

vision requirements (80 FR 22773; 80 FR 45573):

Donald A. Becker (MI)  
William T. Costie (NY)  
Donald W. Donaldson (GA)  
James L. Duck (NM)  
Arthur R. Hughson (AL)  
Joseph M. Jones (ID)  
Howard H. Key Jr. (AR)  
Quang M. Pham (TX)  
Glen E. Robbins (WY)  
Ronald P. Schoborg (AR)  
Steven M. Tewhill (AR)

The drivers were included in docket No. FMCSA–2014–0305. Their exemptions are effective as of May 27, 2017, and will expire on May 27, 2019.

As of May 31, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 9 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (65 FR 78256; 66 FR 16311; 67 FR 46016; 67 FR 57267; 68 FR 13360; 69 FR 62741; 70 FR 12265; 70 FR 17504; 70 FR 30997; 71 FR 32183; 71 FR 41310; 71 FR 62147; 72 FR 12665; 72 FR 12666; 72 FR 25831; 72 FR 27624; 73 FR 61925; 74 FR 9329; 74 FR 15586; 74 FR 19270; 76 FR 9856; 76 FR 17483; 76 FR 18824; 76 FR 20076; 76 FR 25762; 76 FR 29024; 78 FR 16762; 78 FR 24300; 78 FR 26106; 79 FR 24298; 80 FR 26320):

Robert A. Casson (KY)  
Gerald S. Dennis (IA)  
John K. Fank (IL)  
Gene A. Leshner, Jr. (WV)  
Kenneth L. Nau (MD)  
George D. Schell (IL)  
Robert D. Smith (OH)  
Kenneth E. Suter, Jr. (OH)  
Richard A. Westfall (OH)

The drivers were included in one of the following docket Nos: FMCSA–2000–8398; FMCSA–2002–12294; FMCSA–2005–20560; FMCSA–2006–24783; FMCSA–2007–27333; FMCSA–2011–0010; FMCSA–2011–0057. Their exemptions are effective as of May 31, 2017, and will expire on May 31, 2019.

#### *Conditions and Requirements*

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each

driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

#### **IV. Preemption**

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

#### **VI. Conclusion**

Based upon its evaluation of the 82 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: April 14, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017–08079 Filed 4–20–17; 8:45 am]

**BILLING CODE 4910-EX-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

**[Docket No. FMCSA–2017–0120]**

#### **Hours of Service of Drivers: Application for Exemption; G4S Secure Solutions (USA), Inc. (G4S)**

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

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

**SUMMARY:** FMCSA announces that G4S Secure Solutions (USA), Inc. (G4S) has requested an exemption from the electronic logging device (ELD) requirements in 49 CFR part 395 as applied to its drivers of customer/government-owned vehicles used intermittently to perform passenger transportation. The G4S request is limited to operations involving customer/government-owned

equipment. G4S states that this exemption, if granted, would have no adverse impact on the safety of their operations, as its drivers would continue to remain subject to the HOS regulations and would complete paper records of duty status (RODS), when applicable. FMCSA requests public comment on G4S's application for exemption.

**DATES:** Comments must be received on or before May 22, 2017.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2017–0120 by any of the following methods:

- **Federal eRulemaking Portal:** [www.regulations.gov](http://www.regulations.gov). See the *Public Participation and Request for Comments* section below for further information.

- **Mail:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

- **Hand Delivery or Courier:** West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- **Fax:** 1–202–493–2251.

- Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to [www.regulations.gov](http://www.regulations.gov), including any personal information included in a comment. Please see the *Privacy Act* heading below.

**Docket:** For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

**Privacy Act:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**FOR FURTHER INFORMATION CONTACT:** For information concerning this notice, contact Mr. Tom Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: [MCPSPD@dot.gov](mailto:MCPSPD@dot.gov). If you have questions on viewing or submitting

material to the docket, contact Docket Services, telephone (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

### I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

#### *Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA–2017–0120), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comments online, go to [www.regulations.gov](http://www.regulations.gov) and put the docket number, “FMCSA–2017–0120” in the “Keyword” box, and click “Search.” When the new screen appears, click on “Comment Now!” button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

### II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the 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 any safety analyses that have been conducted. The Agency must also 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). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

### III. Request for Exemption

G4S states that it is an international security solutions group, with operations in more than 100 countries and more than 54,000 employees in North America alone. G4S offers its customers a suite of products and services, including risk consulting and investigations, systems integration, security software and technology, and security professionals. A component of G4S's operations is detainee and prisoner transport. Government agencies across the country, including the U.S. Immigration and Customs Enforcement and state/county police departments, contract G4S to safely and securely transport prisoners, offenders, and illegal aliens. In order to perform these transportation services, G4S is registered with the FMCSA as a for-hire motor carrier. While the company maintains a relatively small fleet of vehicles, a significant portion of its transportation services are performed by G4S employees in customer/government-owned equipment (*e.g.*, buses and 15-passenger-vans).

G4S is aware of the upcoming ELD mandate and fully supports the Agency's efforts to curb fatigued driving. Moreover, the company has already started the process of selecting and installing compliant ELDs in its own fleet of vehicles. G4S, however, believes an exemption is in order for instances when its drivers operate customer/government-owned equipment to perform passenger transportation services.

In these instances, it is the customer, not G4S that owns and maintains the vehicles. For its part, G4S provides qualified drivers to operate the vehicles and is explicitly precluded, often by contract, from making any modifications to or installing any equipment in the vehicles. In numerous cases, G4S drivers operate different customer-owned vehicles each and every trip—

depending on which vehicles the customer makes available—making it that more impracticable to install any type of equipment in the vehicles. As the vehicles are different each trip, it is possible, and even probable, that any ELD equipment G4S might choose to employ for its own fleet of vehicles would not be compatible with the customer-owned vehicles, and the company's drivers would not be aware of that fact until it came time to operate the equipment on a given day.

According to G4S, in some cases, these customer-owned vehicles may have been manufactured prior to the model year 2000—excluding them from the ELD mandate—but again, G4S drivers would not necessarily be privy to that fact until it came time to operate the vehicle. It is also possible that in some instances G4S's drivers may not operate the equipment beyond a 100 air-mile radius of their normal work reporting location and may, therefore, fall under the short-haul exemption, but that also is not always the case.

In these ways, G4S claims that its operations are indistinguishable from driveaway-towaway operations, which, are excluded from the ELD mandate. In these instances, neither the carriers nor the drivers own the vehicles being driven, nor are they authorized to make any modifications to those vehicles. Similarly, in both cases, the vehicles at issue may only be operated by the carrier's drivers for single trip.

The only distinction between G4S's operations and those of traditional driveaway-towaway companies is that the customer/government-owned equipment operated by G4S's drivers is not the commodity being moved. Although this is a distinction that precludes G4S from taking advantage of the driveaway-towaway exemption, it is not one that would, from a safety perspective, warrant ELDs in G4S's case any more so than driveaway-towaway companies. In fact, the company perceives no adverse impact to safety if the FMCSA were to grant this exemption request, particularly in light of the existing driveaway-towaway exemption. On the other hand, if the request was to be denied by FMCSA, G4S stands to potentially lose its customer contracts with several government agencies which, as explained, often contractually prohibit the company from installing any equipment in their vehicles.

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

For these reasons, G4S respectfully requests an exemption from the ELD mandate for the operation of customer/

government-owned equipment to provide intermittent passenger transportation. G4S states that the company believes that this exemption proposal achieves a level of safety that is equivalent to the ELD mandate that takes effect on December 18, 2017—because its drivers would still be subject to the hours-of-service (HOS) restrictions contained in 49 CFR part 395 and would continue to (when required) record their duty status on paper logbooks, just as driveaway-towaway drivers are authorized to do.

A copy of G4S's application for exemption is available for review in the docket for this notice.

Issued on: April 14, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017-08092 Filed 4-20-17; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2017-0002-N-11]

#### Proposed Agency Information Collection Activities; Comment Request

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

**ACTION:** Notice and comment request.

**SUMMARY:** Under the Paperwork Reduction Act of 1995 (PRA), this notice announces FRA is forwarding for renewal the Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On December 21, 2016, FRA published a notice providing a 60-day period for public comment on the ICR.

**DATES:** Comments must be submitted on or before May 22, 2017.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590 (Telephone: (202) 493-6292); or Ms. Kim Toone, Information Collection Clearance Officer, Office of Administration, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 35, Washington, DC 20590 (Telephone: (202) 493-6132).

(These telephone numbers are not toll free.)

**SUPPLEMENTARY INFORMATION:** The PRA, 44 U.S.C. 3501-3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), and 1320.12. On December 21, 2016, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICR for which it is now seeking OMB approval. *See* 81 FR 93725. On February 21, 2017, FRA received one comment in response to the 60-day notice from Mr. Jeffrey S. Hollister, President and CEO of American Railcar Industries (ARI), Inc.

Many of ARI's comments focus on the substantive merits of the Railworthiness Directive and Revised Railworthiness Directive (collectively RWD or Directive unless stated otherwise) this ICR pertains to and FRA's authority to issue the RWD. Because these comments are outside the scope of the PRA burden analyzed in this notice, and because the RWD is currently the subject of a legal action brought by ARI, FRA cannot respond to those comments in this notice. Consistent with the PRA, however, FRA is addressing each of ARI's comments on the accuracy of FRA's estimates of the burdens of the information collection activities associated with the RWD.

In its comments, ARI expresses the view "FRA dramatically underestimates the burdens created by the information collection activities required by the Directive." Specifically, ARI alleges FRA's burden estimates are too low in the following eight instances:

(1) To identify the 14,800 tank cars subject to the Directive, FRA estimated the total annual burden as 80 hours, but ARI estimates 900 hours because "the time calculated to respond to 100 lessees at 4 hours each is 400 hours, plus FRA failed to account for 500 hours ARI already has invested in supporting customer requests for information on the application of the Directive to their cars";

(2) To visually inspect the 14,800 tank cars prior to each loaded trip, FRA estimated the total annual burden as 7,400 hours, but ARI estimates 98,667 hours. ARI estimates an average of 20 railcar loadings and 20 minutes for each inspection and the associated documentation requirements;

(3) To inspect and test the sump and bottom outlet valve (BOV) skid groove attachment welds and maintain record results for over 2,200 tank cars, FRA

estimates the total annual burden hours as 6,600 hours, but ARI estimates 53,200 hours based on the assumption that each inspection and test will take 26.5 hours;

(4) FRA estimated no total annual burden hours for removal of tank linings to perform visual inspections on 0 percent of the cars to be inspected. ARI estimates 2 hours per car or an additional 1,320 total annual burden hours;

(5) To train and test tank car mechanics who are not qualified on non-destructive testing (NDT) procedures and record qualification, FRA estimated the total annual burden as 132 hours, but ARI estimates 640 hours. ARI asserts FRA did not take into account the need to train 100 inspectors, develop the NDT procedures, or prepare specimens and training procedures;

(6) For tank car notification to all parties of the terms of the Directive and inspection/testing schedule, FRA estimated the total annual burden as 100 hours, but ARI estimates 8,800 hours. ARI notes that "FRA estimates only 100 notices at one hour each while ARI assumes this task requires the development of over 2,200 plans at 4 hours per car to get each car to a shop, develop a freight plan, shop schedule, and out-of-service time";

(7) For reports of inspection, test, and repair to FRA, ARI states FRA estimated the total annual burden hours as 3,300 hours, but ARI estimates 6,600 hours. (FRA notes that, in its approved Emergency Clearance submission to OMB, it previously estimated this burden at 33,600 hours, not the erroneous 3,300 hours in its 60-day December 21, 2016, **Federal Register** notice which ARI cited in its comments). ARI explains it estimates 3 hours per car/report "in order to include the time ARI spends to review the reports, correct factual errors, store results, update the database and provide summaries to the FRA"; and

(8) For tank car facility requests to tank car owners for written permission and approval of qualification and maintenance programs, FRA estimated the total annual burden as 7 hours, but ARI estimates 660 hours for 330 cars (15%) which will require owner's approval and instructions prior to repair which will require 2 hours per car.

After careful consideration of ARI's comments and estimates, FRA reviewed its own estimates and either validated its initial estimates or adjusted its estimates in light of ARI's comments. As a result, FRA now estimates a total annual burden for this ICR in excess of the 68,953 hours originally approved by OMB on October 18, 2016, in FRA's