

consistent. Oregon, for example, requires employers to provide a 30-minute break to employees who work 6 hours or more. See Or. Admin. R. 839–020–0050(2). No meal period is required if the shift is less than 6 hours; if the shift is less than 7 hours, the meal period must commence between 2 and 5 hours from the beginning of the shift; and if the shift is longer than seven hours, the meal period must begin between 3 and 6 hours from the beginning of the shift. *Id.* Nevada, by contrast, requires employers to provide a 30-minute break to employees who work a continuous 8 hours at any point during that period. See Nev. Rev. Stat. Ann. § 608.019. And, as described above, Washington’s MRB rules require that employers provide a 30-minute meal break for every 5 hours worked, which must commence between 2 and 5 hours from the beginning of the shift. See WAC 296–126–092. In preempting California’s MRB rules under section 31141, the Agency determined that the diversity of State regulation of required meal and rest breaks for CMV drivers has resulted in a patchwork of requirements. See 83 FR 67479–80. The Agency finds that the same holds true for Washington’s MRB rules. As described by the commenters, this diversity of State regulation has significantly decreased productivity and increased administrative burdens and costs.

The Department of Labor and Industries contended that Washington’s MRB rules do not contribute to the multiplicity of varying State meal and rest break laws. In this regard, it argues that “Washington’s break laws do not apply just because someone drives a truck through Washington.” Citing *Bostain v. Food Exp., Inc.*, 153 P.3d 846 (Wash. 2007), the Department of Labor and Industries further asserted, “The break laws apply only to Washington employers of Washington-based employees.” The Teamsters argued that drivers pass through an assortment of State or local regulations throughout their workday, including varying speed limits, tolling facilities, and enforcement zones for distracted driving and DUI; yet those rules do not constitute an unreasonable burden on interstate commerce. The Teamsters also argued that, “Truck size and weight restrictions are different on state and local roads than on the federal highway system. . . . Yet no one is calling for the preemption of state size and weight

rules.” The Associations for Justice argued, “The trucking and bus industries have engaged in a strategy of targeting specific state laws one at a time for FMCSA preemption.”

The Agency finds the Department of Labor and Industries’ argument on the narrow application of Washington’s rules unavailing. It is immaterial whether Washington’s MRB rules apply only to those drivers based in Washington. The fact remains that the disparity in State regulation has resulted in a multiplicity of requirements that are burdensome to apply. It may be difficult to determine whether a particular driver is “based in Washington,” and other States’ rules may purport to regulate even those drivers that Washington deems “Washington-based.” The Agency is also unpersuaded by the Teamsters’ traffic regulation analogy. The 1984 Act explicitly prohibits the Agency from “prescrib[ing] traffic safety regulations or preempt[ing] state traffic regulations” such as those described. 49 U.S.C. 31147(a). In addition, issues surrounding State tolling are well outside the scope of the Agency’s statutory authority, and CMV size and weight restrictions on portions of the Federal-aid highway system are within the purview of FHWA. See 23 U.S.C. 127, 145; 49 U.S.C. 31111; 49 CFR 1.85. Therefore, the extent to which the “assortment of state or local regulations” the International Brotherhood of Teamsters cite unreasonably burden interstate commerce, if at all, as compared to the MRB Rules is not relevant to the Agency’s determination. The Agency also rejects the Associations for Justice’s argument. Nothing in section 31141 prohibits a petitioner from seeking a preemption determination concerning the laws of one State, even where other States have similar laws.

Having concluded that Washington’s MRB rules unreasonably burden interstate commerce, the Agency further determines that the cumulative effect of other States’ similar laws would increase the burden.

Preemption Decision

As described above, FMCSA concludes that: (1) Washington’s MRB rules are State laws or regulations “on commercial motor vehicle safety,” to the extent they apply to drivers of property-carrying CMVs subject to FMCSA’s HOS rules; (2) Washington’s MRB rules are additional to or more stringent than FMCSA’s HOS rules; (3) Washington’s MRB rules have no safety benefit; (4) Washington’s MRB rules are incompatible with FMCSA’s HOS rules;

and (5) enforcement of Washington’s MRB rules would cause an unreasonable burden on interstate commerce. Accordingly, FMCSA grants WTA’s petition for preemption and determines that Washington’s MRB rules are preempted pursuant to 49 U.S.C. 31141. Effective the date of this decision, Washington may no longer enforce the MRB rules with respect to drivers of property-carrying CMVs subject to FMCSA’s HOS rules.

James W. Deck,
Deputy Administrator.

[FR Doc. 2020–25155 Filed 11–16–20; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2020–0232]

Agency Information Collection Activities: Renewed Approval of Information Collection

AGENCY: Office of the Secretary (OST), DOT.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Transportation (DOT) invites public comments on our intention to request Office of Management and Budget (OMB) approval for an information collection in accordance with the requirements of the Paperwork Reduction Act of 1995. The collection is necessary for administration of the “Discretionary Grants for Nationally Significant Freight and Highway Projects (FASTLANE/INFRA) Program”. FASTLANE/INFRA grants support surface transportation infrastructure projects that have a significant local or regional impact.

DATES: Written comments should be submitted by January 19, 2021.

ADDRESSES: To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W–12–140, 1200 New Jersey Ave. SE, between 9 a.m. and 5 p.m., Monday through Friday, except

Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oregon, Rhode Island, Tennessee, Vermont, Washington, and West Virginia.

Federal holidays. The telephone number is 202–366–9329.

Instructions: To ensure proper docketing of your comment, please include the agency name and docket number DOT–OST–2020–0232 at the beginning of your comments. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: For further information regarding this notice, please contact the Office of the Secretary via email at INFRAgrants@dot.gov, or call Paul Baumer at (202) 366–1092.

SUPPLEMENTARY INFORMATION: New Collection. OMB number will be issued after the collection is approved.

Title: Discretionary Grants for Nationally Significant Freight and Highway Projects (FASTLANE/INFRA) Program.

Form Numbers: None.

Type of Review: New Information Collection Request (ICR).

Background: The Office of the Secretary (OST) within the Department of Transportation (DOT) provides financial assistance to State and local Governments, including U.S. territories, tribal Governments, transit agencies, port authorities, metropolitan planning organizations (MPOs), and other political subdivisions of State or local Governments through the Nationally Significant Freight and Highway Projects Program, which was established in the Fixing American's Surface

Transportation Act of 2015 (“FAST ACT”), Public Law 1105. These discretionary grants were previously referred to by the DOT as “Fostering Advancements in Shipping and Transportation for the Long-Term Achievement of National Efficiencies”, or “FASTLANE” Discretionary Grants, and are now referred to as “Infrastructure for Rebuilding America” or “INFRA” Discretionary Grants. The Office of the Secretary of Transportation (“OST”) is referring to these grants as “FASTLANE” or “INFRA” Discretionary Grants, depending on the year of award. The purpose of each program is to advance projects that will have a significant impact on the Nation, metropolitan area or a region.

This notice seeks comments on the proposed information collection, which will collect information necessary to support the ongoing oversight and administration of previous awards, the evaluation and selection of new applications, and the funding agreement negotiation stage for new awards.

The reporting requirements for the program is as follows:

To be considered to receive a FASTLANE/INFRA grant, a project sponsor must submit an application to DOT containing a project narrative, as detailed in the Notice of Funding Opportunity. The project narrative should include the information necessary for the Department to determine that the project satisfies eligibility requirements as warranted by law.

Following the announcement of a funding award, the recipient and DOT will negotiate and sign a funding agreement. In the agreement, the recipient must describe the project that DOT agreed to fund, which is the project that was described in the FASTLANE/INFRA application or a reduced-scope version of that project. The agreement also includes a project schedule and budget.

During the project monitoring stage, grantees will submit reports on the financial condition of the project and the project's progress. Grantees will submit progress and monitoring reports to the Government on a quarterly basis until completion of the project. The progress reports will include an SF–425, Federal Financial Report, and other information determined by the administering DOT Operating Administration. This information will be used to monitor grantees' use of Federal funds, ensuring accountability and financial transparency in the FASTLANE/INFRA program.

For the purposes of estimating the information collection burden below for new applicants and awardees, the Department is assuming that for each year 2021–2023, the Department will review approximately 200 applications in Year 1, negotiate 20 funding agreements in Year 2, and begin quarterly project monitoring for 20 projects in Year 3. For a new applicant in 2021, their burden will be 100 hours in 2020, 4 hours in 2022, and 20 hours in 2023. See Table 1 below:

TABLE 1

Respondent	Year 1 (2021)		Year 2 (2022)		Year 3 (2023)		Total
	Hours	Frequency	Hours	Frequency	Hours	Frequency	
2021 Applicant (200)	100	1	.....	.....	.....	.....	20000
2021 Awardee (20) .....	.....	.....	4	1	.....	.....	80
2021 Recipient (20) .....	.....	.....	.....	.....	5	4	400
2022 Applicant (200)	100	1	.....	.....	.....	.....	20000
2022 Awardee (20) .....	.....	.....	4	1	.....	.....	80
2022 Recipient (20) .....	.....	.....	.....	.....	.....	.....	.....
2023 Applicant (200)	100	1	.....	.....	.....	.....	20000
2023 Awardee (20) .....	.....	.....	.....	.....	.....	.....	.....
2023 Recipient (20) .....	.....	.....	.....	.....	.....	.....	.....

This Notice is separately estimating the information collection burden for projects awarded from 2016–2020. Approximately 60 of these projects are in the project monitoring phase in Year 1, while 40 projects are still negotiating funding agreements. In Year 2,

approximately 30 of these projects will begin project monitoring, while approximately 20 projects will cease reporting once their projects are completed. In Year 3, 10 projects will begin project monitoring while 20 projects will cease reporting. The

individual burden for a project awarded from 2016–2020 will depend on when they were selected, when they completed negotiation of their funding agreement, and when their project reaches completion. See Table 2 below:

Respondent	Year 1			Year 2			Year 3			Total
	Number	Hrs	Freq	Number	Hrs	Freq	Number	Hrs	Freq	
2016–2020 Awardee	40	4	1	10	4	1	0	4	1	200
2016–2020 Recipient	60	5	4	70	5	4	60	5	4	3800
2016–2020 Project Closed	0	0	0	20	0	0	40	0	0	

The Department's estimated burden for this information collection is as follows:

New Applications:

Expected Number of Respondents:

Approximately 200 per year.

Frequency: Once.

Estimated Average Burden per

Response: 100 hours for each new Application;

For Funding Agreements:

Expected Number of Respondents:

Approximately 30 in Year 1 and 2, 20 in Year 3.

Frequency: Once.

Estimated Average Burden per

Response: 4 hours for each new Funding Agreement.

For Project Monitoring:

Expected Number of Respondents:

Estimated 60 in Year 1, 70 in Year 2, 80 in Year 3.

Frequency: Quarterly.

Estimated Average Burden per

Response: 5 hours for each request for Quarterly Progress and Monitoring Report;

Estimated Total 3-year Burden on Respondents: 64,560 hours. (New Applicants [60,000 hrs], New Awardees/Recipients [560 hrs] + Prior Awardees/Recipients [4000 hrs]).

The following is detailed information and instructions regarding the specific reporting requirements for each report identified above:

Application Stage

To be considered to receive a FASTLANE or INFRA grant, a project sponsor must submit an application to DOT containing a project narrative, as detailed in the Notice of Funding Opportunity. The project narrative should include the information necessary for the Department to determine that the project satisfies eligibility requirements.

Applications must be submitted through www.Grants.gov. Instructions for submitting applications can be found at <https://www.transportation.gov/buildamerica/infragrants>. The application must include the Standard Form 424 (Application for Federal Assistance), Standard Form 424C (Budget Information for Construction Programs), cover page, and the Project Narrative.

The application should include a table of contents, maps, and graphics, as appropriate, to make the information easier to review. The Department recommends that the application be prepared with standard formatting preferences (*i.e.*, a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins). The project narrative may not exceed 25 pages in length, excluding cover pages and table of contents. The only substantive portions that may exceed the 25-page limit are documents supporting assertions or conclusions made in the 25-page project narrative. If possible, website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the project narrative the relevant portion of the project narrative that each supporting document supports. At the applicant's discretion, relevant materials provided previously to a modal administration in support of a different USDOT financial assistance program may be referenced and described as unchanged.

OST estimates that it takes approximately 100 person-hours to compile an application package for a FASTLANE/INFRA application. Since OST expects to receive 200 applications per funding round, the total hours required are estimated to be 20,000 hours (100 hours × 200 applications = 20,000 hours) on a one-time basis, per funding round.

Funding Agreement Stage

DOT enters a funding agreement with each recipient. In the agreement, the recipient describes the project that DOT agreed to fund, which is typically the project that was described in the FASTLANE/INFRA application or a reduced-scope version of that project. The agreement also includes the project schedule and budget.

OST estimates that it takes approximately 4 person-hours to respond to provide the information necessary for funding agreements. Based on previous rounds of FASTLANE/INFRA awards, OST estimates that there will likely be 20 agreements negotiated

per additional funding round. The total hours required are estimated to be 40 (4 hours × 40 agreements = 40 hours) on a one-time basis, per funding round.

Project Monitoring Stage

OST requires each recipient to submit quarterly reports during the project to ensure the proper and timely expenditure of Federal funds under the grant.

The requirements comply with 2 CFR part 200 and are restated in the funding agreement. During the project monitoring stage, the grantee will complete Quarterly Progress Reports to allow DOT to monitor the project budget and schedule.

OST estimates that it takes approximately 5 person-hours to develop and submit a quarterly progress report. OST expects approximately 20 projects to be awarded per funding round, while grants awarded in prior years will reach completion during the year and would no longer need to submit these reports. OST expects recipients and awardees from 2016–2020 will require 3800 hours to submit project monitoring reports while new recipients and awardees will require 560 hours from 2021–2023.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC, on November 12, 2020.

John Augustine,

Director of the Office of Infrastructure Finance and Innovation, Office of the Under Secretary for Transportation Policy.

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DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket Number RITA–2008–0002]

Agency Information Collection Activity; Notice To Continue To Collect: Confidential Close Call Transit Data for the Washington Metropolitan Area Transit Authority (WMATA)

AGENCY: Bureau of Transportation Statistics (BTS), Office of the Assistant Secretary for Research and Technology