

9. *Hazardous Materials*: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

10. *Executive Orders*: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: September 11, 2024.

Karen M. Brunelle,

Director, Office of Project Development, Federal Highway Administration, Tallahassee, Florida.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2023–0244]

Hours of Service: Denial of Application for Exemption; Arbert Ibraimi

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

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

SUMMARY: FMCSA announces its decision to deny the application of Mr. Arbert Ibraimi on behalf of GTLM Transport Inc. (GTLM), requesting an exemption from the requirement to use an electronic logging device (ELD) for maintaining driver records of duty status (RODS). FMCSA evaluated the application and public comments and determined that GTLM did not sufficiently demonstrate how its commercial motor vehicle (CMV) operations would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved in the absence of the exemption.

FOR FURTHER INFORMATION CONTACT: Ms. Bernadette Walker, FMCSA Driver, and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; 202–385–2415; *bernadette.walker@dot.gov*.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view comments, go to *www.regulations.gov*, insert the docket number “FMCSA–2023–0244” in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer—Older),” choose the first notice listed, click “Browse Comments.”

To view documents mentioned in this notice as being available in their the docket, go to *www.regulations.gov*, insert docket number “FMCSA–2023–0244” in the keyword box, click “Search,” and choose the document to review.

If you do not have access to the internet, you may view the docket by visiting Docket Operations 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 Docket 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 the applicant’s safety analysis. 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(a)). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR

381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulation(s) Requirements

With limited exceptions, the HOS regulation at 49 CFR 395.8(a)(1)(i) requires motor carriers operating CMVs to install and require each of its drivers to use an ELD to record the driver’s duty status.

Applicant’s Request

GTLM requested a one-year exemption from the ELD requirement in 49 CFR 395.8(a)(1)(i). The applicant stated that it is a new business, operating a single CMV as an owner-operator, and has limited funds to support the purchase of an ELD. The applicant stated that it would use the funds saved from not purchasing and installing an ELD, to monitor the safety of operations and to incorporate safety management controls into its operation.

Applicant’s Method To Ensure an Equivalent or Greater Level of Safety

GTLM stated that an equivalent or greater level of safety will be achieved under the exemption because, since the carrier is owner-operated, “the operational safety impact will be virtually identical and manageable.” GTLM also stated that funds that would be used to purchase and install an ELD could be invested in a safety management control system from which the company would benefit more in its initial stages (*e.g.*, training on current safety topics.)

IV. Public Comments

On March 1, 2024, FMCSA published a notice of GTLM’s application and requested public comments (89 FR 15258). The agency received a total of 122 comments: 62 in support, 32 in opposition, and 28 taking no position either for or against granting the exemption. Of the 62 comments in support of granting the exemption, five were from trucking companies. Commenters who supported granting the exemption expressed general opposition to ELDs. They stated that ELDs are too expensive, and they create a stressful environment for drivers who feel pressured to arrive at their destinations before running out of hours. Some commenters also stated that ELDs have made CMV operations less safe because they cause drivers to rush. Jimmy Haynes stated, “After 35 years of driving the elds are making drivers take unnecessary risks to maximize time. Instead of being able to take naps or breaks when needed the elds make you push through to

situations you wouldn't normally." RJ's Trucking & Logistics LLC stated, "I believe he should be exempt and the requirement should be discontinued. ELD does nothing but give brokers more power. Some use this as a way to fine you a load. If its [sic] about safety then why do some still let you get a load. There is nothing wrong with paper logs."

Of the 24 comments filed opposing the exemption, six were from trucking companies. The commenters who opposed granting the exemption emphasized placing safety first. Joint comments filed by the Truck Safety Coalition, Citizens for Reliable and Safety Highways, and Parents Against Tired Truckers stated that safety "must be the top priority, not the last to be addressed with whatever funds remain available. Safety has a cost, and it must be paid by all industry stakeholders if meaningful progress will be made in reducing truck crash deaths and injuries." John Bowlby stated, "This exemption should not be granted. ELDs make it harder for drivers to cheat. A new business tight on cash flow would be tempted to cheat to make more money." Some commenters also cited the relatively low cost of ELDs. An anonymous commenter stated, "I pay \$300 a year for ELD. If you can't afford that, how are you going to pay for safety related items. 1 tire costs more than that."

V. FMCSA Safety Analysis and Decision

FMCSA evaluated GTLM's application and the public comments and denies the exemption request. GTLM failed to establish that it would likely achieve a level of safety equivalent to, or greater than, the level achieved without the exemption. ELDs help drivers more accurately track driving time to ensure compliance with HOS regulations, which are designed to help drivers maintain alertness while operating CMVs. Additionally, ELDs decrease the likelihood that the RODS could be altered after the date the records were generated, without leaving an electronic trail. For these reasons, and as discussed in the amended rulemaking proceedings that established the ELD requirements [80 FR 78292], the Agency believes the level of safety provided by the use of ELDs is likely greater than that provided by the use of paper logs as an alternative. GTLM did not propose safety countermeasures to compensate for the lower level of safety that paper logs entail. Economic difficulties, such as those that GTLM described, do not justify the granting of an exemption.

For the reasons stated, GTLM's exemption application is denied.

Vincent G. White,

Deputy Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2024-0026]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 21 individuals who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle (CMV) from operating CMVs in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, (202) 366-4001, fmcsamedical@dot.gov. Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing material in the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Comments

To view comments go to www.regulations.gov. Insert the docket number (FMCSA-2024-0026) in the keyword box, and click "Search." Next, choose the only notice listed, and click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, 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.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. 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 (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>, the comments are searchable by the name of the submitter.

II. Background

FMCSA received applications from 21 individuals who requested an exemption from the FMCSRs prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a CMV from operating CMVs in interstate commerce.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(8).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification. The Agency's decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant's medical information provided by the applicant.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(8). Therefore, the 21 applicants in this notice have been denied exemptions