

proposed action will provide a facility for safe and efficient movement of traffic and freight in the region, particularly between I-24, I-40, and I-69. The Selected Alternative proposes the construction of two roadway sections within the project. The southern portion constructs US-641/SR-54 from north of Howard Road to the Tennessee-Kentucky State Line and consists of two 12-foot travel lanes in each direction, a 14-foot turning lane, and 8-foot outside shoulders, within an approximate 300-foot right-of-way (ROW). Construction will be phased to initially build a three-lane section with intent for future widening to the ultimate five-lane configuration. The northern portion of the project constructs US-641 from the Tennessee-Kentucky State Line to just south of the bridge over the Middle Fork of the Clarks River and consists of two 12-foot travel lanes in each direction, 4-foot inside shoulders, 10-foot outside shoulders, and a 48-foot depressed median, within an approximate 330-foot ROW.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) for the project, approved on July 17, 2019, and in the FHWA FONSI issued on November 15, 2019, and in other documents in the FHWA project records. The EA, FONSI, and other project records are available by contacting FHWA, TDOT, or KYTC at the addresses provided above. The FHWA EA and FONSI can be viewed and downloaded from the project website at <https://transportation.ky.gov/DistrictOne/Pages/US-641-Calloway.aspx> or viewed at the TDOT Central Office; James K. Polk Building, Suite 700, 505 Deaderick Street, Nashville, Tennessee 37243; the TDOT Region 4, Administrative Building, 300 Benchmark Place, Jackson, Tennessee 38301; the KYTC Central Office, 200 Mero Street, Frankfort, Kentucky 40622; or the KYTC District 1 Office, 5501 Kentucky Dam Road, Paducah, Kentucky 42003.

This notice applies to all Federal agency decisions that are final as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General*: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].
2. *Air*: Clean Air Act [42 U.S.C. 7401–7671(q)].
3. *Land*: Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303].

4. *Wildlife*: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. *Historic and Cultural Resources*: Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 300101 *et seq.*].

6. *Social and Economic*: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. *Wetlands and Water Resources*: Clean Water Act (Section 404, Section 401, and Section 319) [33 U.S.C. 1251–1377].

8. *Hazardous Materials*: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675].

9. *Executive Orders*: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 13112 Invasive Species; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139(J)(1).

Issued on: December 5, 2019.

**Todd Jeter,**

*Division Administrator, Frankfort, Kentucky.*

[FR Doc. 2019–27021 Filed 12–20–19; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0108]

#### Agency Information Collection Activities; Approval of a Renewal Information Collection Request: Commercial Driver's License Drug and Alcohol Clearinghouse

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

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR)

described below to the Office of Management and Budget (OMB) for review and approval. The FMCSA requests to renew an ICR titled, “Commercial Driver's License Drug and Alcohol Clearinghouse.” The Agency's final rule, published December 5, 2016, titled “Commercial Driver's License Drug and Alcohol Clearinghouse” (Clearinghouse) established the regulatory requirements for the Clearinghouse. The compliance date of the final rule is January 6, 2020. Since the original ICR was approved, FMCSA has opened the Clearinghouse to user registration, resulting in the collection of user contact information. With the upcoming compliance date, this ICR is needed to ensure that Clearinghouse querying and reporting requirements are met to improve compliance with the existing requirement that Commercial Driver's License (CDL) or Commercial Learner's Permit (CLP) holders who have drug or alcohol testing violations cannot perform safety-sensitive functions, including driving a commercial motor vehicle (CMV), without participating in the required return-to-duty process.

**DATES:** Please send your comments by January 22, 2020. OMB must receive your comments by this date.

**ADDRESSES:** All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2019–0108. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov), or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Juan Moya, Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, 6th Floor, West Building, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Telephone: 202–366–4844; Email Address: [clearinghouse@dot.gov](mailto:clearinghouse@dot.gov). Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

#### SUPPLEMENTARY INFORMATION:

*Title:* Commercial Driver's License Drug and Alcohol Clearinghouse.

*OMB Control Number:* 2126–0057.

*Type of Request:* Renewal

*Respondents:* Motor carriers

(employers), drivers, medical review officers (MRO), substance abuse professionals (SAP), consortia/third-party administrators (C/TPAs), and State Drivers Licensing Agencies (SDLAs).

*Estimated Number of Respondents:* 11,038,986.

*Estimated Time per Response:* 20 minutes.

*Expiration Date:* January 31, 2020.

*Frequency of Response:* On occasion.

*Estimated Total Annual Burden:* 1,864,251.

An authorized user's role will determine the frequency of the response in the Clearinghouse.

- *Employers, or C/TPAs acting on behalf of an employer:* At a minimum, employers are required to query the Clearinghouse for each driver they currently employ at least once a year. Employers must query the Clearinghouse for all prospective employees. In addition, employers report to the Clearinghouse alcohol confirmation test, with a concentration of 0.04 or higher, refusal to test (alcohol), refusal to test (drug) that is not determined by an MRO, actual knowledge of a driver's conduct prohibited by 49 CFR part 382, subpart B, negative return-to-duty (RTD) test results, and the driver's completion of follow-up testing. Employer reporting must be completed by the close of the third business day following the date they obtained the information.

- *MROs:* Verified positive, adulterated or substituted drug test result and refusals to tests (drug) must be entered to the Clearinghouse no later than two business days of making a determination or verification.

- *SAPs:* Must enter the initial assessment date and the date the driver successfully complied with return-to-duty (RTD) requirements. SAPs are required to enter this information on occasion by the close of business day following the date of the initial assessment or compliance with the RTD process.

- *SDLAs* will be required to query the Clearinghouse prior to specified licensing transactions to determine if there are existing drug or alcohol violations.<sup>1</sup>

- Drivers must provide their specific consent to pre-employment queries electronically through the Clearinghouse.

### Background

Agency regulations at 49 CFR part 382 apply to persons and employers of such persons who operate CMVs in commerce in the United States and who are subject to the CDL requirements in 49 CFR part 383 or the equivalent CDL requirements for Canadian and Mexican drivers (49 CFR 382.103(a)). Part 382 requires that employers conduct pre-employment drug testing, post-accident testing, random drug and alcohol testing, and reasonable suspicion testing, as well as RTD testing and follow-up testing for those drivers who test positive or otherwise violate DOT drug and alcohol program requirements. Motor carrier employers are prohibited from allowing an employee to perform safety-sensitive functions, which include operating a CMV, if the employee tests positive on a DOT drug or alcohol test, refuses to take a required test, or otherwise violates the DOT or FMCSA drug and alcohol testing regulations.

Section 32402 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) requires that the Secretary of Transportation establish, operate, and maintain a national clearinghouse for records relating to alcohol and controlled substances testing of CMV operators to improve compliance with the Department of Transportation's (DOT) alcohol and controlled substances testing program and to enhance the safety of our roadways by reducing crashes and injuries involving the misuse of alcohol or use of controlled substances by operators of CMVs. As noted above, FMCSA published a final rule on December 5, 2016, with an effective date of January 4, 2017, and a compliance date of January 6, 2020, to implement these statutory requirements.

On June 20, 2019, the FMCSA published a 60-day ICR notice (84 FR 28882). The Agency received 24 comments in response to the ICR notice. These comments are summarized below. Thirteen commenters recommended an application programming interface (API) to reduce the burden of manual entries by employers or their designated C/TPAs, MROs, and employee-designated SAPs. In addition, several commenters stated an API would increase efficiency when querying the Clearinghouse for current and prospective employees. Some commenters suggested that the API would reduce errors in reporting of information, as well as reduce cost to

employers and service agents. One commenter recommended delaying the implementation of the Clearinghouse until the development of an API has been completed.

*FMCSA Response:* The Agency believes that conducting mandatory pre-employment and annual Clearinghouse queries will impose the most significant burden on employers or their designated C/TPAs. In order to alleviate this burden, FMCSA developed a bulk query template allowing employers or their designated C/TPAs to submit multiple queries at one time rather than querying each individual driver. FMCSA will consider the development of an API as a future enhancement to the system.

One commenter noted increased burden during registration due to the establishment of two-factor authentication methods through *login.gov*. *Login.gov* is a shared service which provides the public secure and private online access to participating Federal government programs, such as the Clearinghouse.

*FMCSA Response:* A two-factor authentication for all Clearinghouse users is necessary to ensure the security of sensitive driver-specific information. Once the *login.gov* account has been created, there is no additional burden to authorized users during the registration.

One commenter recommended that the comment period for the ICR be extended until after implementation of the Clearinghouse.

*FMCSA Response:* In accordance with information collection requirements established by the Paperwork Reduction Act of 1995 and related regulations, the public is invited to respond to this **Federal Register** Notice (FRN) during the 30-day comment period. All comments will be considered before publishing the final FRN for the ICR.

The remaining comments were not relevant to the subject matter of the ICR.

FMCSA opened the Clearinghouse to user registration on October 1, 2019. Information stored in the Clearinghouse includes the user name, point of contact information, email address, system role, CDL information (as applicable), credential information (as applicable) and company information (as applicable). This information collected is covered under the existing Clearinghouse ICR (2126-0057).

The Clearinghouse will function as a repository for records relating to the positive test results and test refusals of CMV operators and other violations by such operators of prohibitions set forth in part 382, subpart B, of title 49, Code of Federal Regulations. An employer will utilize the Clearinghouse to determine whether current and

<sup>1</sup> On September 6, 2019, FMCSA published a Notice of Proposed Rulemaking (NPRM) to extend the compliance date for the States' mandatory query of the Clearinghouse, as set forth in the Clearinghouse final rule, from January 6, 2020 to January 6, 2023. (84 FR 46923 (Sept. 6, 2019)) The NPRM proposed that, in the interim, States be permitted to voluntarily query the Clearinghouse beginning January 6, 2020. The Agency expects that a final rule will be published before the end of 2019.

prospective employees have incurred a drug or alcohol violation that would prohibit them from performing safety-sensitive functions, including operating a CMV.

The Clearinghouse will provide FMCSA and employers the necessary tools to identify drivers who are prohibited from operating a CMV and ensure that such drivers receive the required evaluation and treatment before resuming safety-sensitive functions. Specifically, information maintained in the Clearinghouse will ensure that drivers who commit a drug or alcohol violation while working for one employer and attempt to find work with another employer, can no longer conceal their drug and alcohol violations merely by moving on to the next job or the next state. Drug and alcohol violation records maintained in the Clearinghouse will follow the driver regardless of how many times he or she changes employers, seeks employment or applies for a CDL in a different State.

The information in the Clearinghouse will be used by FMCSA and its State partners for enforcement purposes:

- Ensure employers are meeting their pre-employment investigation and reporting requirements.
- Place drivers out of service if drivers are found to be operating a CMV without completing the RTD process.
- Ensure medical review officers (MROs) and substance abuse professionals (SAPs) meet their reporting requirements.

Only authorized users, including employers and their service agents, and highway safety personnel, and State Driver Licensing Agencies (SDLAs), will be able to register and access the Clearinghouse for designated purposes. State enforcement personnel will receive the driver's eligibility status to operate a CMV, based on Clearinghouse information, when they check Query Central or NLEts for driver information. FMCSA will share a driver's drug and alcohol violation information with the National Transportation Safety Board when it is investigating a crash involving that driver.

Drivers will be able to access their own information, but not information of other drivers. The Clearinghouse will meet all relevant federal security standards and FMCSA will continuously monitor compliance with applicable security regulations.

**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 FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the

FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87 on: December 17, 2019.

**G. Kelly Regal,**

*Associate Administrator for Office of Research and Information Technology.*

[FR Doc. 2019-27635 Filed 12-20-19; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0287]

#### Driver Qualification Files: Application for Exemption; Knight-Swift Transportation Holdings, Inc.

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

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

**SUMMARY:** FMCSA announces that Knight-Swift Transportation Holdings, Inc. (Knight-Swift) has applied for an exemption from regulations requiring motor carriers to obtain the motor vehicle record (MVR) of its drivers holding a commercial driver's license (CDL) whenever the driver's MVR is updated by a new medical examination. Knight-Swift seeks exemption only when a newly-hired driver undergoes a medical examination. Knight-Swift suggests that in these cases it be permitted to satisfy this requirement by obtaining other proof of the results of the medical examination. FMCSA requests public comments on the request for exemption. The application is available in the docket.

**DATES:** January 22, 2020.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-2019-0287 using any of the following methods:

- **Federal eRulemaking Portal:** [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments.
- **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. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

**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 Ms. La Tonya Mimms, Chief, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202-366-9220. Email: [MCPSD@dot.gov](mailto:MCPSD@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-2019-0287), 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