

Floodplain Management; E.O. 12898  
Federal Actions to Address  
Environmental Justice in Minority  
Populations and Low Income  
Populations.  
(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(l)(1).

Issued on: August 12, 2016.

**Catherine A. Batey,**  
Division Administrator, Springfield, Illinois.

[FR Doc. 2016-20229 Filed 8-25-16; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2016-0268]

#### Household Goods Consumer Protection: Application for Exemption; La Rosa Del Monte Express Inc. (LRDM)

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

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

**SUMMARY:** FMCSA announces that La  
Rosa Del Monte Express, Inc. (LRDM)  
has requested an exemption for its  
specialized “Small Residential  
Shipments” (SRS) from the consumer  
protection regulations for the  
transportation of household goods  
(HHG) in interstate commerce. LRDM  
requested that its SRS consisting of  
fewer than 10 items weighing less than  
1,000 pounds total be exempted from  
the HHG regulations. LRDM claims that  
the need for the exemption is made  
clear by the statutory Limited Service  
Exclusion (LSE) for household goods  
motor carriers. LRDM believes that an  
SRS exemption is consistent with the  
purpose of the LSE.

**DATES:** Comments must be received on  
or before September 26, 2016.

**ADDRESSES:** You may submit comments  
bearing the Federal Docket Management  
System (FDMS) Docket ID FMCSA-  
2016-0268 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.

**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,  
please contact Mr. Tom Yager, Chief,  
FMCSA Driver and Carrier Operations  
Division; Telephone: (614) 942-6477;  
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-2016-0268), 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

can contact you if it has questions  
regarding your submission.

To submit your comment online, go to  
[www.regulations.gov](http://www.regulations.gov) and put the docket  
number, “FMCSA-2016-0268” in the  
“Keyword” box, and click “Search.”  
When the new screen appears, click on  
“Comment Now!” button and type your  
comment into the text box in the  
following screen. Choose whether you  
are submitting your comment as an  
individual or on behalf of a third party  
and then submit. If you submit your  
comments by mail or hand delivery,  
submit them in an unbound format, no  
larger than 8½ by 11 inches, suitable for  
copying and electronic filing. If you  
submit comments by mail and would  
like to know that they reached the  
facility, please enclose a stamped, self-  
addressed postcard or envelope. FMCSA  
will consider all comments and material  
received during the comment period  
and may grant or not grant this  
application based on your comments.

##### III. Legal Basis

Before operating for hire in interstate  
commerce, a motor carrier must obtain  
commercial registration under 49 U.S.C.  
13902 and comply with the  
requirements of § 13902(a)(1). To  
provide transportation of HHG, a motor  
carrier must also comply with the  
requirements of § 13902(a)(2).

However, under 49 U.S.C. 13541(a),  
the Secretary of Transportation “shall  
exempt a person, class of persons, or a  
transaction or service from the  
application, in whole or in part, of a  
provision of this part [part B of subtitle  
IV of title 49, United States Code, *i.e.*,  
49 U.S.C. chapters 131-149], or use this  
exemption authority to modify the  
application of a provision of this part as  
it applies to such person, class,  
transaction, or service, when the  
Secretary . . . finds that the application  
of that provision—(1) is not necessary to  
carry out the transportation policy of  
section 13101; (2) is not needed to  
protect shippers from the abuse of  
market power or that the transaction or  
service is of limited scope; and (3) is in  
the public interest.”

Nonetheless, “The exemption  
authority under this section may not be  
used to relieve a person from the  
application of, and compliance with,  
any law, rule, regulation, standard, or  
order pertaining to cargo loss and  
damages, insurance, [or] safety fitness  
. . .” [49 U.S.C. 13541(e)(1)].

The Secretary’s authority to enforce  
49 U.S.C. 13902 and 13541 have been  
delegated to FMCSA by 49 CFR  
1.87(a)(5) and 1.87(a)(3), respectively.  
This notice seeks to clarify the

exemption sought by LRDM, in light of the limitations set forth in § 13541(e)(1).

#### IV. Background

A motor carrier engaged in the interstate transportation of household goods must follow the regulations in 49 CFR part 375. The term “household goods motor carrier” is defined in section 375.103 as a motor carrier that, in the ordinary course of business of providing transportation of household goods, offers some or all of the following additional services: binding and nonbinding estimates; inventorying; protective packing and unpacking of items at personal residences; and loading and unloading at personal residences. However, the term HHG motor carrier excludes any motor carrier providing transportation of HHGs in containers or trailers that are entirely loaded and unloaded by an individual (other than an employee or agent of the motor carrier). This is the LSE provision.

#### V. Request for Exemption

LRDM (US DOT # 25982) is a minority-owned motor carrier with its principal place of business located in Bronx, New York. According to LRDM, for almost 50 years this company has been a leader in providing interstate household goods moving and storage services for primarily minority communities from and between New York, Florida, Connecticut, Illinois, Massachusetts, Pennsylvania, Puerto Rico, and the Dominican Republic.

According to LRDM, in the past several years there has been a need in communities served by LRDM for an efficient, low-cost, no-frills shipment service for SRS consisting primarily of fewer than 10 items weighing a total of no more than 1,000 pounds. Such items include bicycles, refrigerators, washer/dryers and other similar goods. In response to this need, LRDM offers an SRS service that it says combines the efficiency and economy of freight with the safety and professional service of a traditional HHG move.

LRDM contends that the HHG regulations hinder its efforts to meet the needs of the communities it serves. The regulations do not exempt SRS under the Limited Service Exclusion<sup>1</sup> (LSE)

<sup>1</sup> The LSE is a statutory provision that pertains to the definition of “household goods motor carrier.” Through the LSE, Congress specifically excluded certain motor carriers from the definition of household goods motor carriers, and thus exempted those carriers from household goods regulations when the carrier “does not load and unload” the contents of the containers the carrier is shipping. Carriers falling under the LSE are not subject to household goods and consumer protection regulations under FMCSA regulations parts 375 (for

because LRDM takes the time and effort to load and unload these small shipments for its customers. As a result the regulations classify these shipments as large HHG moves.

LRDM seeks the ability to offer its customers an option to ship a limited number of small items at a flat rate that its customers can afford, free from extra costs and burdens associated with HHG regulations. LRDM is requesting that its specialized service be exempt from the HHG requirements under 49 CFR part 375. LRDM asserts that its SRS warrant an exemption from the application of part 375 because such an exemption is in the public interest. It claims that the exemption would further support DOT’s transportation policy goals by promoting safe, economical, and efficient transportation by allowing a variety of quality and price options to the public.

To LRDM’s knowledge no other carrier/mover, ground, freight, or otherwise, offers a similar service. These shipments are unique and in a class of their own; are too large and/or heavy for ground transportation; and too small to be economical or affordable to be shipped as freight or through a portable storage container covered under the LSE.

LRDM explains that its customers cannot turn to traditional ground carriers because the SRS shipments far exceed those services’ 150 pound maximum weight for any one parcel. Nor can its customers turn to less-than-truckload (LTL) freight services which are prohibitively expensive due to mileage and other freight charges. LTL carriers also require sophisticated packing with items securely fastened to a pallet or skid.

LRDM advises that customers cannot turn to the portable storage container service options. According to LRDM, those services, although excluded from HHG moving regulations under the LSE, are not made for SRS and are prohibitively expensive. For example, the cost of shipping an average sized refrigerator from New York to Miami would cost between \$600–\$1,000 by traditional freight service (not including the cost and time to properly pack and secure the refrigerator on a pallet) and over \$1,800 by a portable storage container service. However, in comparison, if LRDM was not required

household goods, including form requirements), 365 (for motor carrier registration requirements) and 387 (for insurance requirements). See 49 U.S.C. 13102(12)(C); see also 49 CFR 375.103, HHG definition, paragraphs (3) and (4); Limited Service Exclusion for Household Goods Motor Carriers and Related Registration Requirements for Brokers, 78 Fed. Reg. 19568 (Apr. 1, 2013).

to burden its customers with the “excessive costs” and “unreasonable forms” associated with HHG regulations intended for much larger moves, LRDM would be able to offer shipment of the same merchandise for a flat fee in the range of \$125–\$500.

LRDM contends that the intent of the LSE was to give consumers “access to low-cost transportation services as an alternative to traditional, full-service, moving companies.” The intent of its exemption application is exactly the same; to give consumers access to an efficient and affordable shipping option for SRS.

LRDM states that the HHG regulations were not meant to regulate SRS. LRDM believes the HHG regulations, as they are currently applied to smaller shipments, are unnecessary and unreasonable. Rather than being a means of protecting the public from carrier abuses, HHG regulations burden LRDM’s customers with excessive costs and unreasonably lengthy and confusing forms that undermine DOT’s transportation policy goals.

LRDM advises that the forms require LRDM to spend time and resources assisting its customers traverse the maze of paperwork required by the HHG regulations no matter how small the shipment. These resources could be used to make SRS shipments more affordable and more efficient.

A copy of LRDM’s application for the exemption is available for review in the docket for this notice.

Issued on: August 18, 2016.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2016–20498 Filed 8–25–16; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### Amended Pre-Trip Safety Information for Motorcoach Passengers

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

**ACTION:** Notice.

**SUMMARY:** The FMCSA amends its pre-trip safety guidance recommending that the motorcoach industry encourage passengers to use lap/shoulder seat belts. This amended guidance is provided in response to National Transportation Safety Board (NTSB) recommendations and the National Highway Transportation Safety Administration’s (NHTSA) Final Rule published on November 25, 2013 [78 FR