

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration**

[Docket Nos. FMCSA–2013–0047, FMCSA–2014–0034]

**Applications for Exemption****AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Notice of final disposition; denial of applications for exemption.

**SUMMARY:** FMCSA announces its decision to deny the applications for exemption from its regulations submitted by David Muresan, Payne & Dolan, Inc., Zenith Tech, Inc., and Northeast Asphalt, Inc. FMCSA has analyzed the applications for exemption and public comments received on each, and rendered its decisions based upon the merits of each application.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4325. Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

**SUPPLEMENTARY INFORMATION:****Docket**

You may read the applications for exemption, background documents, public comments and the Agency's letters of final determination in the dockets of these applications by going to [www.regulations.gov](http://www.regulations.gov), or to Room W12–140, DOT Building, 1200 New Jersey Ave. SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

**Background**

FMCSA has authority under 49 U.S.C. 31315 and 31136(e) to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR part 350 *et seq.*). The Agency is required to publish a notice of each exemption request in the **Federal Register** [49 CFR 381.315(a)]. FMCSA 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 the applications for exemption, safety analyses and 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 decision of the Agency must be published in the **Federal Register** with

the reasons for denying or granting the application [49 CFR 381.315(b) and (c)].

**David Muresan [Docket FMCSA–2013–0047]**

David Muresan is a long-haul CMV driver who believes the hours-of-service (HOS) rules (49 CFR part 395) of the FMCSRs require him to drive when he is sleepy. He believes that he could operate more safely if he could decide when he needs sleep. Mr. Muresan proposes that he be exempt from all the HOS rules and be subject to certain rules he has designed. The HOS rules generally require CMV drivers transporting property to obtain at least 10 consecutive hours off duty between workdays. Mr. Muresan proposes that he be permitted to operate at any time that he has accumulated 10 hours off duty by any number of breaks of any length he chooses. Mr. Muresan also proposes that 24 consecutive hours at his residence would permit him to return to “reset” his driving “clock;” current rules require a minimum of 34 consecutive hours for such a restart. Mr. Muresan claims that, under his proposed rules, he would likely achieve a level of safety equivalent to or greater than the level of safety that would be obtained in the absence of the exemption. However, he does not provide data or explain how he reaches this conclusion. Mr. Muresan wants to determine when he is sufficiently rested to resume driving, but, as FMCSA has indicated in its HOS rulemakings, research indicates that individuals are not necessarily good judges of whether or not they are rested.

On December 17, 2013, FMCSA published notice of this application (78 FR 76392). None of the three comments received were supportive of the application. FMCSA concludes that Mr. Muresan has failed to explain how he would ensure that he can achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the HOS rules. A copy of the denial letter dated April 7, 2015, is included in the docket number referenced above.

**Payne and Dolan, Inc., Zenith Tech, and Northeast Asphalt, Inc. [Docket FMCSA–2014–0034]**

These three construction companies applied jointly for an exemption from § 395.3(a)(3)(ii), barring operation of a CMV by a driver if 8 hours have passed since the end of the driver's last off duty or sleeper-berth period of at least 30 minutes. Their drivers operate CMVs in support of nighttime road repair and maintenance operations. The drivers deliver equipment and materials to

work zones, spending an average of 2 hours per day behind the wheel operating a CMV. The companies state that their deliveries are often time sensitive; they cite asphalt as a material that must be delivered before its initial temperature drops appreciably. The companies allege that the mandatory 30-minute break unduly constrains their ability to deliver as circumstances dictate. They also state that the limited amount of time their CMV drivers spend behind the wheel, as well as their frequent breaks of less than 30 minutes, make them less susceptible to fatigue than CMV drivers who spend most of their workday behind the wheel.

On August 6, 2014, FMCSA published notice of this application (79 FR 45865). Comments in favor of the application and containing identical text were submitted by 438 individuals affiliated with the applicants; a comment in opposition to the application was also submitted. The FMCSA has reviewed the application and the public comments and determined that it would not be appropriate to grant the exemption. The Agency believes that minimal effort would be needed for these drivers to extend one of their frequent short breaks to 30 minutes. Absent a break of at least 30 minutes, FMCSA concludes that it would be unlikely that these drivers would 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)]. A copy of the denial letter dated January 26, 2015, is included in the docket number referenced above.

Issued on: June 16, 2015.

**Larry W. Minor,***Associate Administrator for Policy.*

[FR Doc. 2015–15514 Filed 6–23–15; 8:45 am]

**BILLING CODE 4910–EX–P****DEPARTMENT OF TRANSPORTATION****Federal Transit Administration**

[FTA Docket No. FTA–2015–0018]

**Notice of Request for Extension of a Currently Approved Information Collection****AGENCY:** Federal Transit Administration, DOT.**ACTION:** Notice of request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve the revision of

the currently approved information collection:

Fixed Guideway Capital Investment Grants—New Starts Section 5309

**DATES:** Comments must be submitted before August 24, 2015.

**ADDRESSES:** To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. Web site: [www.regulations.gov](http://www.regulations.gov).

Follow the instructions for submitting comments on the U.S. Government electronic docket site. (Note: The U.S. Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.) All electronic submissions must be made to the U.S. Government electronic docket site at [www.regulations.gov](http://www.regulations.gov). Commenters should follow the directions below for mailed and hand-delivered comments.

2. Fax: 202-493-2251.

3. Mail: U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

4. Hand Delivery: U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

**Instructions:** You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to Internet users, without change, to [www.regulations.gov](http://www.regulations.gov). You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit [www.regulations.gov](http://www.regulations.gov). Docket: For access to the docket to read background documents and comments received, go to [www.regulations.gov](http://www.regulations.gov) at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Ms. Elizabeth Day, Office of Planning and

Environment, (202) 366-5159, or email: [elizabeth.day@dot.gov](mailto:elizabeth.day@dot.gov)

**SUPPLEMENTARY INFORMATION:** Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) the necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

**Title:** Fixed Guideway Capital Investment Grants—New Starts Section 5309

(OMB Number: 2132-0561)

**Background:** The Federal Transit Administration (FTA) administers the discretionary Capital Investment Grant (CIG) grant program under 49 U.S.C. 5309 that provides funding for major transit capital investments including rapid rail, light rail, commuter rail, bus rapid transit, and ferries. Three types of eligible projects are outlined in law: smaller scaled corridor-based transit capital projects known as "Small Starts"; new fixed guideway transit systems and extensions to existing fixed guideway systems known as "New Starts"; and projects to improve capacity at least 10 percent in existing fixed guideway corridors that are at capacity today or will be in five years, known as "Core Capacity". The CIG program has a longstanding requirement that FTA evaluate proposed projects against a prescribed set of statutory criteria at specific points during the projects' development including when they seek to enter a subsequent phase of the process or a construction grant agreement. In addition, FTA must report on its evaluations and ratings annually to Congress.

The Moving Ahead for Progress Act in the 21st Century (MAP-21) enacted on July 6, 2012, made significant changes to the CIG program, including creation of an entirely new category of eligible projects called Core Capacity. MAP-21 also reduced the number of steps in the CIG process projects must follow to receive funds, created a new congestion relief evaluation criterion FTA must use to evaluate and rate projects, and specified that "warrants" (ways projects can qualify for automatic ratings) should be developed and used to the extent practicable. The requirement for CIG project ratings has been in place since

1998. Thus, the requirements for project evaluation and data collection for these proposed projects are not new. In general, the information used by FTA for CIG project evaluation and rating should arise as a part of the normal project planning process.

FTA has been collecting project evaluation information from project sponsors under the existing OMB approval for this program (OMB No. 2132-0561). However, due to the addition of the Core Capacity eligibility, the changes to the steps in the CIG process made by MAP-21, and the proposed implementation of "warrants," it became apparent that some information now required might be beyond the scope of ordinary planning activities.

**Respondents:** State and local government.

**Estimated Annual Burden on Respondents:** Approximately 444 hours for each of the 155 respondents.

**Estimated Annual Total Burden:** 68,840 hours.

**Frequency:** Annually.

**Matthew M. Crouch,**

*Associate Administrator for Administration.*

[FR Doc. 2015-15485 Filed 6-23-15; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2015 0077]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel GABRA; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. 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 July 24, 2015.

**ADDRESSES:** Comments should refer to docket number MARAD-2015-0077. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140,