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*Instructions:* All submissions must include the agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>, and follow the online instructions for accessing the dockets, or go to the street address listed above. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

*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](https://www.regulations.gov). As described in the system of records notice DOT/ALL-14 FDMS, which can be reviewed at <https://www.dot.gov/privacy>, the comments are searchable by the name of the submitter.

*Public Participation:* The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the "FAQ" section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

**FOR FURTHER INFORMATION CONTACT:** Ms. Pearlle Robinson, FMCSA Driver and Carrier Operations Division, DOT, FMCSA, West Building, 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590; (202) 366-4225 or by email at [pearlie.robinson@dot.gov](mailto:pearlie.robinson@dot.gov). If you have questions on viewing or submitting

material to the docket, contact Docket Services, telephone (202) 366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

An LCV is any combination of a truck-tractor and two or more semi-trailers or trailers that operates on the National System of Interstate and Defense Highways (according to 23 CFR part 470.107) and has a gross vehicle weight greater than 80,000 pounds. To enhance the safety of LCV operations on our Nation's highways, section 4007(b) of the Motor Carrier Act of 1991 directed the Secretary of Transportation to establish Federal minimum training requirements for drivers of LCVs (Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102-240, 105 Stat. 1914, 2152). The Secretary of Transportation delegated responsibility for establishing these requirements to FMCSA (49 CFR part 1.87), and on March 30, 2004, after appropriate notice and solicitation of public comment, FMCSA established the current training requirements for operators of LCVs (69 FR 16722). The regulations bar motor carriers from permitting their drivers to operate an LCV if they have not been properly trained in accordance with the requirements of § 380.113. Drivers receive an LCV Driver-Training Certificate upon successful completion of these training requirements. Motor carriers employing an LCV driver must verify the driver's qualifications to operate an LCV and must maintain a copy of the LCV Driver-Training Certificate and present it to authorized Federal, State, or local officials upon request.

##### **Renewal of This Information Collection (IC)**

The current burden estimate associated with this IC, approved by OMB on June 26, 2020, is 4,200 hours. The expiration date of the current ICR is June 30, 2023. Through this ICR renewal, the Agency requests an increase in the burden hours from 4,200 hours to 4,360 hours. The increase is the result of the increase in estimated driver population as well as the increase in expected industry growth rate for drivers from 2020 to 2030.

*Title:* Training Certification for Drivers of LCVs.

*OMB Control Number:* 2126-0026.

*Type of Request:* Renewal of an information collection.

*Respondents:* LCV training providers, drivers, and motor carriers employing LCV drivers.

*Estimated Number of Respondents:* 52,082, consisting of 240 LCV training

providers, plus 240 newly-certified LCV drivers seeking employment, plus 25,681 currently certified LCV drivers seeking employment plus 25,921 motor carriers employing LCV drivers.

*Estimated Time per Response:* 10 minutes for preparation of LCV Driver-Training Certificates for drivers who successfully complete the LCV training, and 10 minutes for activities associated with the LCV Driver-Training Certificate during the hiring process.

*Expiration Date:* June 30, 2023.

*Frequency of Response:* On occasion.

*Estimated Total Annual Burden:* 4,360 hours.

*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 the 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 information collected. The agency will summarize or include your comments in the request for OMB's clearance of this ICR.

Issued under the authority of 49 CFR 1.87.

**Thomas P. Keane,**

*Associate Administrator, Office of Research and Registration.*

[FR Doc. 2022-21977 Filed 10-7-22; 8:45 am]

**BILLING CODE 4910-EX-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2022-0080]

#### **Agency Information Collection Activities; Renewal of an Approved Information Collection: Lease and Interchange of Vehicles**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (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 review and approval. This ICR will enable FMCSA to document the burden associated with the for-hire truck leasing regulations and passenger carrier regulations. These regulations require certain for-hire property carriers and certain for-hire and private passenger

carriers to have a formal lease when leasing equipment from other motor carriers. FMCSA requests approval to renew an ICR titled, "Lease and Interchange of Vehicles."

**DATES:** Comments on this notice must be received on or before November 10, 2022.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:**

Stacy Ropp, Compliance Division, DOT, FMCSA, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590-0001; (609) 661-2062; [Stacy.Ropp@dot.gov](mailto:Stacy.Ropp@dot.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Lease and Interchange of Vehicles.

*OMB Control Number:* 2126-0056.

*Type of Request:* Renewal of a currently approved ICR.

*Respondents:* Motor carriers authorized by the Secretary of Transportation (Secretary) to transport property and passengers that use leased equipment.

*Estimated Number of Respondents:* 48,046 [45,536 property carriers (lessees and lessors) + 2,510 passenger-carrying motor carriers (lessees and lessors)].

*Estimated Time per Response:* Varies from 5 to 30 minutes.

*Expiration Date:* October 31, 2022.

*Frequency of Response:* On occasion.

*Estimated Total Annual Burden:* 212,256 hours.

**Background**

*Property transportation.* Under 49 U.S.C. 14102(a), The Secretary "may require a motor carrier providing for-hire transportation that uses motor vehicles not owned by it to transport property under an arrangement with another party to—

(1) make the arrangement in writing signed by the parties specifying its duration and the compensation to be paid by the motor carrier;

(2) carry a copy of the arrangement in each motor vehicle to which it applies during the period the arrangement is in effect;

(3) inspect the motor vehicles and obtain liability and cargo insurance on them; and

(4) have control of and be responsible for operating those motor vehicles in compliance with requirements

prescribed by the Secretary on safety of operations and equipment, and with other applicable law as if the motor vehicles were owned by the motor carrier."

The Secretary has delegated authority pertaining to leased motor vehicles to FMCSA pursuant to 49 CFR 1.87(a)(6). The Agency's regulations governing leased motor vehicles are at 49 CFR part 376.

The regulations were adopted to ensure that small trucking companies were protected when they agreed to lease their equipment and drivers to larger for-hire carriers. They also ensure the government and members of the public can determine who is responsible for a property-carrying commercial motor vehicle. Prior to adoption of the regulations, some equipment was leased without written agreements, leading to disputes over which party to the lease was responsible for charges and actions and, at times, who was legally responsible for the vehicle.

The regulations specify what must be covered in the lease, but leave open how many responsibilities must be divided. The parties to the lease determine numerous details between themselves.

Part 376 applies only to certain motor carriers in interstate commerce and only to certain leasing situations based on exemptions set forth in § 376.11, which cross references other provisions in part 376. Section 376.11 provides that an authorized carrier (a person or persons authorized to engage in the transportation of property as a motor carrier under the provisions of 49 U.S.C. 13901 and 13902) may perform authorized transportation using equipment it does not own only when the following conditions are met:

(1) There shall be a written lease granting the use of the equipment and meeting the requirements contained in § 376.12;

(2) Receipts, specifically identifying the equipment to be leased and stating the date and time of day possession is transferred, shall be given; and

(3) The authorized carrier acquiring the use of equipment under this section shall identify the equipment as being in its service.

*Passenger transportation.* FMCSA can regulate the lease and interchange of passenger-carrying commercial motor vehicles based on the authority of the Motor Carrier Act of 1935 and the Motor Carrier Safety Act of 1984, as amended. FMCSA's regulations about the lease and interchange of passenger-carrying commercial motor vehicles in subpart G of 49 CFR part 390 help ensure that passenger carriers cannot evade FMCSA oversight and enforcement by entering

into lease agreements to operate under the authority of another carrier that exercises no control over these operations. Motor carriers that (1) operate passenger-carrying commercial motor vehicles, (2) have active operating authority registration with FMCSA to transport passengers, and (3) engage in the lease or interchange of passenger-carrying commercial motor vehicles with other motor carriers that have active operating authority registration with FMCSA to transport passengers, are not subject to the regulations in subpart G of 49 CFR part 390 and the recordkeeping requirements therein. Such regulations and requirements also do not apply to financial leases (such as a closed-end lease, hire purchase, lease purchase, purchase agreement, installment plan, demonstration or loaner vehicle, etc.) between a motor carrier and a bank or similar financial organization or a manufacturer or dealer of passenger-carrying commercial motor vehicles.

Section 390.403(b) specifies the four required items of information that any lease or interchange record document for passenger-carrying commercial motor vehicles is required to contain. These are (1) vehicle identification information; (2) information about and signatures of the involved motor carriers of passengers [the lessor and the lessee]; (3) specific duration of the lease or interchange agreement; and (4) a clear statement about exclusive possession and responsibilities. Section 390.403(c) requires a copy of the lease or interchange agreement be on the passenger-carrying commercial motor vehicle during the period of the lease or interchange agreement. Both the lessee and lessor must retain a copy of the lease or interchange agreement for one year after the expiration date.

These property carrier and passenger carrier provisions account for the burden in this information collection. The program change increase of 75,968 estimated annual burden hours (212,256 proposed estimated annual burden hours—136,288 currently approved estimated annual burden hours) is due to the availability of new or improved data, the use of enhanced analysis or estimation methodologies, and/or the correction of arithmetic or other errors made previously when calculating the burden for the currently approved information collection. Previous estimates were based on 2017 data. Current passenger carrier-related estimates are based on the October 29, 2021, Licensing and Insurance, Motor Carrier Management Information System, and Safety Measurement System snapshots. Current property

carrier related estimates are based on the November 26, 2021, Licensing and Insurance, Motor Carrier Management Information System, and Safety Measurement System snapshots. The data pulled for the current ICR shows an increase in the overall number of affected property carriers and a decrease in the overall number of affected passenger carriers from the data used in the previous ICR. The increase in the number of affected property carriers was greater than the decrease in the overall number of affected passenger carriers which resulted in an increase in the overall burden hours associated with this ICR.

**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.

Issued under the authority of 49 CFR 1.87.

**Thomas P. Keane,**

Associate Administrator, Office of Research and Registration.

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket Nos. NHTSA-2019-0095; NHTSA-2019-0134; Notice 2]

#### Specialty Tires of America, Inc., Grant of Petitions for Decision of Inconsequential Noncompliance

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

**ACTION:** Grant of petitions.

**SUMMARY:** Specialty Tires of America, Inc. (STA) has determined that certain STA light truck tires do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New Pneumatic Tires for Motor Vehicles with a GVWR of More than 4,536 kilograms (10,000 pounds) and Motorcycles*, or FMVSS No. 139, *New Pneumatic Radial Tires for Light Vehicles*. STA filed noncompliance reports dated August 27, 2019, November 15, 2019, and November 18, 2019. STA also petitioned NHTSA on September 16, 2019, and

December 13, 2019, and later amended the former on March 3, 2020, for a decision that the subject noncompliances are inconsequential as they relate to motor vehicle safety. This document announces the grant of STA's petitions.

#### FOR FURTHER INFORMATION CONTACT:

Jayton Lindley, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (325)-655-0547, [Jayton.Lindley@dot.gov](mailto:Jayton.Lindley@dot.gov).

#### SUPPLEMENTARY INFORMATION:

*I. Overview:* STA has determined that certain STA light truck tires do not fully comply with paragraph S6.5(f) of FMVSS No. 119, *New Pneumatic Tires for Motor Vehicles with a GVWR of More than 4,536 kilograms (10,000 pounds) and Motorcycles* (49 CFR 571.119) or paragraphs S5.5(e) and (f) of FMVSS No. 139, *New Pneumatic Radial Tires for Light Vehicles* (49 CFR 571.139). STA filed noncompliance reports dated August 27, 2019, November 15, 2019, and November 18, 2019, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. STA also petitioned NHTSA on September 16, 2019, and December 13, 2019, and later amended the former on March 3, 2020, 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) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

Notice of receipt of STA's petitions was published with a 30-day public comment period, on October 6, 2020, in the **Federal Register** (85 FR 63161). NHTSA received one comment from the general public. While the Agency takes great interest in the public's concerns and appreciates the commenter's feedback, the comment does not address the purpose of this particular petitions. To view the petitions and all supporting documents, log onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Then follow the online search instructions to locate docket numbers "NHTSA-2019-0095 and NHTSA-2019-0134."

*II. Tires Involved:* Approximately 5,489 of the following STA light truck tires, manufactured between January 1, 2009, and October 27, 2019, and certified to FMVSS No. 119, are potentially involved:

- 8-17.5 LT STA Super Traxion
- 8-17.5 STA Super Transport
- 8-14.5LT G/14 STA Super Transport

- 8-14.5LT F 12 STA Super Transport
- 7.50-18 STA Super Traxion
- 7.50-17 STA Super Transport
- 10.00-20 STA Super Transport

Approximately 2,887 of the following STA light truck tires, manufactured between February 2, 2014, and September 1, 2019, and certified to FMVSS No. 139, are potentially involved:

- 37x12.50R20LT Interco SSR
- 37x12.50R17LT Interco SSR
- 35x12.50-16LT Interco Thornbird
- 33x13.50R17LT Interco Irok

*III. Noncompliance:* STA explains that in both cases, the noncompliance is that the sidewalls of the subject tires incorrectly state the ply material and number of plies and, therefore, do not meet the applicable requirement specified in either paragraph S6.5 of FMVSS No. 119 or paragraphs S5.5(e) and (f) of FMVSS No. 139. Specifically, the subject tires were incorrectly marked in the following ways:

- 8-17.5LT STA Super Traxion Sidewall marked as Tread: 6 Ply Nylon, Sidewall: 4 Ply Nylon Correct marking should be Tread: 4 Ply Nylon, Sidewall: 4 Ply Nylon
- 8-17.5 STA Super Transport Sidewall marked as Tread: 6 Ply Nylon, Sidewall: 4 Ply Nylon Correct marking should be Tread: 4 Ply Nylon, Sidewall: 4 Ply Nylon
- 8-14.5LT G/14STA Super Transport Sidewall marked as Tread: 6 Ply Nylon, Sidewall: 6 Ply Nylon Correct marking should be Tread: 8 Ply Nylon, Sidewall: 6 Ply Nylon
- 8-14.5LT F 12 STA Super Transport Sidewall marked as Tread: 6 Ply Nylon, Sidewall: 6 Ply Nylon Correct marking should be Tread: 8 Ply Nylon, Sidewall: 6 Ply Nylon
- 7.50-18 STA Super Traxion Sidewall marked as Tread: 4 Ply Nylon, Sidewall: 4 Ply Nylon Correct marking should be Tread: 6 Ply Nylon, Sidewall: 4 Ply Nylon
- 7.50-17 STA Super Transport Sidewall marked as Tread: 4 Ply Nylon, Sidewall: 4 Ply Nylon Correct marking should be Tread: 6 Ply Nylon, Sidewall: 6 Ply Nylon
- 10.00-20 STA Super Transport Sidewall marked as Tread: 10 Ply Nylon, Sidewall: 10 Ply Nylon Correct marking should be Tread: 8 Ply Nylon, Sidewall: 6 Ply Nylon
- 37x12.50R20LT Interco SSR Sidewall marked as Tread: 3 Poly + 2 Steel + 1 Nylon, Sidewall: 3 Poly Correct marking should be Tread: 2 Poly + 2 Steel + 2 Nylon, Sidewall: 2 Poly
- 37x12.50R17LT Interco SSR Sidewall marked as Tread: 3 Poly + 2