

381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, 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). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

### III. PLCA Application for Exemption

The PLCA is a trade association of unionized pipeline contractors specializing in the construction and maintenance of oil and gas transmission pipelines. PLCA members are committed to completing every job with the highest level of attention to safety, quality, and environmental compliance. Pipeline jobs range from construction of major interstate and intrastate pipelines to maintenance and repair work for utilities, and these projects vary in duration, from a few weeks to six months or more on a major construction project. Their members typically hire workers on a project-by-project basis who will work on multiple jobs each year, typically traveling all over the United States to do so. Pipeline construction companies operate a fleet of CMVs, most of which are operated by holders of commercial driver's licenses (CDLs). PLCA believes that the current HOS regulations are ill-suited to address the needs and safety concerns of pipeline industry drivers. Pipeline contractors are skilled tradesman and driving is ancillary to their primary role as construction workers, as they typically spend only a few hours a day operating CMVs on public roads.

PLCA requests exemption from the following HOS provisions:

(1) The short-haul exception [49 CFR 395.1(e)(1)] recently amended by the final rule adopted on June 1, 2020, with an effective date of Sept. 29, 2020 (85 FR 33396) retains the requirement that drivers return to the work reporting location from which they were

dispatched in the morning. PLCA requests that drivers for its member companies who otherwise meet the requirements of the short-haul exception be allowed to return to a different location than the one where they started their workday.

(2) Drivers subject to the Agency's HOS regulations are required to use ELDs if they must complete RODS on more than 8 days in any 30-day period [49 CFR 395.8(a)(1)(iii)(A)(1)]. PLCA requests that drivers for its member companies be allowed to use paper RODS unless RODS are required on more than 16 days in any 30-day period.

(3) Drivers are prohibited from driving CMVs after having been on duty for 70 hours in a period of 8 consecutive days [49 CFR 395.3(b)(2)]. PLCA requests that drivers for its member companies be prohibited from driving only after having been on duty for 80 hours in 8 days. The PLCA also requested that drivers of CMVs used exclusively in the construction and servicing of pipelines be allowed the same HOS exceptions currently available to oilfield operations [49 CFR 395.1(d)].

### IV. Method To Ensure an Equivalent or Greater Level of Safety

PLCA asserts that granting the exemptions sought will not negatively impact safety. Drivers working for PLCA member companies involved in pipeline construction and maintenance are not engaged in continuous driving. Conversely, they work on the pipeline right-of-way often operating different construction vehicles. Because of the different jobs, they normally perform and minimal driving they do, they are less susceptible to fatigue. The applicant adds that as pipeline workers spend most their day working on the pipeline right-of-way and typically only drive on public roads at the start and end of the workday; drivers would not be on public roads any longer by virtue of the longer workday. Pipeline drivers very rarely, if ever, utilize their entire 11 hours allowable daily driving time. PLCA develops and administers, in conjunction with the labor unions robust training programs for union pipeline contractor employees, including CMV drivers focused on safe operations. PLCA member contractors and their drivers have excellent safety records and the applicant does not anticipate any additional reduction in safety attributable to the granting of the exemptions sought.

A copy of the exemption application is available for review in the docket for this notice.

### V. Request for Comments

In accordance with 49 U.S.C. 31315(b)(6), FMCSA requests public comment from all interested persons on PLCA's application for an exemption. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the "Addresses" section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2020-0027-N-15]

### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) abstracted below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

**DATES:** Interested persons are invited to submit comments on or before September 21, 2020.

**ADDRESSES:** Submit comments and recommendations for the proposed ICR to Ms. Hodan Wells, Information Collection Clearance Officer at email: [hodan.wells@dot.gov](mailto:hodan.wells@dot.gov) or telephone: (202) 493-0440. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its

information collection submission to OMB for approval.

**SUPPLEMENTARY INFORMATION:** The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of

information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, FRA reasons that comments received will advance three objectives: (1) Reduce reporting burdens; (2) organize information collection requirements in a "user-friendly" format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

*Title:* Reflectorization of Freight Rolling Stock.

*OMB Control Number:* 2130–0566.

*Abstract:* FRA issued this regulation to mandate the reflectorization of freight rolling stock (using retroreflective material on freight cars and locomotives) to enhance the visibility of trains to reduce the number and severity of accidents at highway-rail grade crossings where visibility was a

contributing factor.<sup>1</sup> FRA uses the information collected to verify that the person responsible for the car reporting mark is notified after the required visual inspection when the freight equipment has less than 80 percent of the required retroreflective sheeting present, undamaged, or unobscured. Further, FRA uses the information collected to verify that the required locomotive records of retroreflective sheeting defects found after inspection are kept in the locomotive cab or in a railroad accessible electronic database FRA can access upon request. Finally, FRA uses the information collected to confirm that railroads/car owners meet the prescribed standards for the inspection and maintenance of the required retroreflective material.

*Type of Request:* Extension with change (revised estimates) of a currently approved collection.

*Affected Public:* Businesses.

*Form(s):* N/A.

*Respondent Universe:* 746 railroads/car owners.

*Frequency of Submission:* On occasion/monthly.

*Reporting Burden:*

CFR section	Respondent universe	Total annual responses	Average time per responses	Total annual burden hours	Total cost equivalent <sup>2</sup>
224.7—Waivers .....	746 railroads and freight car owners.	10 petitions .....	8 hours .....	80	\$6,160
224.15(b)—Special approval procedures—Petitions for special approval of alternative standard.	2 manufacturers .....	2 petitions .....	40 hours .....	80	6,160
224.109(a)—Inspection, repair, and replacement—Railroad freight cars—Railroads notification to person responsible for reporting mark after visual inspection for presence and condition when freight car on either side has less than 80% of its retroreflective sheeting not damaged, obscured, or missing.	AAR/300 car shops	33,380 notifications of defect and restriction.	5 minutes .....	2,782	161,356
—(b) Locomotive record of freight retroreflective sheeting defects found after inspection kept in locomotive cab or in railroad accessible electronic database that FRA can access upon request.	746 railroads and freight car owners.	2,609 records of defect and restriction.	5 minutes .....	217	12,586
Total .....	746 railroads .....	36,001 responses ...	N/A .....	3,159	180,102

*Total Estimated Annual Responses:* 36,001.

*Total Estimated Annual Burden:* 3,159 hours.

*Total Estimated Annual Burden Hour Dollar Cost Equivalent:* \$180,102.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that it may

not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501–3520

**Brett A. Jortland,**

*Deputy Chief Counsel.*

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<sup>1</sup> See 70 FR 144, Jan. 3, 2005.

<sup>2</sup> The dollar equivalent cost is derived from the Surface Transportation Board's Full Year Wage A&B data series using the appropriate employee group

hourly wage rate that includes a 75-percent overhead charge.