

Service Violations (GAO-11-198),¹ recommended that “FMCSA examine the extent to which detention time contributes to hours of service violations in its future studies on driver fatigue and detention time.” In response to the GAO report, FMCSA sponsored a study² among a sample of carriers which generated estimates of driver delay times. Among the sampled carriers, the study found that drivers experienced detention time during approximately 10 percent of their stops for an average duration of 1.4 hours beyond a commonly accepted two-hour loading and unloading period [total driver wait time = (legitimate loading/unloading time) + (delay times)]. Most recently, in a 2018 report titled *Estimates Show Commercial Driver Detention Increases Crash Risks and Costs, but Current Data Limit Further Analysis*,³ DOT’s Office of Inspector General recommended that FMCSA collaborate with industry stakeholders to develop and implement a plan to collect and analyze reliable, accurate, and representative data on the frequency and severity of driver detention.

Although the above referenced studies estimated overall wait times, they were not able to separate normal loading and unloading times (e.g., the time it would usually take to load and unload a CMV under typical schedules) from detention time (delays in the start of the loading and unloading process which disrupt the driver’s available driving and/or on-duty time). This is a critical data gap in our understanding of the detention issue.

FMCSA is interested in data sources, methodologies, and potential technologies that could provide insight into loading and unloading delays experienced by CMV drivers.

III. Request for Information

Specifically, FMCSA requests information that addresses the following questions:

1. Are data currently available that can accurately record loading, unloading, and delay times?
2. Is there technology available that could record and delineate prompt loading and unloading times versus the extended delays sometimes experienced by drivers?
3. How can delay times be captured and recorded in a systematic, comparable manner?

4. Could systematic collection and publication of loading, unloading, and delay times be useful in driver or carrier business decisions and help to reduce loading, unloading, and delay times?

5. What should FMCSA use as an estimate of reasonable loading/unloading time? Please provide a basis for your response.

6. How do contract arrangements between carriers and shippers address acceptable wait times? Do these arrangements include penalties for delays attributable to a carrier or shipper?

7. What actions by FMCSA, within its current statutory authority, would help to reduce loading, unloading, and delay times?

Issued under authority delegated in 49 CFR 1.87 on: June 4, 2019.

Raymond P. Martinez,
Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0102]

Agency Information Collection Activities; Renewal of a Currently-Approved Collection: Driver Qualification Files

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), 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. FMCSA requests approval to revise and renew an ICR titled “Driver Qualification Files,” OMB Control Number 2126-0004. The ICR estimates the burden commercial motor vehicle (CMV) drivers and motor carriers incur to comply with the reporting and recordkeeping tasks required for motor carriers to maintain driver qualification (DQ) files. The Agency’s regulations pertaining to maintaining DQ files are unchanged and impose no increased information collection (IC) burden on individual drivers and motor carriers. However, the Agency increases its estimate of the total IC burden of these regulations primarily because both the number of CMV drivers and the

frequency of their hiring have increased since the Agency’s 2016 estimate of this burden.

DATES: FMCSA must receive your comments to this notice on or before August 9, 2019.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA-2019-0102 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, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Same as mail address above between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- *Instructions:* All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, 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:* 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.transportation.gov/privacy.

- *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 website. 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.

¹ <https://www.gao.gov/assets/320/315297.pdf>.

² Driver Detention Times in Commercial Motor Vehicle Operations (December 2014), https://rosap.ntl.bts.gov/view/dot/194/dot_194_DS1.pdf

³ <https://www.oig.dot.gov/library-item/36237>.

FOR FURTHER INFORMATION CONTACT: Ms. Pearlle Robinson, Driver and Carrier Operations Division, DOT, 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 Motor Carrier Safety Act of 1984 (Pub. L. 98-554, Title II, 98 Stat. 2834 (October 30, 1984)) requires the Secretary of Transportation to issue regulations pertaining to commercial motor vehicle (CMV) safety. Part 391 of volume 49 of the Code of Federal Regulations (CFR) contains the minimum qualifications of drivers of CMVs in interstate commerce.

Motor carriers may not require or permit an unqualified driver to operate a CMV. The foremost proof of driver qualification is the information that part 391 requires be collected and maintained in the driver qualification file (DQ file) (49 CFR 391.51). Motor carriers must obtain this information from sources specified in the regulations, such as the driver, previous employers of the driver, and officials of the State of driver licensure. Motor carriers are not required to forward DQ information to FMCSA, but must maintain the information in a DQ file and make it available to State and Federal safety investigators on demand.

Through this ICR, FMCSA is asking OMB's approval to renew and revise its estimate of the paperwork burden imposed by its DQ file regulations. The regulations have not been amended; the IC burden imposed on individual drivers and motor carriers by the regulations is unchanged. The current IC burden estimate approved by OMB is 10.21 million hours. The Agency has increased its estimate of the total IC burden from 10.21 million hours to 12.26 million hours. The increase in burden hours is primarily the result of a larger driver population and a higher driver turnover rate, both of which affect the volume of documents produced and filed in DQ files. This revised ICR removes the medical examiner's certificate recordkeeping requirement from the estimate of burden hours and cost to eliminate double counting. Although the currently approved ICR did not monetize driver and motor carrier burden hours, the revised ICR monetizes such burden. The draft supporting statement for this ICR is available in the docket.

Title: Driver Qualification Files.

OMB Control Number: 2126-0004.

Type of Request: Renewal and revision of a currently-approved information collection.

Respondents: CMV motor carriers and drivers.

Estimated Number of Respondents: 6.89 million (6.35 million drivers + 0.54 million motor carriers).

Expiration Date: January 31, 2020.

Frequency of Response: The information on some DQ documents is only provided one time, such as that furnished at the time the individual applies for employment as a driver. Other information must be obtained by the motor carrier within 30 days of the date the driver begins to drive a CMV for the employer. Other information, such as the driver's motor vehicle record, is only updated once a year.

Estimated Total Annual Burden: 12.26 million hours.

Public Comments Invited: FMCSA requests that you comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for 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 delegated in 49 CFR 1.87 on: June 4, 2019.

Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2019-0042]

Petition for Waiver of Compliance

Under part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that on May 29, 2019, the Buffalo & Pittsburgh Railroad, Inc. (BPRR), petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 240, *Qualification and Certification of Locomotive Engineers*, and part 242, *Qualification and Certification of Conductors*. FRA assigned the petition Docket Number FRA-2019-0042.

The relief is requested as part of BPRR's proposed implementation of and participation in FRA's Confidential

Close Call Reporting System (C³RS) Program. BPRR seeks to shield reporting employees and the railroad from mandatory punitive sanctions that would otherwise arise as provided in 49 CFR 240.117(e)(1)-(4); 240.305(a)(1)-(4) and (a)(6); 240.307; 242.403(b), (c), (e)(1)-(4), (e)(6)-(11), and (f)(1)-(2). The C³RS Program encourages certified operating crew members to report close calls and protect the employees and the railroad from discipline or sanctions arising from the incidents reported per the C³RS Implementing Memorandum of Understanding.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE, W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12-140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by July 25, 2019 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.).