

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.

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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

from 1983 to the present (39 years). Pace is relocating to another facility and has determined it no longer needs the Subject Property for public transportation purposes. The County plans to utilize the Subject Property for the County Sheriff's SWAT unit's administrative and training functions.

Determinations

The FTA Administrator may authorize a transfer for a public purpose other than mass transportation only if the FTA Administrator decides:

(A) The asset will remain in public use for at least 5 years after the date the asset is transferred;

(B) There is no purpose eligible for assistance under Chapter 53 of title 49, United States Code, for which the asset should be used;

(C) The overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

(D) Through an appropriate screening or survey process, that there is no interest in acquiring the asset for Government use if the asset is a facility or land.

Federal Interest in Acquiring Land or Facility

This Notice implements the requirements of 49 U.S.C. 5334(h)(1)(A)(iv). Accordingly, FTA hereby provides notice of the availability of the Subject Property further described below. Any Federal agency interested in acquiring the Subject Property should promptly notify the FTA. If no Federal agency is interested in acquiring the Subject Property, FTA will make certain that the other requirements specified in 49 U.S.C. 5334(h)(1)(A)(i) through (iv) are met before permitting the asset to be transferred.

Additional Description of Land or Facility

The Subject Property is recognized with the Parcel Identification Numbers 30-07-15-118-001-0000, 30-07-15-108-020-0000, and 30-07-15-107-045-0000. The Subject Property is 2.2 acres, separated by a roadway. It includes a precast concrete, steel, and masonry structure that is 66,077 square feet, with 58,296 square feet on the ground level and 7,781 square feet on the mezzanine level. The structure comprises a masonry bearing wall building with barrel roof, wood rafters, and steel bow-string roof trusses constructed in 1926. In 1985, a bus garage addition was constructed with a structural steel frame, precast concrete wall panels, and a low slope roof. The building condition was recently assessed as adequate and was in use as a combined bus, administrative, and maintenance facility. Public utilities include gas, electric, and water.

Authority: 49 U.S.C. 5334(h)(1)(A), 49 CFR 1.91.

Kelley Brookins,

Regional Administrator, TRO-5.

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

Notice of Meeting; The Electronic Tax Administration Advisory Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: The Electronic Tax Administration Advisory Committee (ETAAC) will hold a public meeting via

telephone conference line on Wednesday, Mar. 22, 2023.

FOR FURTHER INFORMATION CONTACT: Mr. Alec Johnston, Office of National Public Liaison, at (202) 317-4299, or send an email to publicliaison@irs.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 5 U.S.C. 10(a)(2) of the Federal Advisory Committee Act, that a public meeting via conference call of the ETAAC will be held on Wednesday, Mar. 22, 2023, from 12:30 p.m. to 1:00 p.m. EDT. The purpose of the ETAAC is to provide continuing advice regarding the development and implementation of the IRS organizational strategy for electronic tax administration. ETAAC is an organized public forum for discussion of electronic tax administration issues such as prevention of identity theft and refund fraud. It supports the overriding goal that paperless filing should be the preferred and most convenient method of filing tax and information returns. ETAAC members convey the public's perceptions of IRS electronic tax administration activities, offer constructive observations about current or proposed policies, programs, and procedures, and suggest improvements. Please call or email Alec Johnston to confirm your attendance. Mr. Johnston can be reached at 202-317-4299 or PublicLiaison@irs.gov. Should you wish the ETAAC to consider a written statement, please call 202-317-4299 or email: PublicLiaison@irs.gov.

Dated: February 15, 2023.

John A. Lipold,

Designated Federal Official, Office of National Public Liaison, Internal Revenue Service.

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