

KXHR 2614, and KXHR 10048). Petitioner also requests a Special Approval under 49 CFR 215.203(c), because these cars are older than 50 years of age from the date of original construction. KXHR also requests relief from 49 CFR part 224, *Reflectorization of Rail Freight Rolling Stock*, for these same 5 cars.

KXHR states it has kept the cars for educational purposes and the occasional antique freight train for photographers to preserve a small portion of railroad history. KXHR wishes to preserve period-correct stenciling for aesthetics reasons. All cars will be empty. The maximum speed of these cars is 10 miles per hour. KXHR explains the cars have been inspected and found to be safe and suitable for service to operate under the conditions set forth in the petition. The territorial limits of the operation are within KXHR's trackage and only KXHR will operate these cars.

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) 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. 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 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 June 21, 2019 will be considered by FRA before final action is taken. Comments received

after that date will be considered as far as 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.). 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](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/privacyNotice> for the privacy notice of [regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**  
Deputy Associate Administrator, Office of  
Railroad Safety.

[FR Doc. 2019-09240 Filed 5-6-19; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket Number NHTSA-2019-0027]

#### Agency Information Collection Activities; Notice and Request for Comments; State Notification to Consumers of Motor Vehicle Recall Status

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice of Proposed Information Collection; Request for Comment.

**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes an Information Collection Request (ICR) for which NHTSA intends to seek OMB approval.

**DATES:** Send comments on or before July 5, 2019.

**ADDRESSES:** You may submit comments, identified by [Docket No. NHTSA-

2019-0027] by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

*Fax:* 1-202-493-2251.

*Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Alexander Ansley, Program Support Division, Office of Defect Investigation (NEF-110), (202) 493-0481, National Highway Traffic Safety Administration, Department of Transportation, 1200 New Jersey Avenue SE, W48-336, Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation at 5 CFR 1320.8(d), an agency must ask for public comment on the following: (i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (ii) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) how to enhance the quality, utility, and clarity of the information to be collected; (iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information:

*Title of Collection:* State Notification to Consumers of Motor Vehicle Recall Status.

*OMB Control Number:* None.

*Type of Request:* New information collection request.

*Type of Review:* Regular.

*Form Number:* OMB SF 424, OMB SF 424A, and OMB SF 424B.

*Requested Expiration Date of Approval:* 3 years from date of approval.

*Abstract:* NHTSA is responsible for reducing deaths, injuries and economic losses resulting from motor vehicle crashes. This is accomplished by setting and enforcing safety performance standards for motor vehicles and motor vehicle equipment, and through grants to state and local governments to enable them to conduct effective local highway safety programs. NHTSA investigates safety defects in motor vehicles; sets and enforces fuel economy standards; helps states and local communities reduce the threat of impaired drivers; promotes the use of safety belts, child safety seats and air bags; investigates odometer fraud; establishes and enforces vehicle anti-theft regulations; and provides consumer information on motor vehicle safety issues.

The National Traffic and Motor Vehicle Safety Act, 49 U.S.C. 30101, *et. seq.*, as amended (the Safety Act), requires a motor vehicle manufacturer to notify the owners and purchasers of its vehicles of a safety-related defect, or that the vehicle does not comply with an applicable Federal motor vehicle safety standard.<sup>1</sup> A vehicle manufacturer must provide notice of a recall, in a manner prescribed through regulation by NHTSA, to each person registered under State law as the owner and whose name and address are reasonably ascertainable by the manufacturer through State records or other available sources or, if a registered owner is not notified through State registration information, to the most recent purchaser known to the manufacturer.<sup>2</sup>

In order to identify owners of vehicles subject to a safety-related recall and provide notification to them, a motor vehicle manufacturer typically contracts with a third party that obtains vehicle registration data for the affected vehicles from State motor vehicle administrations. The motor vehicle manufacturer then notifies owners and purchasers by U.S. Mail about the safety recall and, among other things, about how to obtain a remedy to fix the defect or noncompliance.<sup>3</sup> To obtain a remedy, the consumer must then present the recalled motor vehicle to an authorized dealer for the dealer to remedy the defect or noncompliance. 49 U.S.C. 30120.

Recall completion rates can and do vary widely depending on a variety of

factors such as the age and type of vehicle, as well as owners' perception of relative risk.<sup>4</sup> Considering this wide range, regardless of completion averages, the fact remains that there are at any time tens of millions of vehicles on the road with unremedied safety defects or noncompliances, each one creating a safety risk. NHTSA and the motor vehicle industry have sought to improve notice of safety-related defects to owners and to develop ways to increase the rate at which owners complete the remedy identified in the notice.

In 2016, in accordance with Section 24105 of the Fixing America's Surface Transportation (FAST) Act, Pub. L. 114-94, NHTSA announced a pilot program to evaluate the feasibility and effectiveness of a State process to inform consumers of open motor vehicle recalls at the time of motor vehicle registration. The grant was conditioned upon a State having the capability to use a vehicle identification number (VIN) to identify whether the specific vehicle was subject to an open safety recall. In 2017, NHTSA awarded the Maryland Motor Vehicle Administration a grant to provide vehicle owners and lessees notice of open safety related recalls on their vehicles. Maryland began notifying vehicle owners and lessees in the Spring of 2018.

Since the start of the Maryland notification program, several States have expressed an interest in partnering with NHTSA to provide similar recall notification to consumers in their states. While the Maryland Pilot Program offers a promising effort to increase consumer awareness to repair open safety recalls (and an opportunity to measure the effectiveness of such notification), additional notification by State DMVs would increase consumer awareness of open safety recalls and increase the repair rate of recalled vehicles. NHTSA believes such efforts will ultimately reduce the risk of a crash or injury due to a safety defect. Under its existing authority provided in the Safety Act, NHTSA is offering this opportunity to further develop this State to consumer notification to increase awareness of open recalls.

NHTSA encourages applicants to be creative and innovative when developing a proposal (application) for this grant. NHTSA is interested in proposals that provide vehicle owners

and lessees with frequent notifications at touchpoints between the State and the vehicle. For example, NHTSA is interested in proposals that may offer options at the time of vehicle registration and other unique notification methods (or even follow-up notification). One potential option is to have notification at the time of registration and at motor vehicle emissions and/or safety inspection stations. A State is free to propose a process to make use of the functionality that may exist through its inspection stations or other intersection between the State and the consumer's vehicle. NHTSA does not want to discourage innovative approaches, provided they satisfy the program requirements of notification at the intersection of a vehicle owner or lessee and the State.

NHTSA is also interested in proposals that provide an analysis of recall completion data on an ongoing basis to assist in program evaluation, or assessment of owners' attitudes toward a particular recall notification protocol. In particular, NHTSA is interested in ways for a State to identify the motor vehicles that were remedied following notification of an open recall by the State. NHTSA looks forward to reviewing resourceful approaches that will motivate owners to remedy open recalls.

While this funding opportunity will be made available to all states, NHTSA anticipates an estimated twenty (20) state applications. NHTSA will require these applications not exceed 25 pages (not including resumes or appendices). NHTSA will also require OMB Standard Form (SF) 424 (including 424 "Application for Federal Assistance," 424A "Budget Information for Non-Construction Programs," and 424B "Assurances for Non-Construction Programs"), with the required information filled in and certified assurances signed. NHTSA estimates the burden for completing these applications at 3,200 hours total (160 hours × 20 state applicants = 3,200 hours) to allow each applicant thirty (30) days to conduct the necessary research, design their program, and complete the application package.

*Affected Public:* State vehicle registration authorities.

*Estimated Number of Respondents:* 20.

*Frequency:* One-time.

*Number of Responses:* 20.

*Estimated Total Annual Burden Hours:* 3,200.

*Estimated Total Annual Burden Cost:* None.

*Public Comments Invited:* You are asked to comment on any aspect of this

<sup>4</sup> NHTSA, Report to Congress: "Vehicle Safety Recall Completion Rates Report" (2018). A copy of the Vehicle Safety Recall Completion Rates Report is located on NHTSA's website at: [https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/18-3122\\_vehicle\\_safety\\_recall\\_completion\\_rates\\_report\\_to\\_congress-tag.pdf](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/18-3122_vehicle_safety_recall_completion_rates_report_to_congress-tag.pdf).

<sup>1</sup> 49 U.S.C. 30118.

<sup>2</sup> 49 U.S.C. 30119(d).

<sup>3</sup> 49 U.S.C. 30119(d) and 49 CFR part 577.

information collection, including (a) whether the proposed collection of information is necessary for the Department's performance, including whether the information will have practical utility; (b) the accuracy of the Department's estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways to minimize the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, *as amended*; and 49 CFR 1.95.

**Jeffrey Mark Giuseppe,**

*Associate Administrator for Enforcement.*

[FR Doc. 2019-09235 Filed 5-6-19; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2016-0115; Notice 2; Docket No. NHTSA-2016-0138; Notice 2; Docket No. NHTSA-2016-0139; Notice 2]

#### BMW of North America, LLC; Jaguar Land Rover North America, LLC; and Autoliv, Inc.; Decisions of Petitions for Inconsequential Noncompliance

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Decisions of petitions.

**SUMMARY:** Petitioners BMW of North America, LLC and Jaguar Land Rover North America, LLC, have each determined that certain seat belt assemblies equipped in certain 2016–2017 model year vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant Crash Protection*, and FMVSS No. 209, *Seat Belt Assemblies*. Autoliv, Inc. has determined that certain seat belt assemblies sold as replacement parts for use in certain 2016–2017 model year vehicles do not fully comply with FMVSS No. 209, *Seat Belt Assemblies*. The petitioners have requested that NHTSA deem the subject noncompliances inconsequential to motor vehicle safety and based on an agency review and analysis, NHTSA denies the petitioners' request for an inconsequentiality determination. BMW and Jaguar are therefore obligated to provide notification of, and a free remedy for, that noncompliance.

**FOR FURTHER INFORMATION CONTACT:** You may contact either Mr. Daniel Koblenz, Office of Chief Counsel, Telephone: 202–366–2992, Facsimile: 202–366–3820, or Mr. Jack Chern, Office of Vehicle Safety Compliance, Telephone: 202–366–0661, Facsimile: 202–366–3081. The mailing address for these officials is: The National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

#### SUPPLEMENTARY INFORMATION:

##### I. Overview

BMW of North America, LLC (BMW) has determined that certain model year (MY) 2016–2017 BMW, Mini, and Rolls-Royce vehicles do not fully comply with paragraph 4.3(j)(2)(ii) of Federal Motor Vehicle Safety Standard (FMVSS) No. 209, *Seat Belt Assemblies* (49 CFR 571.209) and paragraph 4.1.5.1(a)(3) of FMVSS No. 208, *Occupant Crash Protection*. BMW filed a report dated October 13, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. BMW also petitioned NHTSA on November 4, 2016, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) & 30120(h) and 49 CFR part 556. Notice of receipt of the BMW petition was published, with a 30-day public comment period, on January 18, 2017, in the **Federal Register** (82 FR 5641). One comment was received. Subsequent to publication of receipt of the petition, BMW has since amended both its 573 report and petition on July 6, 2018.

Petitioner Jaguar Land Rover North America, LLC (Jaguar) has determined that certain MY 2016–2017 Land Rover Range Rover and Land Rover Range Rover Sport vehicles do not fully comply with paragraph 4.3(j)(2)(ii) of FMVSS No. 209 and paragraphs 4.2.6 and 7.1.1.3 of FMVSS No. 208, *Occupant Crash Protection*. Jaguar filed a report dated December 2, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. Jaguar also petitioned NHTSA on December 23, 2016, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) & 30120(h) and 49 CFR part 556. Notice of receipt of the Jaguar petition was published, with a 30-day public comment period, on May 12, 2017, in the **Federal Register** (82 FR

22183). No comments were received. Jaguar amended both its 573 report and petition on June 21, 2018.

Petitioner Autoliv, Inc. (Autoliv) has determined that certain replacement seat belt assemblies sold to BMW and Jaguar for installation in their vehicles do not fully comply with paragraph 4.3(j)(2)(ii) of FMVSS No. 209. Autoliv filed a report dated December 1, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. Autoliv also petitioned NHTSA on December 23, 2016, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) & 30120(h) and 49 CFR part 556. Notice of receipt of the Autoliv petition was published, with a 30-day public comment period, on May 11, 2017, in the **Federal Register** (82 FR 22050). No comments were received.

To view these petitions and all supporting documents, you may log onto the Federal Docket Management System (FDMS) website at: <https://www.regulations.gov/>. Then follow the online search instructions to locate docket number “NHTSA–2016–0115” for BMW’s petition, docket number “NHTSA–2016–0138” for Jaguar’s petition, or docket number “NHTSA–2016–0139” for Autoliv’s petition.

##### II. Vehicles Involved

Approximately 15,630 of the following MY 2016–2017 BMW, Mini, and Rolls-Royce vehicles manufactured between June 29, 2016 and October 10, 2016, are potentially affected:

- 2017 BMW X1 SAV (X1 sDrive28i, X1 xDrive28i)
- 2017 BMW 5 Series Gran Turismo (535i Gran Turismo, 535i xDrive Gran Turismo, 550i xDrive Gran Turismo)
- 2016 BMW 5 Series (528i, 528i xDrive, 535i, 535i xDrive, 550i, 550i xDrive, M5)
- 2016 BMW 5 Series (535d, 535d xDrive)
- 2016 Mini Cooper Clubman and Mini Cooper S Clubman
- Mini Hardtop 4-door Cooper and Mini Hardtop 4-door Cooper S
- 2017 Rolls-Royce Ghost

Approximately 16,502 of the following MY 2016–2017 Land Rover vehicles manufactured between May 3, 2016 and October 14, 2016, are potentially affected:

- 2016–2017 Land Rover Range Rover
- 2016–2017 Land Rover Range Rover Sport

Approximately 31,682 Autoliv R230.2 and R200.2 front seat LH10° seat belt