

cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2021–013, and should be submitted on or before May 14, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁹

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021–08421 Filed 4–22–21; 8:45 am]

BILLING CODE 8011–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36486 (Sub-No. 1)]

Grainbelt Corporation—Trackage Rights Exemption—BNSF Railway Company

By petition filed on February 26, 2021, Grainbelt Corporation (GNBC) requests that the Board partially revoke the trackage rights exemption granted to it under 49 CFR 1180.2(d)(7) in Docket No. FD 36486, as necessary to permit that trackage rights arrangement to expire twelve months from the effective date of the exemption. GNBC filed its verified notice of exemption in Docket No. FD 36486 on February 26, 2021, and simultaneously filed its petition for partial revocation in this docket. Notice of the exemption was served and published in the **Federal Register** (86 FR 14,176) on March 12, 2021, and the exemption became effective on March 28, 2021.

As explained by GNBC in its verified notice of exemption in Docket No. 36486, GNBC and BNSF Railway Company (BNSF) have entered into an amendment to their existing trackage rights agreement covering trackage between approximately milepost 668.73 in Long, Okla., and approximately milepost 723.30 in Quanah, Tex. (the Line), allowing GNBC to (1) use the Line to access the Plains Cotton Cooperative Association (PCCA) facility near BNSF Chickasha Subdivision milepost 688.6 at Altus, Okla., and (2) to operate additional trains on the Line to accommodate the movement of trains transporting BNSF customers' railcars (loaded or empty) located along the Line, to unit train facilities on the Line.¹

GNBC Verified Notice of Exemption 1–3, *Grainbelt Corp.—Trackage Rts. Exemption—BNSF Ry.*, FD 36486.

GNBC explains that the trackage rights covered by the verified notice in Docket No. FD 36486 are local rather than overhead rights and therefore they do not qualify for the Board's class exemption for temporary trackage rights under 49 CFR 1180.2(d)(8). (GNBC Pet. 4.) GNBC therefore filed its verified notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7) and, in this sub-docket, filed a petition for partial revocation of the exemption as necessary to permit the amendment to the trackage rights to expire twelve months from the effective date, on March 28, 2022,² pursuant to the parties' agreement.³ (*Id.* at 3.) GNBC argues that the requested relief will promote the rail transportation policy and is limited in scope. (*Id.* at 4–6.) GNBC also asserts that the Board has routinely granted similar petitions to allow trackage rights to expire on a negotiated date. (*Id.* at 4–5.)

On March 4, 2021, GNBC filed in Docket Nos. FD 36486 and FD 36486 (Sub-No. 1) letters of support from PCCA and Cargill Cotton asking that the Board promptly grant GNBC's requests in both dockets.

Discussion and Conclusions

Although GNBC and BNSF have expressly agreed on the duration of the proposed trackage rights, trackage rights approved under the class exemption at § 1180.2(d)(7) typically remain effective indefinitely, regardless of any contract provisions. At times, however, the Board has partially revoked a trackage

rights exemption to allow those rights to expire after a limited time rather than lasting in perpetuity. *See, e.g., BNSF Ry.—Trackage Rts. Exemption—Union Pac. R.R.*, FD 36377 (Sub-No. 3) (STB served Feb. 23, 2021); *BNSF Ry.—Trackage Rts. Exemption—Union Pac. R.R.*, FD 36377 (Sub-No. 1) (STB served Mar. 11, 2020); *New Orleans Pub. Belt R.R.—Trackage Rts. Exemption—Ill. Cent. R.R.*, FD 36198 (Sub-No. 1) (STB served June 20, 2018).

Under 49 U.S.C. 10502, the Board may exempt a person, class of persons, or a transaction or service, in whole or in part, when the Board finds that: (1) Continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either the transaction or service is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Granting partial revocation in these circumstances to permit the trackage rights to expire twelve months after the exemption's effective date would eliminate the need for GNBC to file a second pleading seeking discontinuance when the agreement expires, thereby promoting the rail transportation policy at 49 U.S.C. 10101(2), (7), and (15). Moreover, partially revoking the exemption to limit the term of the trackage rights is consistent with the limited scope of the transaction previously exempted.⁴ Therefore, the Board will grant the petition and permit the trackage rights exempted in Docket No. FD 36486 to expire twelve months after the effective date of the exemption, on March 28, 2022.

To provide the statutorily mandated protection to any employee adversely affected by the discontinuance of trackage rights, the Board will impose the employee protective conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

It is ordered:

1. The petition for partial revocation of the trackage rights class exemption is granted.

2. As discussed above, the trackage rights in Docket No. FD 36486 are permitted to expire on March 28, 2022, subject to the employee protective conditions set forth in *Oregon Short Line*.

⁴ Because the proposed transaction is of limited scope, the Board need not make a market power finding. *See* 49 U.S.C. 10502(a).

²⁹ 17 CFR 200.30–3(a)(12).

¹ GNBC states that it already holds overhead trackage rights granted by BNSF's predecessor between Snyder Yard at milepost 664.00 and Quanah at milepost 723.30, allowing GNBC to interchange at Quanah with BNSF and Union Pacific Railroad Company. GNBC Verified Notice of

Exemption 2, *Grainbelt Corp.—Trackage Rts. Exemption—BNSF Ry.*, FD 36486. According to GNBC, these original trackage rights were supplemented in 2009 to allow GNBC to operate between Snyder, Okla., and Altus, with the right to perform limited local service at Long, Okla. *Id.* (citing *Grainbelt Corp.—Trackage Rts. Exemption—BNSF Ry.*, FD 35332 (STB served Dec. 17, 2009)). GNBC states that the trackage rights were further amended in 2013 to allow GNBC to provide local service to a grain shuttle facility in Headrick, Okla., and again in 2014 to allow GNBC to provide local service to a grain shuttle facility in Eldorado, Okla. *Id.* (citing *Grainbelt Corp.—Trackage Rts. Exemption—BNSF Ry.*, FD 35719 (STB served Mar. 15, 2013), and *Grainbelt Corp.—Trackage Rts. Exemption—BNSF Ry.*, FD 35831 (STB served June 12, 2014)).

² On March 5, 2021, GNBC filed a supplement to clarify that the “effective date” referred to in the petition is the effective date of the exemption, which it identifies as March 29, 2021. (GNBC Suppl. 1.) However, the effective date of the exemption was March 28, 2021 (30 days from the filing of the verified notice); accordingly, the Board will interpret the petition as seeking to allow the trackage rights to expire on March 28, 2022.

³ GNBC states that the expiration of the trackage rights amendment sought here will not affect the termination date of the underlying trackage rights as supplemented and amended. (GNBC Pet. 3.)

3. Notice of this decision will be published in the **Federal Register**.

4. This decision is effective on May 20, 2021. Petitions to stay must be filed by April 30, 2021. Petitions for reconsideration must be filed by May 10, 2021.

Decided: April 19, 2021.

By the Board, Board Members Begeman, Fuchs, Oberman, Primus, and Schultz.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2021-08492 Filed 4-22-21; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2020-0203]

Agency Information Collection Activities; Approval of a New Information Collection Request

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, Federal Motor Carrier Safety Administration (FMCSA) announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. This notice invites comment on a proposed information collection project titled *Trucking Fleet Concept of Operations (CONOPS) for Managing Mixed Fleets*. It is a survey study that will assess the self-reports of approximately 2,000 survey respondents, including commercial motor vehicle (CMV) fleet managers, CMV sales personnel, State and Federal government personnel, industry engineers, researchers, and CMV drivers. The questionnaire is designed to collect baseline opinions of automated driving systems (ADS) before and after hands-on demonstrations with ADS technologies.

DATES: Please send your comments by May 24, 2021. OMB must receive your comments by this date in order to act quickly on the ICR.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting

“Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Thomas Kelly, Technology Division, Department of Transportation, FMCSA, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202-480-5240; email Thomas.Kelly@dot.gov. Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Title: Trucking Fleet Concept of Operations (CONOPS) for Managing Mixed Fleets.

OMB Control No.: To be determined by OMB upon OMB approval of the ICR.

Type of Request: new information collection.

Respondents: CMV fleet managers, CMV sales personnel, State and Federal government personnel, industry engineers, researchers, and CMV drivers.

Estimated Number of Respondents: 2,000 total respondents (675 CMV fleet managers, 150 CMV sales personnel, 600 Industry Engineers, 100 CMV Drivers, 325 State and Federal government, and 150 Researchers).

Estimated Time per Response: 3.5 minutes for the Pre-Roadshow Questionnaire and 4.4 minutes for the Post-Roadshow Questionnaire.

Expiration Date: This is a new information collection.

Frequency of Response: On occasion (if attending one of four roadshows).

Estimated Total Annual Burden: 175 hours.

Background

Although ADS-equipped trucks hold the promise of increased safety, productivity, and efficiency, it is not clear how these vehicles should be integrated into fleet operations with conventional trucks for mixed-fleet operations. Reflecting this issue is a question frequently asked by trucking executives: *How can I integrate ADS into my fleet operations?* FMCSA needs information from truck industry representatives regarding their opinions and perception of ADS.

The introduction of ADS technology on heavy trucks (Class 8 vehicles) will profoundly affect all commerce in the U.S., as the U.S. moves more than 70% of all goods by truck. However, existing stakeholders in the road freight ecosystem (primarily for-hire and private truck fleets, but also shippers, brokers, truck manufacturers, and service and maintenance providers) do not have a clear picture of how they will implement ADS in their daily

operations. At present, technical progress in this nascent but promising technology is outstripping the ability of truck fleets to keep up and plan for ADS deployment. This may adversely affect adoption by truck fleets and associated industries, resulting in the delayed achievement of safety, productivity, and efficiency benefits of ADS-equipped trucks. If ADS technology is to gain traction in the U.S. trucking industry, current stakeholders and new entrants need a rigorous, data driven CONOPS.

This project focuses on the development and demonstration of a CONOPS for ADS-equipped trucks, which will ensure the results translate directly to real-world settings that are of practical importance to the trucking industry, regulators, and the public at large. Part of the development of CONOPS includes a series of outreach events where the public, with a focus on truck drivers and truck fleet managers, will have the opportunity to meet ADS technology developers and original equipment manufacturers. The outreach will also provide opportunities to participate in hands-on technology demonstrations, such as in-vehicle demonstrations and closed-course scenarios. Lessons learned from this demonstration will influence all three phases of the research to ensure the CONOPS developed is true to real-life fleet operations. Thus, the purpose of the hands-on demonstrations: (1) Expose truck fleet managers and other personnel, truck drivers, government officials, insurance and inspection personnel, and the general public to ADS; (2) collect valuable qualitative data on participants' opinions and perceptions regarding ADS; and (3) use the data to ensure the CONOPS covers major industry concerns.

Data will be collected from CMV drivers, CMV fleet managers, industry engineers, CMV sales personnel, researchers, and State and Federal government personnel at four roadshows. The roadshows will coincide with large conferences, such as the Technology Maintenance Council (TMC) Annual Meeting, North American Commercial Vehicle Show, SAE Commercial Vehicle Engineering Congress, and Automated Vehicle Symposium. The questionnaire data collected in Phase I of the study (pre-roadshow) will allow us to gather baseline opinions regarding ADS technologies. Once they participate in the hands-on demonstrations at the roadshow, we will see if their opinions on the technologies have changed (Phase 2 or post-roadshow).

The research team will use cell phones to collect participant data