

individual CDL program. However, within this proposal there are some concerns. Colorado is concerned that there is no disclosure of what will be contained in the proposed spreadsheet. Additionally, regarding data accuracy there is no indication as to what level of error constitutes a compliance issue. Colorado feels that there should be an opportunity to comment on all information that will be contained in the proposed spreadsheet and what will meet compliance and what will not. Moving forward, Colorado would like a better understanding as to the relationship between what is contained in the proposed spreadsheet and the Annual Performance Review (APR). Will both documents still be required and will they be done at the same time? Colorado would also like clarification as to whether the 40 hours discussed in the proposed rule also covers time spent completing the APR documents. Colorado would hope that effort to prevent duplicity has been made. Colorado would also like clarification on this remark. The program plan is completed on a one time basis as required by Section 32305 of MAP-21.

There is no continuing information collection function associated with submitting the Program Plan. What does this mean? Overall, to fully comment on this proposal, Colorado would like a better understanding as to what FMCSA is going to require from the SDLAs regarding what is compliance and what a SDLA will have to do to remain or get into compliance and how long they will have to do so.

When developing the spreadsheet to meet the Section 32305 of MAP-21 requirement, FMCSA decided upon an approach that would limit the amount of duplicity and redundancy of the various FMCSA requirements. The spreadsheet has been placed in the FMCSA docket and is available for immediate public consideration at the location <http://www.regulations.gov/#!documentDetail;D=FMCSA-2014-0133-0007> as item 7. Specifically, the spreadsheet focuses on each specific section of 49 CFR part 384 and asks the question if the State is in compliance with each requirement? If not, the follow-up question is, does a State have an approved Action Plan within ACRS? If yes, then the State has fulfilled that specific requirement. If not, then the State would have to provide an action plan for each compliance finding or deficiency within the spreadsheet that does not have an approved action plan within ACRS. A finding or deficiency is an instance where the State is not in compliance with a particular part of the regulations. This could be from any

number of activities, including an Annual Program or Skills Test Review, a review of a State's data, and operation performance, a comprehensive compliance review, or any other means by which FMCSA may become aware that a State is not in compliance. This particular aspect has not changed by the State Plan requirement, and the publishing of this ICR. The State Plan requirement is not a reoccurring requirement. Section 32305 of MAP-21 required the submittal of a State Plan one time.

The North Carolina Department of Transportation stated that it contends that the requirement to submit the CDL Program Plan is redundant since this information is already available to FMCSA on ACRS. This requirement places an additional burden on the states when efforts are needed most to work toward compliance with the regulations.

The FMCSA has developed the spreadsheet to eliminate redundancy and limit the amount of time and effort for each State to complete and to comply with this requirement. In addition, the Section 32305 of MAP-21 requirement for States to provide assurances that they will remain in compliance through September 30, 2016, is not information that is currently available to FMCSA.

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 FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA 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.

Issued under the authority of 49 CFR 1.87 on: May 18, 2015.

G. Kelly Regal,

Associate Administrator, Office of Research and Information Technology.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2015-0146]

Agency Information Collection Activities; Extension of a Currently Approved Collection; Training Certification for Entry-Level Commercial Motor Vehicle Operators

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. The Agency is asking OMB to renew without change FMCSA's estimate of the paperwork burden imposed by its regulations pertaining to the training of certain entry-level drivers of commercial motor vehicles (CMVs). Since 2004, FMCSA regulations have prohibited the operation of certain CMVs by individuals with less than 1 year of CMV-driving experience until they obtain this training.

DATES: We must receive your comments on or before July 27, 2015.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA-2015-0146 using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 1-202-493-2251.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12-140, 20590-0001.

- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

- *Instructions:* All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

- *Docket*: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>, and follow the online instructions for accessing the dockets, or go to the street address listed above.

- *Privacy Act*: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement for the Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8-794.pdf>.

- *Public Participation*: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the "help" section of the Federal eRulemaking Portal Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division, Department of Transportation, FMCSA, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC, 20590. Telephone: 202-366-4325. Email: MCPSD@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

The Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 U.S.C. 31301 *et seq.*) established the commercial driver's license (CDL) program and directed the Federal Highway Administration (FHWA), FMCSA's predecessor agency, to establish minimum qualifications for issuance of a CDL. After public notice and an opportunity for comment, the FHWA established standards for the knowledge and skills that a CDL applicant must satisfy.

In 1985, the FHWA published the "Model Curriculum for Training Tractor-Trailer Drivers." The FHWA did not mandate driver training at that time. It believed the cost of developing a comprehensive driver-training program was too high in terms of agency

resources. This was especially so, FHWA believed, in light of its reasonable expectation that the level of safety of entry level drivers would soon be elevated because (1) the deadline for States to adopt the new mandatory CDL-licensing standards for driver knowledge and skills was still in the future, and (2) many truck driving schools had updated their curricula in light of the new model curriculum ("Truck Safety: Information on Driver Training," Report of the U.S. General Accounting Office, GAO/RCED-89-163, August 1989, pages 4 and 5).

In 1991, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102-240, December 18, 1991) directed the FHWA to "commence a rulemaking proceeding on the need to require training of all entry-level drivers of commercial motor vehicles (CMVs)" (Section 4007(a)(2)). On June 21, 1993, the FHWA issued an advance notice of proposed rulemaking entitled, "Commercial Motor Vehicles: Training for All Entry Level Drivers" (58 FR 33874). The Agency also began a study of the effectiveness of the driver training currently being received by entry-level CMV drivers. The results of the study were published in 1997 under the title "Adequacy of Commercial Motor Vehicle Driver Training." The study is available under FMCSA Docket 1997-2199 at the *Federal eRulemaking Portal* (www.regulations.gov) described above. The study found that three segments of the trucking industry were not receiving adequate entry-level training: heavy truck, motor coach, and school bus.

On August 15, 2003, FMCSA published a notice of proposed rulemaking (NPRM) entitled, "Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators" (68 FR 48863). The Agency proposed mandatory training for operators of CMVs on four topics: driver qualifications, hours-of-service of drivers, driver wellness and whistleblower protection. The Agency believed that knowledge of these areas would provide the greatest benefit to the safety of CMV operations. On May 21, 2004, FMCSA by final rule prohibited a motor carrier from allowing an entry-level driver to operate a CMV until it received a written certificate indicating that the driver had received training in the four subject areas (69 FR 29384). The rule became effective on July 20, 2004. Training providers were required to provide a certificate to each driver trainee receiving the requisite training.

The Agency is asking OMB to renew without change FMCSA's estimate of the paperwork burden imposed by its

regulations. (The Agency is currently conducting a negotiated rulemaking to redesign training for entry-level CMV operators; if the rulemaking amends driver-training requirements, the Agency will submit an estimate of the ICR burden of the requirements for OMB approval).

Title: Training Certification for Entry-Level Commercial Motor Vehicle Operators

OMB Control Number: 2126-0028.

Type of Request: Extension of a currently approved ICR.

Respondents: Entry-level CDL drivers.

Estimated Number of Respondents: 397,500.

Estimated Time per Response: 10 minutes.

Expiration Date: January 31, 2016.

Frequency of Response: On occasion.

Estimated Total Annual Burden:

66,250 hours. FMCSA estimates that an entry-level driver requires approximately 10 minutes to complete the tasks necessary to comply with the regulation. Those tasks are photocopying the training certificate, giving the photocopy to the motor carrier employer, and retaining the original of the certificate. Therefore, the annual burden for all entry-level drivers is 66,250 hours [397,500 drivers x 10/60 minutes to respond = 66,250 hours].

Definitions: (1) "Federal Motor Carrier Safety Regulations" (FMCSRs) are parts 350-399 of volume 49 of the Code of Federal Regulations. (2) "Commercial motor vehicle" (CMV) means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle—(a) has a gross combination weight rating of 11,794 kilograms or more (26,001 pounds or more) inclusive of a towed unit(s) with a gross vehicle weight rating (GVWR) of more than 4,536 kilograms (10,000 pounds); or (b) has a GVWR of 11,794 or more kilograms (26,001 pounds or more); or (c) is designed to transport 16 or more passengers, including the driver; or (d) is of any size and is used in the transportation of hazardous materials as defined in 49 CFR 383.5 (49 CFR 383.5). The definition of CMV found at 49 CFR 390.5 of the FMCSRs is not applicable to this notice. (3) "Commercial Driver's License (CDL) Driver" means the operator of a CMV because such operators must possess a valid commercial driver's license (CDL)(Section 383.23(a)(2)). (4) "Entry-level CDL Driver" means a driver with less than one year of experience operating a CMV with a CDL (49 CFR 380.502(b)).

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 FMCSA's performance of functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA 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 or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: May 18, 2015.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Emergency Order No. 31, Notice No. 1]

Emergency Order Under 49 U.S.C. 20104 Establishing Requirements for the National Railroad Passenger Corporation To Control Passenger Train Speeds at Certain Locations Along the Northeast Corridor

SUMMARY: FRA is issuing this emergency order (EO or Order) to require that the National Railroad Passenger Corporation (Amtrak) take actions to control passenger train speed at certain locations on main line track in the Northeast Corridor (as described by 49 U.S.C. 24905(c)(1)(A)). Amtrak must immediately implement code changes to its Automatic Train Control (ATC) System to enforce the passenger train speed limit ahead of the curve at Frankford Junction in Philadelphia, Pennsylvania, where a fatal accident occurred on May 12, 2015. Amtrak must also identify each main track curve on the Northeast Corridor where there is a significant reduction (more than 20 miles per hour (mph)) from the maximum authorized approach speed to those curves for passenger trains. Amtrak must then develop and comply with an FRA-approved action plan to modify its existing ATC System or other signal systems (or take alternative operational actions) to enable enforcement of passenger train speed limits at the identified curves. Amtrak must also install additional wayside passenger train speed limit signage at appropriate locations on its Northeast Corridor right-of-way.

FOR FURTHER INFORMATION CONTACT: Ron Hynes, Director, Office of Safety Assurance and Compliance, Office of Railroad Safety, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590, telephone (202) 493-6404; Joseph St. Peter, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590, telephone (202) 493-6047, joseph.st.peter@dot.gov; or Matthew Navarrete, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590, telephone (202) 493-0138, matthew.navarrete@dot.gov.

SUPPLEMENTARY INFORMATION:

Introduction

FRA has determined that public safety compels issuance of this EO. This determination is made in light of the Amtrak train derailment that occurred in Philadelphia, Pennsylvania on May 12, 2015, in which eight persons were killed and a significant number of others were seriously injured. While the cause of the accident has not yet been determined, preliminary investigation into this derailment indicates the train was traveling approximately 106 mph on a curve where the maximum authorized passenger train speed is 50 mph. This was a serious overspeed event and FRA has concluded that additional action is necessary in the form of this EO to eliminate an immediate hazard of death, personal injury, or significant harm to the environment.

Authority

Authority to enforce Federal railroad safety laws has been delegated by the Secretary of Transportation to the Administrator of FRA. 49 CFR 1.89 and internal delegations. Railroads are subject to FRA's safety jurisdiction under the Federal railroad safety laws. 49 U.S.C. 20101, 20103. FRA is authorized to issue emergency orders where an unsafe condition or practice "causes an emergency situation involving a hazard of death, personal injury, or significant harm to the environment." 49 U.S.C. 20104. These orders may immediately impose "restrictions and prohibitions . . . that may be necessary to abate the situation." *Id.*

Amtrak Derailment

On Tuesday, May 12, 2015, Amtrak passenger train 188 (Train 188) was traveling timetable east (northbound) from Washington, DC, to New York City. Aboard the train were five crew members and approximately 238 passengers. Train 188 consisted of a conventional set-up with a locomotive

in the lead and seven passenger cars trailing. Shortly after 9:20 p.m., the train derailed while traveling through a curve in the track at Frankford Junction in Philadelphia, Pennsylvania. As a result of the accident, eight people were killed, and a significant number of people were seriously injured.

The National Transportation Safety Board (NTSB) has taken the lead role conducting the investigation of this accident under its legal authority. 49 U.S.C. 1101 *et seq.*; 49 CFR 800.3(a) and 831.2(b). As is customary, FRA is participating in the NTSB's investigation and also investigating the accident under its own authority. While NTSB has not yet issued any formal findings, the information it has released makes it obvious that train speed was a likely factor in the derailment. As Train 188 approached the curve from the west, it traveled over a straightaway with a maximum authorized passenger train speed of 80 mph. The maximum authorized passenger train speed for the curve was 50 mph. NTSB determined that the train was traveling approximately 106 mph within the curve's 50-mph speed restriction, exceeding the maximum authorized speed on the straightaway by 26 mph, and 56 mph over railroad's maximum authorized speed for the curve.¹ NTSB also determined the locomotive engineer operating the train made an emergency application of Train 188's air brake system, and the train slowed to approximately 102 mph before derailing in the curve.

2013 Metro-North Derailment

Upon evaluating the Amtrak accident described above, FRA found similarities to an accident that occurred in December 2013, on the New York State Metropolitan Transportation Authority's Metro-North Commuter Railroad Company (Metro-North) track. The Metro-North accident was the subject of FRA's Emergency Order No. 29. 78 FR 75442, Dec. 11, 2013. That accident occurred when a Metro-North passenger train was traveling south toward Grand Central Terminal in New York City. The train traveled over a straightaway with a maximum authorized passenger train speed of 70 mph before reaching a sharp curve in the track with a maximum authorized speed of 30 mph. NTSB's investigation of the Metro-North accident determined the train was traveling approximately 82 mph as it entered the curve's 30-mph speed

¹ FRA regulations provide, in part, that it is unlawful to "[o]perate a train or locomotive at a speed which exceeds the maximum authorized limit by at least 10 miles per hour." 49 CFR 240.305(a)(2).