

#### IV. Public Comments

On February 23, 2023, FMCSA published notice of the Pitt Ohio application and requested public comments (88 FR 11504). The Agency was seeking comment on whether this exemption should be limited to Pitt Ohio, or whether it should be drafted to apply to any SDAP program participating motor carrier that is currently listed as a certified training provider for purposes of the FMCSRs, or that enters into a partnership with a certified training provider. On this question, one individual responded, “I am all for this plan, so long as you make the training program universal for everyone.” The Agency received a total of 23 comments: 4 supporting the exemption request, 16 opposing it, and the other 3 taking no position either for or against. Joint comments filed by the Truck Safety Coalition, Citizens for Reliable and Safe Highways (CRASH), and Parents Against Tired Truckers (PATT) stated “Pitt-Ohio(sic) Express, LLC has not met the measure of evidence required to prove an equivalent or greater level of safety in its exemption application. They only request that FMCSA dilute the program requirements in misplaced efforts to make it easier to attract under-21 drivers.” Edward Richard opposed the application and stated “allowing them to put more immature drivers on the road is just wrong and unsafe.” AWM Associates, LLC also opposed, noting that “until Pitt-Ohio(sic) is an approved CDL training provider on the FMCSA’s Training Provider Registry (TPR) its petition must be denied.” Those in support commented that the Pitt Ohio request should be made universal for everyone, that age should not matter, and that the Agency should use great caution in implementing the exemption should it be granted.

#### V. FMCSA’s Decision

FMCSA has evaluated Pitt Ohio’s application and the filed comments and finds that there is insufficient basis to conclude that the exemption would likely achieve a level of safety equivalent to, or greater than, the level achieved without the exemption. The SDAP’s purpose is to determine whether there are conditions where safety data indicate younger drivers (18- to 20-year-olds) might be allowed to operate CMVs. Congress authorized SDAP, opening the pilot to those 18- to 20-year-olds who hold a CDL, not a CLP. In addition, granting the Pitt Ohio exemption could potentially put young and inexperienced drivers in a position of high responsibility, potentially exposing

them and surrounding drivers to crashes and incidents involving CMVs. The Agency therefore believes that Pitt Ohio’s prospective apprentice CLP drivers should not be legally permitted to operate CMVs in interstate commerce if less than 21 years of age.

For the above reasons, FMCSA denies Pitt Ohio’s exemption application.

#### Sue Lawless,

*Acting Deputy Administrator.*

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**BILLING CODE 4910–EX–P**

### DEPARTMENT OF TRANSPORTATION

#### Federal Railroad Administration

[Docket Number FRA–2024–0043]

#### Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on March 13, 2024, Rapid City, Pierre & Eastern Railroad and the International Association of Sheet Metal, Air, Rail and Transportation Workers (collectively, “Petitioners”), petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 240 (Qualification and Certification of Locomotive Engineers) and part 242 (Qualification and Certification of Conductors). FRA assigned the petition Docket Number FRA–2024–0043.

Specifically, Petitioners request relief required to participate in FRA’s Confidential Close Call Reporting System (C<sup>3</sup>RS) Program. Petitioners seek to shield reporting employees from mandatory punitive sanctions that would otherwise arise as provided in §§ 240.117(e)(1)–(4); 240.305(a)(1)–(4) and (a)(6); 240.307; 242.403(b), (c), (e)(1)–(4), (e)(6)–(11), (f)(1)–(2); and 242.407. The C<sup>3</sup>RS Program encourages certified operating crew members to report close calls and protects the employees and the railroad from discipline or sanctions arising from the incidents reported per the C<sup>3</sup>RS Implementing Memorandum of Understanding.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since

the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments.

Communications received by July 8, 2024 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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 <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of regulations.gov.

Issued in Washington, DC.

#### John Karl Alexy,

*Associate Administrator for Railroad Safety, Chief Safety Officer.*

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### DEPARTMENT OF TRANSPORTATION

#### Federal Railroad Administration

[Docket Number FRA–2003–151010]

#### Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on February 28, 2024, CPKC<sup>1</sup> petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part

<sup>1</sup> On April 14, 2023, Canadian Pacific Railway Company (CP) and Kansas City Southern (KCS) combined to create a single railway company doing business under the trademark CPKC. The original waiver in this docket was granted to CP.