As of January 15, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers: Brian Porter (PA); and Michael W. Thomas (KS).

The drivers were included in docket number FMCSA–2006–25854 and FMCSA–2010–0203. Their exemptions were applicable as of January 15, 2021, and will expire on January 15, 2023. In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,
Associate Administrator for Policy.

The Agency's commercial driver's license (CDL) regulations in 49 CFR 383.25(a)(1) require that a commercial learner's permit (CLP) holder always be accompanied by the holder of a valid CDL who has the proper CDL group and endorsement(s) necessary to operate the commercial motor vehicle (CMV). The CDL holder must be physically present in the front seat of the vehicle next to the CLP holder or, in the case of a passenger vehicle, directly behind or in the first row behind the driver and must have the CLP holder under observation and direct supervision. Wilson Logistics is a nationwide motor carrier with a fleet of over 700 CMVs seeking an exemption from 49 CFR 383.25(a)(1) under which a CDL holder would remain in the vehicle—but not in the front seat—while a CLP holder who has passed the CDL skills test is driving. The carrier believes this would allow the CLP holder to participate more independently in a revenue-generating trip to obtain the CDL document from the State of domicile. Wilson Logistics advised that, if granted, 400–500 CLP holders would operate under the terms of the exemption each year.

Wilson Logistics states that 49 CFR 383.25(a)(1) creates undue burdens on the company and its CLP holders. The carrier noted that, previously:

- It was not uncommon for States to issue temporary CDLs to CLP holders for the return trip to collect the CDL document from their State of domicile. During that time, CDL holders were neither required to log themselves ‘on duty’ when supervising the CLP holder who had a temporary CDL, nor did they always remain in the passenger seat of the CMV. Under that scenario, the productivity of the CMV, the earnings capacity of the CDL and CLP holders, and the logistics of the motor carrier’s freight network were all protected. Currently carriers must assign a second CDL holder to the vehicle to accomplish the on-duty work that was previously performed by the CLP holder who had a temporary CDL.

- Wilson Logistics contends that compliance with the CDL rule leaves it with the following two options: (1) secure some mode of transportation from the State of training to the State of domicile to allow the CLP holder to pick up his/her CDL document.
before returning to Wilson Logistics; or
(2) route the team of drivers directly to
the CLP holder’s State of domicile, often
against the natural flow of the freight
network. Securing public transportation
for each of the CLP holders under the
first option entails extreme cost burdens
to the company; and the second option,
according to Wilson Logistics,
introduces extreme cost inefficiencies.
The exemption sought would apply
only to those Wilson Logistics drivers
who have passed the CDL skills test and
hold valid CLPs.

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

Wilson Logistics has a company-
sponsored, hands on, on-the-job training
program in which CLP holders will
spend at least two or three weeks
driving over-the-road with a CDL
instructor in the passenger seat, and the
instructor will supervise all driving and
non-driving aspects of the job, including
backing and vehicle inspections. Its CLP
holders deliver actual loads to real
customers on the Nation’s highways in
all manner of weather and traffic
conditions. They are trained on the
obstacles of the job well in advance of
taking their CDL skills test, and this
type of training far better prepares the
employees for every part of the job.

If not allowed to run as a team,
because the training instructor must sit
in the passenger seat until the CLP
holder can obtain the CDL document,
then the truck can only ‘‘perform’’ at the
level of a solo driver. In all aspects of
their training program, Wilson Logistics
ensures that its drivers are held to a
higher standard and can therefore
achieve a level of safety equal to or
greater than the level of a typical new
CDL holder. The company does and will
provide the required training and
recordkeeping to ensure that the
equivalent-level-of-safety standard is
upheld.

V. Public Comments

On November 6, 2019, FMCSA
published notice of the Wilson Logistics
application for exemption and requested
public comment [84 FR 59761]. A total
of 59 comments were filed, one from the
Truckload Carriers Association (TCA)
and 58 from individuals. Six
commenters, including TCA, favor
granting the exemption request. TCA
noted that the Agency had already
granted a similar exemption to C.R.
England. TCA added that the regulation
creates an undue burden by restricting
qualified drivers from piloting a CMV
simply because they do not yet have a
physical copy of their CDL, despite
having passed all necessary written
exams and skills tests. TCA reiterated
that the drivers covered by this
exemption would have in their
possession proof of having passed the
skills test while on the road; if they had
taken the skills test in their State of
domicile, they would already have
obtained their CDL license document.
TCA stated that FMCSA should allow
these drivers the flexibility to operate a
CMV with a CDL holder present in the
vehicle but not in the passenger seat
while they are traveling to the CLP
holder’s State of domicile to obtain that
licensing document. Fifty-three
individuals opposed the Wilson
Logistics request. One stated that
‘Wilson Logistics is just looking to
profit [from] this and seems not to care
about the possible consequences of
having a very inexperienced driver at
the wheel while the trainer is asleep in
the sleeper.’’ Other opponents said that
the Wilson Logistics request does not
meet a level of safety equivalent to the
current regulations, and that it is
primarily a profit-incentivized request.

VI. FMCSA Decision and Safety
Analysis

FMCSA has evaluated Wilson
Logistics’ application for exemption and
the public comments. The Agency is
aware of data or information that would
suggest that Wilson Logistics’ has lapses
in its safety management controls,
especially those involving its
supervision of CMV drivers. Because the
exemption is restricted to Wilson
Logistics’ CLP holders who have
documentation that they have passed the
CDL skills test and could operate the
CMV at any time upon receipt of the
CDL document from the State of
domicile, the Agency believes the
exemption will achieve a level of safety
that is equivalent to, or greater than,
the level of safety achieved without the
exemption (49 CFR 381.305(a)). The
exemption will enable these drivers to
operate a CMV as a team driver without
requiring that the accompanying CDL
holder be on duty and in the front seat
while the vehicle is moving. Because
to these drivers have already met all the
requirements for a CDL, but have yet to
pick up the CDL document from their
State of domicile, their safety
performance is expected to be the same
as any other newly-credentialed CDL
holder.

FMCSA has previously granted
similar exemptions to C.R. England—
initially in 2015, renewed in 2017 [82
FR 48889, October 20, 2017]—and to
CRST—initially in 2016, and
subsequently renewed in 2018 [83 FR
53149, October 19, 2018]. A copy of Wilson Logistics’
application for exemption is available for
review in the docket for this notice.

VII. Terms and Conditions of the
Exemption

Extent of the Exemption

The exemption from 49 CFR
383.25(a)(1) will allow Wilson Logistics
drivers who hold a CLP and have
successfully passed a CDL skills test, to
drive a CMV without a CDL holder
being present in the front seat of the
vehicle. The CDL holder must remain in
the vehicle, but not in the front seat, at
all times while the CLP holder is
driving. The exemption is contingent
upon Wilson Logistics maintaining
USDOT registration, minimum levels of
public liability insurance, and not being
subject to any ‘‘imminent hazard’’ or
other out-of-service (OOS) order issued
by FMCSA. Each driver covered by the
exemption must maintain a valid
driver’s license and CLP with the
required endorsements, have in his or
her possession documentation that he or
she has passed the CDL skills test, not
be subject to any OOS order or
suspension of driving privileges, and
meet all physical qualifications required
by 49 CFR part 391.

Preemption

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

Notification to FMCSA

Wilson Logistics must notify FMCSA
within 5 business days of any accidents
(as defined by 49 CFR 390.5) involving
the operation of any of its CMVs while
utilizing this exemption. The
notification must include the following
information:
(a) Date of the accident;
(b) City or town, and State, in which
the accident occurred, or which is
closest to the scene of the accident;
(c) Driver’s name and license number;
(d) Vehicle number and State license
number;
(e) Number of individuals suffering
physical injury;
(f) Number of fatalities;
(g) The police-reported cause of the
accident;
(h) Whether the driver was cited for
violation of any traffic laws, or motor
carrier safety regulations; and
(k) The driver’s total driving time and
the total on-duty time of the CMV
driver at the time of the accident.
Reports filed under this provision shall be emailed to MCPPS@dot.gov.

VIII. Termination

The FMCSA does not believe the team drivers covered by the exemption will experience any deterioration of their safety record. However, should this occur, FMCSA will take all steps necessary to protect the public interest, including revocation of the exemption. The FMCSA will immediately revoke the exemption for failure to comply with its terms and conditions.

John W. Van Steenburg,
Assistant Administrator.

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BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration
[Notice No. PHMSA–2020–0159; Notice No. 2021–01]

Hazardous Materials: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on three information collections pertaining to hazardous materials transportation for which PHMSA intends to request renewal from the Office of Management and Budget.

DATES: Interested persons are invited to submit comments on or before April 26, 2021.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2020–0159 (Notice No. 2021–01) by any of the following methods:

• Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

• Fax: 1–202–493–2251.

• Mail: Docket Management System; U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE, Washington, DC 20590.

• Hand Delivery: To the Docket Management System; Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and Docket Number (PHMSA–2020–0159) for this notice at the beginning of the comment. To avoid duplication, please use only one of these four methods. All comments received will be posted without change to the Federal Docket Management System (FDMS) and will include any personal information you provide.

 Requests for a copy of an information collection should be directed to Steven Andrews or Shelby Geller, Standards and Rulemaking Division, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Docket: For access to the dockets to read background documents or comments received, go to http://www.regulations.gov or DOT’s Docket Operations Office (see ADDRESSES). 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. Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Steven Andrews or Shelby Geller, Standards and Rulemaking Division and addressed to the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or to steven.andrews@dot.gov. Any commentary that PHMSA receives which is not specifically designated as CBI will be placed in the public docket for this notice.


SUPPLEMENTARY INFORMATION: Section 1320.8(d), title 5, Code of Federal Regulations (CFR) requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies information collection requests that PHMSA will be submitting to the Office of Management and Budget (OMB) for renewal and extension. These information collections are contained in 49 CFR 171.6 of the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180). PHMSA has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on changes in proposed or final rules published since the information collections were last approved. The following information is provided for each information collection: (1) Title of the information collection, including former title if a change is being made; (2) OMB control number; (3) summary of the information collection activity; (4) description of affected public; (5) estimate of total annual reporting and recordkeeping burden; and (6) frequency of collection. PHMSA will request a 3-year term of approval for each information collection activity and will publish a notice in the Federal Register upon OMB’s approval.

PHMSA requests comments on the following information collections:

Title: Cargo Tank Specification Requirements.

OMB Control Number: 2137–0014.

Summary: This information collection consolidates and describes the information collection provisions in parts 107, 178, and 180 of the HMR involving the manufacture, qualification, maintenance, and use of specification cargo tank motor vehicles. It also includes the information collection and recordkeeping requirements for persons who are engaged in the manufacture, assembly, requalification, and maintenance of DOT specification cargo tank motor vehicles. The types of information collected include:

(1) Registration Statements: Cargo tank manufacturers and repairers, as well as cargo tank motor vehicle assemblers, are required to be registered with DOT and must furnish information