0148]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel CURRENT SEA (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before December 4, 2020.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2020-0148 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD-2020-0148 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2020-0148, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Russell Haynes, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-461, Washington, DC 20590. Telephone 202-366-3157, Email Russell.Haynes@dot.gov.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel CURRENT SEA is:

—*Intended Commercial Use of Vessel:* “Carrying up to 12 passengers for day trips, weekend charters, and full week charters”
 —*Geographic Region Including Base of Operations:* “FLORIDA RHODE ISLAND MASSACHUSETTS MAINE” (Base of Operations: Naples, FL)
 —*Vessel Length and Type:* 49’ motor vessel

The complete application is available for review identified in the DOT docket as MARAD-2020-0148 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter’s interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD-2020-0148 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR-225, W24-220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

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, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

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Dated: October 30, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020-24406 Filed 11-3-20; 8:45 am]

BILLING CODE 4910-81-P