

IV. Public Comments

On February 23, 2023, FMCSA published notice of the Pitt Ohio application and requested public comments (88 FR 11504). The Agency was seeking comment on whether this exemption should be limited to Pitt Ohio, or whether it should be drafted to apply to any SDAP program participating motor carrier that is currently listed as a certified training provider for purposes of the FMCSRs, or that enters into a partnership with a certified training provider. On this question, one individual responded, “I am all for this plan, so long as you make the training program universal for everyone.” The Agency received a total of 23 comments: 4 supporting the exemption request, 16 opposing it, and the other 3 taking no position either for or against. Joint comments filed by the Truck Safety Coalition, Citizens for Reliable and Safe Highways (CRASH), and Parents Against Tired Truckers (PATT) stated “Pitt-Ohio(sic) Express, LLC has not met the measure of evidence required to prove an equivalent or greater level of safety in its exemption application. They only request that FMCSA dilute the program requirements in misplaced efforts to make it easier to attract under-21 drivers.” Edward Richard opposed the application and stated “allowing them to put more immature drivers on the road is just wrong and unsafe.” AWM Associates, LLC also opposed, noting that “until Pitt-Ohio(sic) is an approved CDL training provider on the FMCSA’s Training Provider Registry (TPR) its petition must be denied.” Those in support commented that the Pitt Ohio request should be made universal for everyone, that age should not matter, and that the Agency should use great caution in implementing the exemption should it be granted.

V. FMCSA’s Decision

FMCSA has evaluated Pitt Ohio’s application and the filed comments and finds that there is insufficient basis to conclude that the exemption would likely achieve a level of safety equivalent to, or greater than, the level achieved without the exemption. The SDAP’s purpose is to determine whether there are conditions where safety data indicate younger drivers (18- to 20-year-olds) might be allowed to operate CMVs. Congress authorized SDAP, opening the pilot to those 18- to 20-year-olds who hold a CDL, not a CLP. In addition, granting the Pitt Ohio exemption could potentially put young and inexperienced drivers in a position of high responsibility, potentially exposing

them and surrounding drivers to crashes and incidents involving CMVs. The Agency therefore believes that Pitt Ohio’s prospective apprentice CLP drivers should not be legally permitted to operate CMVs in interstate commerce if less than 21 years of age.

For the above reasons, FMCSA denies Pitt Ohio’s exemption application.

Sue Lawless,

Acting Deputy Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2024–0043]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on March 13, 2024, Rapid City, Pierre & Eastern Railroad and the International Association of Sheet Metal, Air, Rail and Transportation Workers (collectively, “Petitioners”), 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–2024–0043.

Specifically, Petitioners request relief required to participate in FRA’s Confidential Close Call Reporting System (C³RS) Program. Petitioners seek to shield reporting employees from mandatory punitive sanctions that would otherwise arise as provided in §§ 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), (f)(1)–(2); and 242.407. The C³RS Program encourages certified operating crew members to report close calls and protects 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.

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 at www.regulations.gov. Follow the online instructions for submitting comments.

Communications received by July 8, 2024 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.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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 <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2024–10178 Filed 5–8–24; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2003–151010]

Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on February 28, 2024, CPKC¹ petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part

¹ On April 14, 2023, Canadian Pacific Railway Company (CP) and Kansas City Southern (KCS) combined to create a single railway company doing business under the trademark CPKC. The original waiver in this docket was granted to CP.

241 (United States Locational Requirements for Dispatching of United States Rail Operations). The relevant Docket Number is FRA–2003–15010.

Specifically, CPKC requests an extension of relief pursuant to 49 CFR 241.7(c), *Fringe border dispatching*, to allow the continuation of Canadian dispatching of three locations in the United States: (1) 1.8 miles of the Windsor Subdivision between Windsor, Ontario, Canada, and Detroit, Michigan, United States;² and (2) two track segments totaling 23.44 miles on the Newport Subdivision between Richford, Vermont, and East Richford, Vermont, United States, and between North Troy, Vermont, and Newport, Vermont, United States.³ CPKC notes that all locations are dispatched by the Operations Centre in Calgary, Alberta, Canada. In support of its request, CPKC states that “in the approximately twenty-one years since the original waiver was granted, CPKC has operated safely on the Windsor Subdivision and has operated safely on the Newport Subdivision since the acquisition of this territory in 2020.” CPKC adds that it “is not aware of any issues that have developed since the last waiver was granted.”

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

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 party desires 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 at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by July 8, 2024 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

² This section on the Windsor Subdivision is defined in appendix A to part 241, *List of Lines Being Extraterritorially Dispatched in Accordance with the Regulations Contained in 49 CFR part 241*, Revised as of October 1, 2002.

³ The track segments on the Newport Subdivision cross the U.S./Canada border at three separate locations.

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.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. 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 <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

*Associate Administrator for Railroad Safety,
Chief Safety Officer.*

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2003–15012]

Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on February 28, 2024, Canadian National Railway Company (CN) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 241 (United States Locational Requirements for Dispatching of United States Rail Operations). The relevant FRA Docket Number is FRA–2003–15012. Specifically, CN requests an extension of relief pursuant to 49 CFR 241.7(c), *Fringe border dispatching*, to allow the continuation of Canadian dispatching of two locations in the United States: the portion of the Sprague Subdivision extending approximately 43.8 miles between Baudette and International Boundary, Minnesota, and the portion of the Strathroy Subdivision extending approximately 3.1 miles between Sarnia, Ontario, Canada, through the St. Clair River Tunnel, to Port Huron, Michigan.¹ In support of its request, CN

¹ Both of these locations are defined in appendix A to part 241, *List of Lines Being Extraterritorially Dispatched in Accordance with the Regulations*

states that, since the initial waiver was granted, “each of these fringe border segments ha[ve] been regularly and safety dispatched from Canada” and this extension would allow CN to “continue what it has been safely doing for decades.” CN explains that changing dispatching to the United States on this section of the Sprague Subdivision “would introduce two [dispatching] hand-offs, given that the track only briefly enters the United States before re-entering Canada.” Additionally, in reference to the portion of track on the Strathroy Subdivision, CN states that grating the waiver extension “avoids any risk or safety concern associated with a [dispatching] hand-off in the middle of a single-track underwater tunnel.”

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

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 party desires 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 at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by July 8, 2024 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.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. 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 <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/>