DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0051]

Commercial Driver’s License Requirements: Dealers’ Choice Truckaway System, Inc. dba Truckmovers; Irontiger Logistics, Inc.; Truckaway System, Inc. dba Driveaway, Inc. (the applicants). The application was submitted by Dealers’ Choice Standards; (202) 366–2722; MCPSD@DOT.GOV.

III. Background

Current Regulatory Requirements

Section 383.3 (49 CFR 383.3) requires that every individual operating a CMV in interstate, foreign, or intrastate commerce hold a CDL. Under 49 CFR 383.5, the definition of CMV includes a vehicle weight rating (GVWR) of less than 26,001 pounds. The application includes the driver, but with a gross vehicle weight rating (GVWR) of less than 26,001 pounds. The application was submitted by Dealers’ Choice Truckaway System, Inc. dba Truckmovers; Irontiger Logistics, Inc.; TM Canada, Inc.; and Victory Driveaway, Inc. (the applicants). The applicants transport minibuses from points of manufacture or distribution to school districts around the country. They argue that the current shortage of CDL drivers threatens to leave bus manufacturers without sufficient means to move their minibuses to customers.

DISTRIBUTION:

FMCSA encourages you to participate by submitting comments and related materials.

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the Federal Register (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The Agency’s decision must be published in the Federal Register (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).
motor vehicle designed to transport 16 or more passengers, including the driver, even if the vehicle is less than 26,001 pounds. Generally, the driver would be required to possess a Class C CDL with a passenger endorsement (49 CFR 383.91, 383.93).

Applicants’ Request

The applicants request an exemption from the CDL requirements for a driver operating an empty passenger CMV. The seating capacities of the minibuses transported by the applicants’ drivers may reach 33 passengers or more, including the driver but in all cases the GVWR is less than 26,001 pounds. The applicants state that they have experienced challenges finding CDL drivers and that this situation threatens to leave bus manufacturors without sufficient means to move minibuses to distributors and customers. To ensure an equivalent level of safety, the applicant emphasizes that the drivers would transport empty passenger CMVs with a GVW less than 26,001 pounds, would remain subject to the driver qualification standards in 49 CFR part 391, and would still hold a valid operators’ license.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on the application for an exemption from 49 CFR part 383. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the ADDRESSES section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,
Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION
Federal Motor Carrier Safety Administration
[Docket No. FMCSA–2021–0070]
Inspection, Repair and Maintenance; Inspector Qualifications; Application for an Exemption From the American Trucking Associations (ATA)

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

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

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) requests public comment on an application from the American Trucking Associations (ATA) for an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) that would allow an individual who completes a training program consistent with a set of Recommended Practices (RPs) developed by ATA’s Technology and Maintenance Council (TMC) to be considered a qualified inspector for purposes of the periodic inspection rule, or a qualified brake inspector, for purposes of the brake system inspection, repair and maintenance requirements.

DATES: Comments must be received on or before August 13, 2021.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2021–0070 using any of the following methods:

• Website: http://www.regulations.gov. Follow the instructions for submitting comments on the Federal electronic docket site.
• Fax: 1–202–493–2251.
• Mail: Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
• Hand Delivery or Courier: Bring comments to Docket Operations in Room W12–140 of the West Building Ground Floor, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday–Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.
• Delivery by hand in the room where the Docket Operations is located.


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–2021–0070), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or