

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Notice of Release From Federal Grant Assurance Obligations and Land Exchange, Tucson International Airport, Tucson, Pima County, Arizona**

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

**ACTION:** Notice of request to release airport land.

**SUMMARY:** The Federal Aviation Administration (FAA) is considering a proposal and invites public comment on the application for release of approximately 158-acres more or less of property from federal Grant Assurance obligations and land exchange at Tucson International Airport, Tucson, Arizona. Tucson Airport Authority (TAA) is requesting a total release from federal obligations on approximately 158-acres more or less of TAA property, and to authorize a land exchange of approximately 61.4-acres more or less [and cash] between TAA and the United States Air Force (USAF). The release property is comprised of a portion of two parcels along the southern boundary of the abandoned Hughes Access Road, adjacent to the main airport airfield and campus.

**DATES:** Comments must be received on or before March 24, 2023.

**ADDRESSES:** Comments on the request may be mailed or delivered to the FAA at the following address: Mr. Mike N Williams, Manager, Phoenix Airports District Office, Federal Aviation Administration, 3800 N Central Ave, Suite 1025, 10th Floor, Phoenix, Arizona, 85012. In addition, one copy of the comment submitted to the FAA must be mailed or delivered to Ms. Danette Bewley, A.A.E., President and Chief Executive Officer, Tucson Airport Authority, 7250 S Tucson Boulevard, Suite 300, Tucson, AZ 85756.

**SUPPLEMENTARY INFORMATION:** The release property is 158-acres more or less is a portion of two combined parcels, Parcel 22 and Parcel 34. Parcel 22 was acquired from the State of Arizona with Airport Improvement Program (AIP) funding via Patent dated February 24, 2002. Parcel 34 was acquired from the State of Arizona with Passenger Facility Charge (PFC) funding via Patent dated June 6, 2002. The 158-acres more or less portion of subject land identified as Parcel G is not currently required for aeronautical purposes. TAA is intending to exchange Parcel G property and cash, with approximately 61.4-acres more or less of USAF property known as Parcel F.

The exchange is based on appraisals estimating fair market value of the affected parcels. TAA will acquire fee simple ownership of 61.4-acres more or less and easements restricting development on 182.6-acres more or less from USAF in exchange for USAF acquiring fee simple ownership of 158.0-acres more or less, use restriction easements on 107-acres more or less, access easement of three acres of TAA land and \$1,640,000 in financial compensation. TAA will also fund the demolition and replacement of several munitions storage bunkers located on USAF property. Such use of the land represents a compatible land use that will not interfere with the airport or its operation, thereby protecting the interests of civil aviation. The resulting actions would allow future airport development for TAA and will support the USAF through providing the required munitions safety separation distances.

In accordance with the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law 106-181 (Apr. 5, 2000; 114 Stat. 61), this notice must be published in the **Federal Register** 30 days before the DOT Secretary may waive any condition imposed on a federally obligated airport by surplus property conveyance deeds or grant agreements.

Issued in El Segundo, California, on February 15, 2023.

**Brian Q. Armstrong,**  
Manager, Safety and Standards Branch,  
Airports Division, Western-Pacific Region.  
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**BILLING CODE 4910-13-P**

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

[Docket No. FMCSA-2022-0172]

**Hours of Service: Exemption Application From Flat Top Transport, LLC**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation.

**ACTION:** Notice of final disposition; denial of application for exemption.

**SUMMARY:** FMCSA announces its decision to deny Flat Top Transport's request for an exemption from the hours-of-service (HOS) regulations. Flat Top Transport requested a four-month exemption for "immediate and emergency delivery of dry and bulk food grade products to locations that supply stores and distribution centers

nationally." FMCSA analyzed the application and public comments and determined that the exemption would not achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

**FOR FURTHER INFORMATION CONTACT:** Ms. Bernadette Walker, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA; (202) 385-2415; or *Bernadette.Walker@dot.gov*. If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366-9826.

**SUPPLEMENTARY INFORMATION:****I. Public Participation***Viewing Comments and Documents*

To view comments, go to [www.regulations.gov](http://www.regulations.gov), insert the docket number "FMCSA-2022-0172" in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, "View Related Comments."

To view documents mentioned in this notice as being available in the docket, go to [www.regulations.gov](http://www.regulations.gov), insert the docket number, "FMCSA-2022-0172" in the keyword box, click "Search," and chose the document to review.

If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

**II. Legal Basis**

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency 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 provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted 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 Agency must publish its decision in

the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption and the regulatory provision from which the exemption is granted. The notice must specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

### III. Background

#### *Current Regulatory Requirements*

To reduce the possibility of driver fatigue, FMCSA's HOS regulations in 49 CFR part 395 limit the time drivers of commercial motor vehicles (CMVs) may drive. The HOS regulations in 49 CFR 395.3(a)(1) prohibit an individual from driving again after 11 hours driving or 14 hours on duty until they have been off duty for a minimum of 10 consecutive hours, or the equivalent of at least 10 consecutive hours off duty. Under 49 CFR 395.3(a)(2)—commonly referred to as the 14-hour “driving window”—a driver has 14 consecutive hours in which to drive up to 11 hours after being off duty for 10 or more consecutive hours. Section 395.3(b)(1) prohibits drivers for a motor carrier that does not operate CMVs every day of the week from driving a CMV after being on duty for 60 hours during any 7 consecutive days, and section 395.3(b)(2) prohibits drivers for a motor carrier that operates CMVs every day of the week from driving a CMV after being on duty for 70 hours in any 8 consecutive days.

#### *Applicant's Request*

Flat Top Transport seeks a four-month exemption from the HOS regulations in 49 CFR part 395. Flat Top Transport requests the exemption to provide “immediate and emergency delivery of dry and bulk food grade products to locations that supply stores and distribution centers nationally.” Flat Top states that “the products being delivered are under strict time constraints and the number of available trucks is limited. Due to railroads being limited and a truck driver shortage, the inflation rates of parts and services, the time constraints of hours of service are causing many food producing factors to shut down until the products arrive.”

Flat Top Transport describes itself as a small trucking company with between 9 and 10 drivers which delivers products such as food grade flour, corn meal, and salts used to produce cereals, baked goods, canned goods, and meat processing. In its application, Flat Top did not identify any alternative

compliance measures that it would undertake to achieve an equivalent level of safety as complying with the existing HOS regulations.

### IV. Public Comments

On September 1, 2022, FMCSA published notice of Flat Top Transport's application for exemption and requested public comment (86 FR 50426). The Agency received 11 comments. North American Millers' Association, Schell Transport, Michael Bechara, Dana Burchell, Rich Dickerson, and two anonymous commenters favored the exemption application. Schell Transport commented, “I am in favor of HOS relief to help with food supply chain issues.” Two commenters, Rimmel Transport, LLC and Tracy Hall, offered no position either for or against the request, submitting general comments instead. Rimmel Transport commented, “There needs to be exemption for all fleets operating under 30 trucks.” The Commercial Vehicle Safety Alliance (CVSA) and AWM Associates, LLC opposed the exemption. CVSA commented that “supply chain delays do not constitute an emergency situation that would necessitate temporary relief from hours-of-service regulations.”

### V. FMCSA Safety Analysis and Decision

FMCSA continues to monitor unique challenges motor carriers and drivers experience while transporting freight on our Nation's highways and works to ensure that safety is not compromised. Supply chain issues alone, however, do not provide a sufficient basis to exempt motor carriers transporting dry bulk food grade products from the HOS regulations. Under 49 CFR 381.310(c)(1), applicants are required to explain how they would achieve a level of safety that is equivalent to or greater than, the level of safety that would be obtained by complying with the regulations. Flat Top offered no basis on which FMCSA could conclude that granting an exemption from the HOS regulations would provide an equivalent level of safety.

For the above reasons, Flat Top Transport, LLC's exemption application is denied.

**Robin Hutchinson,**

*Administrator.*

[FR Doc. 2023-03564 Filed 2-21-23; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Transfer of Federally Assisted Facility

**AGENCY:** Federal Transit Administration (FTA), United States Department of Transportation (USDOT).

**ACTION:** Notice of Intent (NOI) to transfer federally assisted land or facility.

**SUMMARY:** Federal public transportation law permits the Administrator of the Federal Transit Administration (FTA) to authorize a recipient of FTA funds to transfer land or a facility to a public body for any public purpose with no further obligation to the Federal Government if, among other things, no Federal agency is interested in acquiring the asset for Federal use. Accordingly, FTA is issuing this Notice to advise Federal agencies that Pace Suburban Bus (Pace) intends to transfer the land and building located at 9 Osgood Street, Joliet, Illinois (hereinafter “the Subject Property”) to Will County, Illinois (hereinafter “the County”).

**DATES:** *Effective Date:* Any Federal agency interested in acquiring the facility must notify the FTA Region V Office of its interest no later than March 24, 2023.

**ADDRESSES:** Interested parties should notify the FTA Region V Office by writing to Kelley Brookins, Regional Administrator, Federal Transit Administration, 200 West Adams Street, Suite 320, Chicago, IL 60606.

**FOR FURTHER INFORMATION CONTACT:** Aruj Chaudhry, Regional Counsel, (312) 353-3869.

#### SUPPLEMENTARY INFORMATION:

#### Background

Federal public transportation law provides guidance on the transfer of capital assets. 49 U.S.C. 5334(h)(1)(A). Specifically, if a recipient of FTA assistance decides an asset acquired at least in part with assistance under 49 U.S.C. Chapter 53 is no longer needed for the purpose for which it was acquired, the Secretary of Transportation may authorize the recipient to transfer the asset to a local governmental authority to be used for a public purpose with no further obligation to the Government. 49 U.S.C. 5334(h)(1)(A).

Pace Suburban Bus (Pace) intends to transfer the land and building located at 9 Osgood Street, Joliet, Illinois (hereinafter “the Subject Property”) to Will County, Illinois (hereinafter “the County”). Pace used the Subject Property as a combined bus, administrative, and maintenance facility