

Comment received from Virginia Department of Transportation (VDOT) on May 2, 2024. VDOT strongly appreciate FHWA's current practice and role relating to issuing issuance of Federal-aid eligibility letters for roadside safety hardware. VDOT believes the information collection is necessary for FHWA to continue the service to states of issuance of eligibility letters, and there is no other organization can take over the FHWA's role of evaluator of crashworthiness. VDOT does not have recommendation in terms of technology improvement to minimize burden of data collection. VDOT is willing to attest the usefulness and value of the eligibility letters issued by FHWA. FHWA acknowledge receiving the comment and will not respond to this comment because there is not contact information left.

Comment received from Glenn Kowalske on May 13, 2024. The comment does not apply to this notice. No action from FHWA.

Comment received from American Traffic Safety Services Association (ATSSA), 2024, received May 7, 2024. FHWA—Office of Safety has drafted a response letter to ATSSA and will send the response to ATSSA.

*Title:* Request for Federal Aid Reimbursement Eligibility of Safety Hardware Devices.

*Background:* The FHWA's longstanding policy is that all roadside safety hardware installed on the National Highway System (NHS) be crashworthy. To support this policy, the AASHTO/FHWA Joint Implementation Agreement for the Manual for Assessing Safety Hardware (MASH) was adopted. This agreement implemented AASHTO MASH as the criteria for determining crashworthiness of roadside safety hardware.

FHWA provides a service to States and industry by reviewing tests for roadside hardware, ensuring that they have been tested in accordance with MASH criterion, and issuing a federal aid eligibility letter for roadside hardware that meet review standards. An eligibility letter is not a requirement for roadside safety hardware to be determined eligible for Federal funding. Roadside safety hardware is eligible for Federal funding if it has been determined to be crash worthy by the user agency.

To issue eligibility letters for roadside safety hardware, the FHWA needs to collect and review crash test results and hardware information from the submitters.

*Respondents:* Approximately 50 submissions are received annually.

*Frequency:* Annually.

*Estimated Average Burden per Response:* Averages 2 hours per submission.

*Estimated Total Annual Burden Hours:* Approximately 100 hours annually.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: July 16, 2024.

**Jazmyne Lewis,**

*Information Collection Officer.*

[FR Doc. 2024-15921 Filed 7-18-24; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket No. FHWA-2024-0055]

#### Agency Information Collection Activities: Request for Comments for a New Information Collection

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to approve a new information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by August 19, 2024.

**ADDRESSES:** You may submit comments identified by DOT Docket ID Number 0055 by any of the following methods:

*Website:* For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to <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,

West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

*Hand Delivery or Courier:* U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Adam Larsen, (360) 619-2601, [Adam.Larsen@dot.gov](mailto:Adam.Larsen@dot.gov), Office of Tribal Transportation, Office of Federal Lands Highway, Federal Highway Administration, Department of Transportation, 610 E 5th Street, Vancouver, WA 98661. Office hours are from 7 a.m. to 4 p.m. Pacific Daylight Time, Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** We published a **Federal Register** Notice with a 60-day public comment period on this information collection on May 9, 2024, at [89 FR 42571]. The comments and FHWA's responses are below:

There were no comments received.

*Title:* Tribal Transportation Program Safety Fund (TTPSF).

*Background:* The TTPSF is authorized within the Tribal Transportation Program (TTP) under section 202(e) of title 23, United States Code (U.S.C.) which reads "to be allocated based on an identification and analysis of highway safety issues and opportunities on tribal land, as determined by the Secretary, on application of the Indian tribal governments". The Federal Highway Administration has developed an application process which is described in a Notice of Funding Opportunity (NOFO). The current NOFO was published on June 7, 2022.

*Respondents:* Eligible applicants to the TTPSF are the 574 Federally Recognized Indian Tribes as described in 89 FR 944 or future updates published in the **Federal Register**.

*Frequency:* Applications are accepted on an annual basis during a 60-90 day application intake period.

*Estimated Average Burden per Response:* A complete application consists of a completed application form and project narrative 3-7 pages in length, on average. An average of 130 applications are received annually from an average of 95 eligible applicants. Each application is estimated to take an average of 2.25 hours to complete.

*Estimated Total Annual Burden Hours:* Total estimated average annual burden is 293 hours.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1)

Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: July 16, 2024.

**Jazmyne Lewis,**

*Information Collection Officer.*

[FR Doc. 2024-15941 Filed 7-18-24; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2023-0195]

#### Hours of Service of Drivers: Reiman Corp.; Denial of Application for Exemption

**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 denial of Reiman Corp.'s (Reiman) request for an exemption from certain hours-of-service (HOS) regulations. Reiman's drivers transport latex embedded cement for use at highway construction sites. Reiman requests that it be allowed to operate under the same HOS exemption provided for "specially trained drivers of commercial motor vehicles that are specially constructed to service oil wells." FMCSA analyzed the application and public comment and determined that Reiman did not demonstrate how the commercial motor vehicle (CMV) operations under such exemption 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. Pearlie Robinson, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; FMCSA; 202-366-4225; [pearlie.robinson@dot.gov](mailto:pearlie.robinson@dot.gov). If you have questions on viewing or submitting

material to the docket, contact Dockets Services, telephone (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-2023-0195" in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click "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-2023-0195" 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 by visiting Dockets Operations at U.S. Department of Transportation, 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 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 Regulatory Requirements*

The HOS regulations in 49 CFR part 395 limit the time CMV drivers may drive and require certain off-duty periods to ensure that individuals stay awake and alert while driving. Generally, a driver may not record time as "off-duty" unless he or she has been relieved of all duty and responsibility for the care and custody of the CMV, its accessories, and its cargo, and is free to pursue activities of his or her own choosing. Thus, drivers who are waiting, whether at a loading dock or at a natural gas or oil well site, are generally considered to be "on duty." Section 395.3(a)(2) provides that "a driver may not drive after a period of 14 consecutive hours after coming on-duty following 10 consecutive hours off-duty." However, the FMCSRs provide an exception to the 14-hour rule for the waiting time of a specific classification of driver. Section 395.1(d)(2) provides, "In case of specially trained drivers of CMVs that are specially constructed to service oil wells, on-duty time shall not include waiting time at a natural gas or oil well site. Such waiting time shall be recorded as 'off-duty' for purposes of §§ 395.8 and 395.15." Section 395.1(d)(2) also provides that the waiting time of these drivers "shall not be included in calculating the 14-hour period in §395.3(a)(2)." Furthermore, specially trained drivers of such CMVs are not eligible to use the short-haul operations exemption in §395.1(e)(1).

#### *Applicant's Request*

Reiman indicated that it is involved in the construction of highway roads and bridges and not in support of oilfield operations. Reiman requests an exemption for nine of its drivers from certain HOS regulations because it considers its operations similar to the oilfield operations exempted in 49 CFR 395.1(d)(2), including that these drivers are specially trained to operate vehicles that are specially designed to transport specific products with vehicle-mounted equipment. The requested exemption would allow these drivers who transport latex embedded cement to record waiting time at construction sites as "off-duty" for purposes of 49 CFR 395.8 and 395.15. Further, Reiman would not include waiting time in calculating the 14-hour period in 49 CFR 395.3(a)(2), and the drivers would not be eligible to use the short-haul operations provision in § 395.1(e)(1).

#### *Applicant's Method To Ensure an Equivalent or Greater Level of Safety*

According to Reiman: