

on-duty “waiting time” to satisfy the requirement for the 30-minute rest break, provided they do not perform any other work during the break. According to ACPA, a typical mainline paving project (*i.e.*, pavement for highways, airports, streets, and large industrial facilities) involves mixing of concrete at a central mix batch plant located 3–10 miles from the paving site, transport of the freshly mixed concrete to the paving machine, placement of the concrete pavement, texturing of the slab surface, curing of the concrete slab, and finally saw-cutting of the pavement. ACPA advises that all steps in this process are time-critical, as concrete mixtures are extremely perishable. Employees must coordinate and direct a complex series of logistical steps, one of the most important elements of which is the delivery of the concrete within a time frame specified by the transportation agency or owner. The concrete is essentially made to order, then delivered by end-dump trucks so there is a steady and constant delivery of material that keeps pace with the paving equipment. Any issue that delays the well-orchestrated, just-in-time delivery of batches of concrete can result in batches being turned away by inspectors, the paving operation being shut down temporarily, and ultimately, cause time and cost overruns. According to ACPA, the criticality of concrete delivery from plant to paving site is arguably one of the most important factors in a paving process.

The second exemption, if granted, would allow these same drivers to use the short-haul RODS exception, but with a 14-hour duty period instead of 12 hours. ACPA advises that, while some short-haul drivers will be able to take advantage of the exception from the 30-minute break, other drivers are often required to be on duty more than 12 hours in a day and therefore are not eligible to use the short-haul exception.

Although drivers using the short-haul exception in 49 CFR 395.1(e)(1) are not required to take the minimum 30-minute rest break [49 CFR 395.3(a)(3)(ii)], the extension of the short-haul 12 hour limit to 14 hours, if granted, might be construed by some to require the 30-minute break; therefore, ACPA is requesting the second exemption from the rest break requirement.

ACPA mentioned that drivers of ready-mixed concrete delivery vehicles were previously granted an exemption from the minimum 30-minute rest break provision.<sup>1</sup> FMCSA granted the National

Ready Mixed Concrete Association a limited exemption from the 30-minute break requirement of the driver HOS regulations [80 FR 17819 April 2, 2015]. Similarly, on January 26, 2018, FMCSA granted an exemption to the National Asphalt Pavement Association for drivers engaged in the transportation of asphalt and related materials and equipment from: (1) The 30-minute rest break requirement; and (2) the 12-hour daily on-duty limit on the short-haul exception, which was expanded to 14 hours [83 FR 3864]. ACPA states that “the same reasoning supporting the exemptions from the 30-minute break time rule and allowing a 14-hour daily duty-period for drivers of ready-mixed concrete vehicles, and drivers engaged in the transportation of asphalt and related materials, applies to drivers engaged in the transportation of ready-mixed concrete in vehicles, other than those outfitted with rotating mixer drums, and related materials and equipment. These are all perishable products that are not useable if they are not dropped and spread within a brief delivery window. Because of this short delivery window, the routes from the production facility to the delivery site for both products are limited, usually between 3–10 miles, and the time spent actually driving a commercial motor vehicle is typically only a few hours per day. Thus, the drivers do not face the same fatigue factors as drivers of long-haul trucks, and therefore do not pose the same risk of a fatigue-related accident as long-haul drivers.”

ACPA states in its application that the exemptions would not have any adverse impacts on operational safety, as drivers would remain subject to the HOS regulations in 49 CFR 395.3, and would receive sufficient rest due to the nature of their operations that limit driving to an average of only 80–100 miles per day during the paving season. ACPA believes that granting these exemptions would achieve the same level of safety provided by the two HOS rules. The term of the requested exemptions is for 5 years, subject to renewal upon application. A copy of ACPA’s application for exemptions is available for review in the docket for this notice.

Issued on: August 28, 2018.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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vehicle designed to deliver ready-mixed concrete on a daily basis and equipped with a mechanism under which the vehicle’s propulsion engine provides the power to operate a mixer drum to agitate and mix the product en route to the delivery site.” 49 CFR 395.2.

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[FTA Docket No. FTA 2018–0009]

#### Agency Information Collection Activity Under OMB Review

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and their expected burdens. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collection of information was published on May 31, 2018.

**DATES:** Comments must be submitted on or before October 9, 2018.

**FOR FURTHER INFORMATION CONTACT:** Tia Swain, Office of Administration, Management Planning Division, 1200 New Jersey Avenue SE, Mail Stop TAD–10, Washington, DC 20590, (202) 366–0354 or [tia.swain@dot.gov](mailto:tia.swain@dot.gov).

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On May 31, 2018, FTA published a 60-day notice (83 FR 25103) in the **Federal Register** soliciting comments on the ICR that the agency was seeking OMB approval. FTA received no comments from this publication. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983,

<sup>1</sup> The hours-of-service regulations define “ready mixed concrete delivery vehicle” to mean “a

Aug. 29, 1995. OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The requirements are being submitted for clearance by OMB as required by the PRA.

*Title:* Job Access and Reverse Commute Program.

*OMB Control Number:* 2132-0563.

*Type of Request:* Extension of a currently approved information collection.

*Abstract:* The Job Access and Reverse Commute (JARC) program, provided grants for filling gaps in employment transportation. The primary beneficiaries of this program were low-income families and families coming off welfare assistance who otherwise would have a difficult time getting to jobs and related services, such as child care and training. The program was begun in 1999 and was continued under Section 5316 of the federal transportation legislation, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), passed by Congress in 2005. The JARC program authorized two kinds of grants: Job Access grants (aimed at developing new transportation services for low-income workers and/or filling in gaps in existing services) and Reverse Commute projects (intended to provide transportation to suburban jobs from urban, rural and other suburban locations—but not necessarily just for low-income people). The JARC program was repealed under the Moving Ahead for Progress in the 21st Century Act (MAP-21). Although the program has expired, JARC activities are eligible for funding under FTA's Urbanized Area Formula Grants (Section 5307) and the Formula Grants for Rural Areas (Section 5311) programs. However, funds previously authorized for the program repealed by MAP-21 remain available for their originally authorized purposes until the period of availability expires,

the funds are fully expended, the funds are rescinded by Congress, or the funds are otherwise reallocated.

*Respondents:* States and public bodies are eligible designated recipients. Eligible sub-recipients are private non-profit organizations, State or local governments, and operators of public transportation services including private operators of public transportation services.

*Estimated Annual Number of Respondents:* 160 respondents.

*Estimated Annual Number of Responses:* 1,805 responses.

*Estimated Total Annual Burden:* 3,971 hours.

*Frequency:* Annually.

*Addresses:* All written comments must refer to the docket number that appears at the top of this document and be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: FTA Desk Officer. Alternatively, comments may be sent via email to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, at the following address: [oira\\_submissions@omb.eop.gov](mailto:oira_submissions@omb.eop.gov).

*Comments Are Invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

**William Hyre,**

*Deputy Associate Administrator for Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### Hazardous Materials: Notice of Applications for Special Permits

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

**ACTION:** Notice of actions on special permit applications.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

**DATES:** Comments must be received on or before October 9, 2018.

**ADDRESSES:** Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

**FOR FURTHER INFORMATION CONTACT:** Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

**SUPPLEMENTARY INFORMATION:** Copies of the applications are available for inspection in the Records Center, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington DC or at <http://regulations.gov>.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on August 31, 2018.

**Donald P. Burger,**

*Chief, General Approvals and Permits Branch.*