

Discussion

- New Special Committee, Airport Security Access Control
 - Discuss results of earlier PMC action to establish this new committee
 - Public comment
- Special Committee 195, Flight Information Services Communications
 - Consideration of Terms of Reference Update, Proposed Revision 3
- Special Committee 181, Navigation Standards
 - Consideration of nominated new Special Committee, Dave Nakamura, Boeing
- Special Committee 190, Application Guidelines for DO-178B
 - Chairman's Presentation
 - Committee activity update and introduction of SC-190's document, *Guidelines for CNS/ATM Systems Software Integrity Assurance*
- Special Committee 172, VHF Air-Ground Communication
- Chairman's Report
- Two issues: (1) Retention of Working Group papers; (2) Document Update Process

Action Item Review

- Action Item 01-01, Report on RTCA National Airspace Redesign activity
- Action Item 02-01, Member's comment on need for a Multi Function Display Special Committee

Closing Session (Other Business, Document Production, Date and Place of Next Meeting, Adjourn)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Dated: Issued in Washington, DC, on May 15, 2001.

James L. Peters,

FAA Special Assistant, RTCA Advisory Committee.

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DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2001-9688]

Notice of Request To Renew the Approval of an Information Collection: OMB No. 2126-0001 (Driver's Record of Duty Status)

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

ACTION: Notice and request for comments.

SUMMARY: This notice announces that the FMCSA intends to request the Office of Management and Budget (OMB) to renew approval for the information collection described below. This information collection is necessary to ensure that motor carriers and commercial motor vehicle (CMV) drivers comply with the maximum driving and duty time limitations prescribed in the Federal Motor Carrier Safety Regulations (FMCSR). This notice is required by the Paperwork Reduction Act.

DATES: Please submit comments by July 20, 2001.

ADDRESSES: Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590, or submit electronically at <http://dmses.dot.gov/submit>. Be sure to include the docket number appearing in the heading of this document on your comment. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you would like to be notified when your comments is received, you must include a self-addressed, stamped postcard or you may print the acknowledgment page that appears after submitting comments electronically.

FOR FURTHER INFORMATION CONTACT: Ms. Angeli Sebastian, (202) 366-4001, Chief of Driver and Carrier Operations (MC-PSD), Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Driver's Record of Duty Status. *OMB Approval Number:* 2126-0001.

Background: The paper record of duty status (RODS) and automatic on-board recording device are the primary

regulatory tools used by the FMCSA to determine motor carriers' and CMV drivers' compliance with the maximum driving and duty time limitations prescribed in the FMCSRs. These tools are also used by States that receive FMCSA Motor Carrier Safety Assistance Program (MCSAP) grants to determine regulatory compliance of CMV drivers during the safety inspections they perform. The information contained in the RODS determines whether a driver can drive a CMV on any given day based upon the driver's duty hours recorded over the previous 7 to 8 days. The RODS is an important tool to aid the FMCSA to help ensure the safety of the general public by reducing the number of tired drivers on the nation's highways.

Respondents: Motor carriers and approximately 6.4 million CMV interstate drivers subject to FMCSRs or compatible State regulations.

Frequency: Daily.

Estimated Total Annual Burden: 42,464,327 hours.

Public Comments Invited

We invite you to comment on any aspect of this information collection, including, but not limited to (1) whether the collection of information is necessary for the FMCSA to meet its goal of reducing truck crashes, including whether the information is useful to this goal; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, usefulness and clarity of the information collected; and (4) ways to minimize the collection burden without reducing the quality of the information collected.

Electronic Access and Filing

You may submit or retrieve comments online through the Docket Management System (DMS) at <http://dmses.dot.gov/submit>. Acceptable formats include: MS Word (versions 95 to 97), MS Word for Mac (versions 6 to 8), Rich Text File (RTF), American Standard Code Information Interchange (ASCII)(TXT), Portable Document Format (PDF), and WordPerfect (versions 7 to 8). The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the web site. You may also download an electronic copy of this document from the DOT Docket Management System on the Internet at <http://dms.dot.gov/search.htm>. Please include the docket number appearing in the heading of this document.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.73.

Issued on: May 15, 2001.

Brian M. McLaughlin,

Acting Deputy Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-01-9332]

Exemption Application From the Brotherhood of Railroad Signalmen and CSX Transportation, Inc.

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

ACTION: Notice of application for exemption; request for comments.

SUMMARY: The FMCSA has received a joint application from the Brotherhood of Railroad Signalmen (BRS) and CSX Transportation, Inc. (CSX) for an exemption from the hours-of-service rules for drivers of commercial motor vehicles engaged in interstate commerce. Petitioners request an exemption from the 60-hour in 7-day and 70-hour in 8-day rules for CSX's signal construction gangs, comprised of BRS members. The FMCSA seeks public comment on the merits of the application and whether the FMCSA should grant or deny it.

DATES: Comments must be received on or before June 20, 2001.

ADDRESSES: You can mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590, or submit electronically at <http://dmses.dot.gov/submit>. You should include the docket number that appears in the heading of this document. You can examine and copy all comments at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal Holidays. You may also view comments on the Internet at <http://dms.dot.gov> using the docket number that appears in the heading of this document. If you want us to notify you that we received your comments, please include a self-addressed, stamped postcard, or you may print the acknowledgment page that appears after submitting comments electronically.

FOR FURTHER INFORMATION CONTACT: Mr. David Miller, (202) 366-6408.

SUPPLEMENTARY INFORMATION:

Background

BRS and CSX's Application

The CSX is a private motor carrier of property as defined by 49 CFR part 390 and a Class I railroad as defined by 49 CFR part 1201. The BRS and CSX filed a joint application that asks the FMCSA for either one of two actions. The petitioners' first (and preferred) request is for an interpretation that the hours-of-service (HOS) regulations (49 CFR Part 395) do not apply to CSX railroad signal employees driving commercial motor vehicles (CMVs) on public roads in interstate commerce. The alternative request is for an exemption from the HOS rules that would allow CSX railroad signal employees to work their collectively-bargained schedule, i.e., 8 consecutive days on duty at up to 12 hours per day, followed by 6 consecutive days off duty. A copy of the joint application for exemption is in the docket.

The FMCSA disagrees with petitioners' argument that the HOS regulations "are not intended to, and do not, apply to railroad signal employees who are subject to HOS requirements promulgated by Congress specifically for application to railroad signal employees." The 1976 amendment to the Hours of Service Act of 1907 dealing with railroad signal employees (49 U.S.C. 21104) was intended to protect them from being required to work excessive hours. Nothing in Sec. 21104 suggests that Congress intended it to supersede the HOS regulations applicable to highway operations of CMVs, which were based on the Motor Carrier Act of 1935 (49 U.S.C. 31502). The language and legislative history of section 21104 reveal no specific intent to protect the public from potential risks associated with the operation of CMVs by railroad signal personnel who are on-duty for many hours. The FMCSA's HOS regulations, on the other hand, are designed to protect all users of the public highways from fatigued CMV drivers (49 CFR Part 395). Petitioners' argument is not supported by any authority.

Exemption Request

The agency will, however, consider petitioners' request for an exemption from Part 395 to the extent needed to allow railroad signal employees to work their collectively-bargained schedule, i.e., 8 consecutive days on duty at up to 12 hours per day, followed by 6 consecutive days off duty.

According to the joint application, CSX employs about 1,765 signalmen who are represented by the BRS. It is unclear exactly how many of these

employees would be affected by the exemption requested.

The petition states that CSX signal employees are organized into 91 construction gangs. They drive private vehicles from their homes to a hotel or motel close to their next job site. From there, CSX transports signal employees to the job site in company vehicles driven by other members of the crew. These drivers typically spend two to three hours per day driving, and the rest of their time working on railroad signal equipment. They also move their vehicles between job sites, which usually takes less than four hours.

Petitioners reported that "[d]uring 1999, members of CSX's signal construction gangs operated approximately 133 vehicles prior to June 1 and approximately 177 vehicles after June 1, at an average annual rate of 200 days per vehicle or more than 30,000 vehicle days. During that period of time there were no fatalities related to operation of CMVs by members of signal construction gangs. There were no instances of personal injury and only 24 instances of property damage related to operation of CMVs by members of signal construction gangs. Eleven of those instances involved CSX vehicles being struck by outside parties. Others involved such things as collisions with deer. Thus, there is minimal risk in authorizing a modest increase in the work week for this small group of CSX drivers. Any such risk that may exist is more than offset by a very substantial off-duty period between each work week."

The BRS and CSX offered additional arguments in support of an exemption. The entire application is available in the docket.

On December 15, 2000, the Association of American Railroads (AAR) filed with the FMCSA a "petition * * * in support of the joint petition filed September 12, 2000, by the Brotherhood of Railroad Signalmen and CSX Transportation, Inc." Since the AAR document is not a separate request for exemption, but rather a body of arguments and data in support of the previous petition, the FMCSA will treat it as a comment. It is also available in the docket.

Exemption Procedure

Drivers for motor carriers that do not operate every day of the week are prohibited from driving after being on duty 60 hours in any 7-day period (§ 395.3(b)(1)). Drivers for motor carriers that operate every day of the week may not drive after being on duty 70 hours in any 8-day period (§ 395.3(b)(2)). The BRS and CSX are applying for a 2-year