

Re-Opening RDRs

If a submitter receives a determination that the crash was preventable or undecided, or the RDR is closed for another reason, the RDR may be re-opened once. The request will be reconsidered by FMCSA only if additional documentation or new information is submitted. If additional information or documentation is not provided, the RDR will be closed with the initial determination without further consideration.

Additionally, once an RDR is closed, the Agency will not be responding to additional comments submitted through the DataQs system. The RDR must be reopened and additional information submitted as cause for FMCSA to reconsider the determination.

Input From the Public

The opportunity to collect information from other parties is critical to determining the impacts and costs of this demonstration program. During the demonstration program, if a crash review results in a preliminary determination that the crash was not preventable, the Agency will publish the crash report number, U.S. DOT number, motor carrier name, crash event date, crash event State and crash type on its DataQs website.

Any member of the public with documentation or data to refute the proposed determination has 30 days to submit the documentation through the DataQs system at <https://dataqs.fmcsa.dot.gov>. Information on how to submit additional documentation is available at <https://www.fmcsa.dot.gov/safety/crash-preventability-demonstration-program>.

Any new documents or data will be reviewed and considered before FMCSA makes a final determination. Final determinations will be published on SMS within 60 days of the final decision.

However, based on feedback from some stakeholders, the Agency recognizes that some parties involved in the crash might not be able to provide input within 30 days. The Agency will maintain a list of not preventable final determinations on its website at <https://www.fmcsa.dot.gov/safety/crash-preventability-demonstration-program>. This list will be updated monthly. If at any time during this demonstration program a party has information and documentation to counter this determination, FMCSA will accept that information at Crash.Preventability@dot.gov. Therefore, determinations may be revised after consideration of this additional information.

Agency Use of Data

As explained in the July 17, 2017, **Federal Register** notice, final determinations made through this demonstration program will be noted on the Agency's Safety Measurement System (SMS). No crashes are removed from SMS as a result of this demonstration program. For the purpose of prioritizing motor carriers for safety interventions, FMCSA will continue to use all crashes during the demonstration program.

The crash preventability determinations made under this program will not affect any carrier's safety rating or ability to operate. FMCSA will not issue penalties or sanctions based on these determinations, nor do they establish any obligations or impose legal requirements on any motor carrier. These determinations also will not change how the Agency will make enforcement decisions.

Information submitted about a crash as part of this demonstration program may be shared with the appropriate FMCSA Division Office for further investigation. Likewise, if an investigation reveals additional information about a crash for which the demonstration program made a preventability determination, this information may be shared within the Agency and the crash subjected to further review.

Throughout this demonstration period, FMCSA will maintain data so that at the conclusion of the demonstration program, the Agency can conduct analyses. It is expected that the Agency's analyses would include, but not be limited to, the cost of operating the test and its extrapolation to a larger program; future crash rates of carriers that submitted RDRs, future crash rates of motor carriers with not preventable crashes, and impacts to SMS crash rates and improvements to prioritization.

Additionally, under 49 U.S.C. 504(f), "No part of a report of an accident occurring in operations of a motor carrier, motor carrier of migrant workers, or motor private carrier and required by the Secretary, and no part of a report of an investigation of the accident made by the Secretary, may be admitted into evidence or used in a civil action for damages related to a matter mentioned in the report or investigation." The crash preventability determinations made under this program are intended only for FMCSA's use in determining whether the program may improve the Agency's prioritization tools. These determinations are made on the basis of information available to

FMCSA at the time of the determination and are not appropriate for use by private parties in civil litigation. These determinations do not establish fault or negligence by any party and are made by persons with no personal knowledge of the crash.

DataQs

Motor carriers and drivers, as well as any member of the public, may submit crash preventability RDRs through the Agency's DataQs system. DataQs has been modified to provide this functionality. The DataQs system is available at: <https://dataqs.fmcsa.dot.gov>. The DataQs User Guide advises that it should take 2 weeks to have an RDR reviewed. The User Guide is for RDRs that are not in the demonstration program. Based on the volume of RDRs submitted, the Agency's timeframe for review is averaging 3 to 4 weeks.

Additional information on how to submit a crash preventability RDR is available on the Agency's website at <https://www.fmcsa.dot.gov/safety/crash-preventability-demonstration-program>.

Issued under the authority delegated in 49 CFR 1.87 on: January 31, 2018.

Cathy F. Gautreaux,
Deputy Administrator.

[FR Doc. 2018-02437 Filed 2-6-18; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2017-0138]

Agency Information Collection Activities: Extension of an Approved Information Collection Request; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

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 its review and approval and invites public comment. The FMCSA requests approval to revise an existing ICR titled, "Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery," due to an increase in the annual cost to respondents. This ICR will allow for ongoing, collaborative and

actionable communication between FMCSA and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management. On August 10, 2017, FMCSA published a **Federal Register** notice allowing for a 60-day comment period on this ICR. The agency received no comments in response to that notice.

DATES: Please send your comments to this notice by March 9, 2018. OMB must receive your comments by this date to act quickly on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2017–0138. 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, 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: Mr. Martin Walker, Division Chief, FMCSA, Office of Research. Telephone (202) 385–2364; or email martin.walker@dot.gov. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Mail Stop W63–432, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Background: Executive Order 12862, “Setting Customer Service Standards,” directs Federal agencies to provide service to the public that matches or exceeds the best service available in the private sector (58 FR 48257, Sept. 11, 1993). In order to work continuously to ensure that our programs are effective and meet our customers’ needs, FMCSA seeks to extend OMB approval of a generic clearance to collect qualitative feedback from our customers on our service delivery. The surveys covered in this generic clearance provide a way for FMCSA to collect this data directly from our customers.

The surveys covered by this collection provide a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration’s commitment to improving service delivery. By qualitative feedback we mean information that provides useful

insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with FMCSA’s programs.

The solicitation of feedback targets areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses are assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency’s services will be unavailable.

The Agency only submits a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

FMCSA estimates that the annual burden hour for this information collection has decreased by approximately 1,218 hours from the previously approved 3,450 hours. This is due in part to (1) discontinuing a previously OMB approved mail-based customer satisfaction survey, and (2) adding the annual Analysis, Research, and Technology sessions.

Additionally, because of discontinuing mail surveys, respondents will not incur any non-hour costs (e.g. stamps), which results in an estimated decrease of \$440 annually. The expected annual cost to the Federal Government has decreased from \$200,800 annually to \$137,076 due in part to the cost difference in the discontinuation of the customer satisfaction survey using outreach materials previously approved and estimating the implementation of the ART Forum contracts.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2126–0049.

Type of Request: Extension of a currently-approved information collection.

Respondents: State and local agencies, the general public, stakeholders,

original equipment manufacturers and suppliers to the commercial motor vehicle (CMV) industry, fleets, owner-operators, state CMV safety agencies, research organizations and contractors, news organizations, safety advocacy groups, and other Federal agencies.

Estimated Number of Respondents: 9,270.

Estimated Time per Response: Range from 5–30 minutes.

Expiration Date: March 31, 2018.

Frequency of Response: Generally, on an annual basis.

Estimated Total Annual Burden: 2,233.

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 performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for 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. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: January 31, 2018.

G. Kelly Regal,

Associate Administrator, Office of Research and Information Technology.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2018-0011]

Petition for Modification of Single Car Air Brake Test Procedures

Under part 232 of Title 49 Code of Federal Regulations (CFR), this provides the public notice that on January 5, 2018, the Association of American Railroads (AAR) requested the Federal Railroad Administration (FRA) grant a modification of the single car air brake test procedures as prescribed in 49 CFR 232.305(a). FRA assigned the request Docket Number FRA-2018-0011.

As described in its request, the AAR Braking Systems Committee has revised and sent out for comment an updated version of AAR Standard S-486-04—*Code of Air Brake System Tests for Freight Equipment*, which is incorporated by reference in 49 CFR 232.305—*Single car air brake tests*. The main objective of the revision was to incorporate tests for a new feature

known as brake cylinder maintaining. AAR asked for expedited processing of this request so the 60-day review period required by 49 CFR 232.307 can begin as soon as possible and the new procedure can be referenced in the CFR.

A copy of these documents and the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE, W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. All communications concerning these proceedings should identify the appropriate docket number (e.g., Docket Number FRA-2018-0011) and may be submitted by any of the following methods:

- *Website:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12-140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by April 9, 2018, will be considered by FRA before final action is taken. Pursuant to 49 CFR 232.307(d), if no comment objecting to the requested modification is received during the 60-day comment period, or if FRA does not issue a written objection to the requested modification, the modification will become effective on April 23, 2018.

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.). In accordance with 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, 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/>

privacyNotice for the privacy notice of [regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2018-02428 Filed 2-6-18; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2018-0013]

Establishment of an Emergency Relief Docket for Calendar Year 2018

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

ACTION: Notice of establishment of public docket.

SUMMARY: This Notice announces the establishment of FRA's emergency relief docket (ERD) for calendar year 2018. The designated ERD for calendar year 2018 is docket number FRA-2018-0013.

ADDRESSES: See Supplementary Information section for further information regarding submitting petitions and/or comments to Docket No. FRA-2018-0013.

SUPPLEMENTARY INFORMATION: On May 19, 2009, FRA published a direct final rule establishing ERDs and the procedures for handling petitions for emergency waivers of safety rules, regulations, or standards during an emergency situation or event. 74 FR 23329. That direct final rule became effective on July 20, 2009 and made minor modifications to 49 CFR 211.45 in FRA's Rules of Practice in 49 CFR part 211. Section 211.45(b) provides that each calendar year FRA will establish an ERD in the publicly accessible DOT docket system (available at <http://www.regulations.gov>). Section 211.45(b) further provides that FRA will publish a notice in the **Federal Register** identifying by docket number the ERD for that year. FRA established the ERD and emergency waiver procedures to provide an expedited process for FRA to address the needs of the public and the railroad industry during emergency situations or events. This Notice announces the designated ERD for calendar year 2018 is docket number FRA-2018-0013.

As detailed in section 211.45, if the FRA Administrator determines an emergency event as defined in 49 CFR 211.45(a) has occurred, or that an imminent threat of such an emergency occurring exists, and public safety