

significant crash risk using dynamic risk management tools recommended by the IRT. The term dynamic risk management refers to the techniques and processes that Agency managers will use to evaluate the safety performance of carriers on the Moderate-Risk, Risk, and Monitor lists, and to reprioritize these carriers as needed. Safety performance data analysis tools were developed to

support the dynamic management decision-making process. The term “Mandatory” will no longer be used to identify carriers for investigation prioritization. FMCSA will also introduce other prioritization changes over the next year to address other carriers with significant indicators of non-compliance and to improve the Agency’s ability to manage risk and respond appropriately based on the best

available data. As a result, the Agency anticipates conducting a similar number of investigations as are currently conducted.

Table 1 below provides the approximate number of carriers that would be identified annually under the new High Risk definition and the Agency’s additional risk tiers.

TABLE 1—NEW HIGH RISK CRITERIA CARRIERS AND CRASH RATES

	New High Risk	Moderate risk	Risk
Number of carriers identified in 12 months .....	2,800	1,500	9,200
Crash rate (24 months) per 100 Power Units * .....	18.25	14.25	10.80

\* Current Mandatory Carrier Crash Rate: 13.35.

This change will not impact a carrier’s safety fitness rating, authority to operate, or SMS percentiles, and will not change the SMS methodology, or

how FMCSA makes enforcement decisions.

**II. Summary of Changes**

The following table defines the criteria for designating Passenger and

Non-Passenger carriers as “High Risk.” Table 2 is offered as reference material to assist the public in understanding the new High Risk definition.

TABLE 2—PASSENGER AND NON-PASSENGER CARRIERS DESIGNATED AS “HIGH RISK”

Criteria	Current mandatory	New High Risk
SMS BASIC Performance .....	<ul style="list-style-type: none"> <li>Unsafe Driving, Crash Indicator, or HOS Compliance BASICs greater than or equal to the 85th percentile and one other BASIC at or above the “all other” motor carrier threshold; or</li> <li>Any four or more BASICs at or above the “all other” motor carrier threshold (65th/80th percentiles).</li> </ul>	<ul style="list-style-type: none"> <li>Two or more of the following BASICs at or above the 90th percentile:                             <ul style="list-style-type: none"> <li>Unsafe Driving.</li> <li>Crash Indicator,</li> <li>HOS Compliance.</li> <li>Vehicle Maintenance.</li> </ul> </li> </ul>
Passenger Carrier .....	Occurs in One Month .....	Occurs in One Month.
Non-Passenger Carrier .....	Occurs in Two Consecutive Months .....	Occurs in Two Consecutive Months.
Time Since Last Onsite Investigation .....	<ul style="list-style-type: none"> <li>Passenger—12 Months .....</li> <li>Non-Passenger—24 Months .....</li> </ul>	<ul style="list-style-type: none"> <li>Passenger—12 Months.</li> <li>Non-Passenger—18 Months.</li> </ul>

Issued on: February 16, 2016.  
**T.F. Scott Darling, III,**  
*Acting Administrator.*  
 [FR Doc. 2016-04972 Filed 3-4-16; 8:45 am]  
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**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2015-0328]

**Qualification of Drivers; Application for Exemptions; Hearing**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA).

**ACTION:** Notice of applications for exemptions; request for comments.

**SUMMARY:** FMCSA announces receipt of applications from 25 individuals for an exemption from the hearing requirement to operate commercial motor vehicles

(CMVs) in interstate commerce. If granted, the exemptions would enable these individuals to operate CMVs in interstate commerce.

**DATES:** Comments must be received on or before April 6, 2016.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2015-0328 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday

through Friday, except Federal Holidays.

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

*Instructions:* Each submission must include the Agency name and the docket numbers for this notice. 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 for further information.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or 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., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want

acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*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:** Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-113, Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., *e.t.*, Monday through Friday, except Federal holidays.

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) for a 2-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 25 individuals listed in this notice have recently requested such an exemption from the hearing requirement in 49 CFR 391.41(b)(11), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person:

First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR

6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

#### **II. Qualifications of Applicants**

##### *Eduardo Amaro*

Mr. Amaro, age 47, holds an operator’s license in New Mexico.

##### *Paul Aseka*

Mr. Aseka, age 36, holds an operator’s license in Texas.

##### *Thomas Buretz*

Mr. Buretz, age 54, holds a class A CDL in Florida.

##### *Tye Cox*

Mr. Cox, age 28, holds an operator’s license in Idaho.

##### *James Dalrymple*

Mr. Dalrymple, age 61, holds a class A CDL in Arizona.

##### *John Dumars*

Mr. Dumars, age 53, holds an operator’s license in Florida.

##### *Aaron Farley*

Mr. Farley, age 42, holds an operator’s license in West Virginia.

##### *Samuel Fernell*

Mr. Fernell, age 47, holds an operator’s license in Ohio.

##### *Heath Focken*

Mr. Focken, age 27, holds an operator’s license in Nebraska.

##### *Michael Frutchey*

Mr. Frutchey, age 48, holds a chauffeur license in Michigan.

##### *Gregg Glass*

Mr. Glass, age 53, holds an operator’s license in Oregon.

##### *Jaymes Haar*

Mr. Haar, age 28, holds a class A CDL in Iowa.

##### *Michael McCarthy*

Mr. McCarthy, age 51, holds an operator’s license in Minnesota.

##### *Chad Meeker*

Mr. Meeker, age 39, holds a CDL in Michigan.

##### *John Norton*

Mr. Norton, age 51, holds an operator’s license in Michigan.

##### *Taryn Peterson*

Mr. Peterson, age 28, holds an operator’s license in Nebraska.

##### *Stephen Paiz*

Mr. Paiz, age 31, holds an operator’s license in New York.

##### *David Quijano*

Mr. Quijano, age 43, holds an operator’s license in Hawaii.

##### *Brian Shoup*

Mr. Shoup, age 53, holds an operator’s license in Ohio.

##### *Ronald Sims*

Mr. Sims, age 65, holds a class A CDL in Florida.

##### *Edward Spreen*

Mr. Spreen, age 35, holds an operator’s license in Utah.

##### *Fernando Valasquez*

Mr. Valasquez, age 31, holds an operator’s license in Texas.

##### *Kyle Voss*

Mr. Voss, age 26, holds an operator’s license in Wisconsin.

##### *Daron Washington*

Mr. Washington, age 50, holds a class A CDL in Illinois.

##### *William Weeaks*

Mr. Weeaks, age 33, holds an operator’s license in Oklahoma.

#### **III. Request for Comments**

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

#### **IV. Submitting Comments**

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 that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA-2015-0328 and click the search button. When the new screen appears, click on the blue “Comment Now!” button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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.

We will consider all comments and material received during the comment period. FMCSA may issue a final determination any time after the close of the comment period.

#### V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA-2015-0328 and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to this notice.

Issued on: February 24, 2016.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2016-0002-N-6]

#### Agency Request for Emergency Processing of Collection of Information by the Office of Management and Budget

**AGENCY:** Federal Railroad Administration (FRA), United States Department of Transportation (US DOT).

**ACTION:** Notice.

**SUMMARY:** Consistent with the Paperwork Reduction Act of 1995 and its implementing regulations, this document provides notice that FRA is submitting the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) to collect information on Positive Train Control (PTC) implementation on an annual form and a quarterly form. FRA requests emergency processing and OMB authorization to collect the information on the annual form identified below five business days after publication of this Notice for a period of 180 days. FRA requests regular processing and OMB authorization to collect the information on the quarterly form identified below 90 days after publication of this Notice for a period of three years.

**FOR FURTHER INFORMATION CONTACT:** A copy of this individual ICR, with any public applicable supporting documentation, may be obtained by

telephoning FRA's Office of Safety Information Collection Clearance Officer, Robert Brogan (tel. (202) 493-6292), or FRA's Office of Administration Information Collection Clearance Officer, Kimberly Toone (tel. (202) 493-6132); these numbers are not toll-free; or by contacting Mr. Brogan via facsimile at (202) 493-6216 or Ms. Toone via facsimile at (202) 493-6497, or via email by contacting Mr. Brogan at [Robert.Brogan@dot.gov](mailto:Robert.Brogan@dot.gov), or by contacting Ms. Toone at [Kim.Toone@dot.gov](mailto:Kim.Toone@dot.gov). Comments or questions about any aspect of this ICR pertaining to the Quarterly PTC Progress Report Form should be directed to Mr. Brogan or Ms. Toone, while comments or questions about any aspect of this ICR pertaining to the Annual PTC Progress Report Form should be directed to OMB's Office of Information and Regulatory Affairs, Attn: FRA OMB Desk Officer.

**SUPPLEMENTARY INFORMATION:** Under 49 U.S.C. 20157, as amended by the Positive Train Control Enforcement and Implementation Act of 2015 (PTCEI Act) and the Fixing America's Surface Transportation (FAST) Act, each railroad required to implement a positive train control (PTC) system must provide information to FRA on its implementation progress. Under the PTCEI Act, each railroad subject to 49 U.S.C. 20157(a) must submit an annual progress report to FRA by March 31, 2016, and annually thereafter, until PTC implementation is complete. 49 U.S.C. 20157(c)(1). The amended statute specifically requires each railroad to provide certain information in the annual reports regarding its progress toward implementing PTC, and authorizes FRA to request that railroads provide additional information in the annual progress reports. *See id.* The annual progress report will report all progress for the previous calendar year.

In addition, 49 U.S.C. 20157(c)(2) requires FRA to conduct compliance reviews, at least annually, to ensure that each railroad is complying with its revised PTC implementation plan (PTCIP). The amended statute requires railroads to provide information to FRA that FRA determines is necessary to adequately conduct such compliance reviews. *See* 49 U.S.C. 20157(c)(2).

To effectively monitor compliance with PTC system implementation, FRA is proposing to require each subject railroad and entity to submit quarterly reports on its implementation progress, in addition to the annual progress reports, under the PTCEI Act and FRA's statutory and regulatory investigative authorities. *See* 49 U.S.C. 20157(c)(2); *see also* 49 U.S.C. 20107, 20902; 49 CFR

236.1009(h). Specifically, FRA is proposing that, in addition to the annual report due each March 31 under 49 U.S.C. 20157(c)(1), railroads must provide quarterly progress reports covering the preceding three-month period and submit the forms to FRA on the dates in the following table until full PTC system implementation is completed:

	Coverage period	Due dates for quarterly reports
Q1 .....	January 1– March 31.	June 30, 2016, and each April 30 there- after.
Q2 .....	April 1–June 30	July 31.
Q3 .....	July 1–Sep- tember 30.	October 31.
Q4 .....	October 1–De- cember 31.	January 31.

FRA is delaying submission of the first quarterly form to allow time for the normal 60-days of notice and public comment directed to the agency and the additional 30 days of public comment directed to OMB while the submission undergoes OMB review as required under the Paperwork Reduction Act of 1995 and its concomitant regulations. Since the annual report is statutorily required by March 31, 2016, FRA is seeking Emergency Processing for the annual form.

Annual and quarterly reporting will enable FRA to effectively track and report railroad progress and compliance, and to perform its roles in enforcement and industry oversight. The proposed quarterly progress report form is formatted similar to the "PTCIP template" (FRA F 6180.164, OMB No. 2130-0553) and will be used to track railroads' progress on, and compliance with, the core quantitative implementation elements and goals, some of which are included in the railroads' revised PTCIPs. The quarterly frequency will allow FRA to identify potential trends so that it can manage its technical assistance and monitor compliance accordingly. The annual report is required by law, but FRA is providing guidance on what type of information must be provided to ensure consistency of the information industry provides to FRA and its usefulness to FRA for assessing progress and compliance.

FRA is proposing that each railroad must submit its quarterly progress reports and annual progress reports using Form FRA F 6180.165 and Form FRA F 6180.166, respectively.

FRA is proposing to let the less detailed monthly reporting that it currently requires (approved under