

and weight of LED flares that provide stability to the devices during windy conditions; and (4) the safe use of LED flares near chemical or fuel spills.

A few commentors expressed concern about the potential for self-discharge of the batteries in the LED flares while they are stored without use in the truck. We note that the FMCSRs control for proper function of LED flares. Emergency equipment is an inspection item under § 396.11 as required by the FMCSR's. As such, if the LED flares are not functioning properly due to self-discharge during storage, the driver must complete a driver vehicle inspection report at the completion of the workday, and the motor carrier must ensure that the defect is corrected prior to vehicle re-dispatch.

For these reasons, the Agency believes that granting the use of LED flares as an alternative to emergency equipment currently specified in 49 CFR 393.95(f) will likely provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption. When compared to the bidirectional emergency reflective triangles, fusees, or liquid-burning flares, the Pi Variables LED flares provide drivers with an equivalent visual alert that (1) encourages vehicles to reduce speed near stopped CMVs, (2) directs vehicles to merge into another lane when lanes are closed, and (3) is not confusing for the motoring public. Additionally, Pi Variables' LED flares are safer for use where roadside fire hazards are present.

## V. Terms and Conditions

### Exemption Period

The Agency hereby grants Pi Variables an exemption for a 5-year period, beginning June 27, 2023 and ending June 27, 2028 unless rescinded earlier by FMCSA.

### A. Conditions of Exemption

1. This exemption is limited to Pi Variables' Pi-Lit LED flares and does not apply to any other LED flare system/technology.

2. During the exemption period, motor carriers operating CMVs may use Pi-Lit LED flares in orange or red LED color in lieu of the bidirectional emergency reflective triangles, fusees, and liquid-burning flares specified in § 393.95(f).

3. Motor carriers deploying Pi-Lit LED flares under this exemption must deploy at least 3 flares within the time period and in the manner specified for deployment in 49 CFR 392.22.

4. The Pi-Lit LED flares must conform to the performance requirements

specified in Underwriters Laboratories, Inc., UL No. 912, Highway Emergency Signals, Sixth Edition, May 11, 2018 for resistance to rain, wind, and dust, and minimum illuminance.

5. Interested parties possessing information that would demonstrate that motor carriers utilizing Pi-Lit LED flares are not achieving the requisite statutory level of safety should immediately notify FMCSA by email at [MCPSD@DOT.GOV](mailto:MCPSD@DOT.GOV). The Agency will evaluate any such information and if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

### B. Preemption

In accordance with 49 U.S.C. 31313(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

### C. Termination

FMCSA does not believe that motor carriers, drivers, and CMVs covered by the exemption will experience any deterioration of their safety record. However, should this occur, FMCSA will take all steps necessary to protect the public interest, including revocation of the exemption without prior notice. The exemption will be rescinded if: (1) motor carriers and/or CMVs fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) or 31315(b).

**Robin Hutcheson,**

*Administrator.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2022-0075]

### Parts and Accessories Necessary for Safe Operation; Exemption for Daimler Coaches North America, LLC

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

**ACTION:** Notice of final disposition; grant of application for exemption.

**SUMMARY:** The FMCSA announces its decision to grant Daimler Coaches North America, LLC's (Daimler Coaches) application for a limited five-year exemption to allow its driver assistance camera technology (DACT) device to extend beyond the current mounting location limits in the lower area of the windshield on Tourrider commercial motorcoaches. The Agency has determined that higher placement of Daimler Coaches' DACT device would not have an adverse impact on safety and that adherence to the terms and conditions of the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety provided by the regulation.

**DATES:** This exemption is effective June 27, 2023 and ending June 22, 2028.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jose R. Cestero, Mechanical Engineer, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC-PSV, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590-0001; or via telephone: (202) 366-5541; or email: [jose.cestero@dot.gov](mailto:jose.cestero@dot.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Public Participation

##### Viewing Comments and Documents

To view comments, go to [www.regulations.gov](http://www.regulations.gov), insert the docket number "FMCSA-2022-0075" in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, click "Browse Comments."

To view documents mentioned in this notice as being available in the docket, go to [www.regulations.gov](http://www.regulations.gov), insert the docket number "FMCSA-2022-0075" in the keyword box, click "Search," and chose the document to review.

If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC

20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

## II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) 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)).

## III. Current Regulatory Requirements

### *Current Regulatory Requirements*

Section 393.60(e)(1) currently requires vehicle safety technologies mounted along the lower edge of the swept area to not extend more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers and be outside the driver's sight lines to the road and highway signs and signals.

### *Applicant's Request*

Daimler Coaches has applied for an exemption to allow its DACT device to be mounted on the windshield of Tourrider luxury motorcoaches at a location extending approximately 2.44 inches beyond the lower mounting area limits specified in 49 CFR 393.60(e)(1)(ii)(B). Daimler reports that this exemption would apply to approximately 200 Tourrider motorcoaches annually.

In its application, Daimler Coaches states that the DACT device manages the functionality of the Lane Departure

Warning, Adaptive Cruise Control, and Active Brake Assist 5 (ABA5) systems. These systems are each part of the minimum standard safety system equipped on the vehicle and are integral to the Electronic Stability Program. ABA5 uses both existing radar and the new DACT device for both pedestrian and vehicle recognition, commonly referred to as a "forward collision mitigation system."

Daimler Coaches has noted previous exemptions granted by the Agency for similar technologies on other commercial vehicles and supplier technologies. For example, the Agency has previously granted exemptions for Bendix Commercial Vehicle Systems LLC, 85 FR 77336 (April 06, 2021), Netradyn, Inc. 85 FR 82575 (Dec 18, 2020), J.J. Keller & Associates, Inc. 85 FR 75106 (November 24, 2020), Samsara Networks, Inc. 85 FR 68409 (Oct. 28, 2020), Nauto Inc. 85 FR 64220 (Oct. 9, 2020), Lytx Inc. 85 FR 30121 (May 21, 2020), and Navistar Inc. 84 FR 64952 (Nov. 25, 2019).

Without the proposed exemption, Daimler Coaches states that its clients will be fined for violating current regulations.

## IV. Method To Ensure an Equivalent or Greater Level of Safety

Daimler Coaches contends that its DACT device was developed and used in individual Daimler trucks, buses, and motorcoaches in Europe and subject to months of prototype on-road testing and that it has confirmed that the system did not obstruct the driver's normal sight lines on the road, highways signs, signals, or mirrors. Further, it contends that the location of the device—within the sweep of the left side windshield wiper—also ensures the safe operation of the system in inclement weather, where the sensors' field of view is wiped clean by normal use of the windshield wiper system.

Finally, Daimler Coaches states that it believes that mounting the DACT device will maintain a level of safety that is "at the very least equivalent to, but in our evaluations, far greater than the level of safety achieved without the exemption not only for the motorcoach in operation, but also for other road users, plus pedestrians and cyclists in urban areas."

FMCSA considered the development of the DACT device, the driver seating position, and the minimal amount of additional protrusion beyond the permitted area within the swept area of the windshield wiper when assessing the impact of the exemption on safety.

## V. Public Comments

FMCSA published a notice of the application in the **Federal Register** on August 5, 2022, and asked for public comment (87 FR 48063). The Agency received no comments.

## VI. FMCSA Decision

FMCSA has evaluated the Daimler Coaches exemption application. The DACT device housing is approximately 187 mm (7.36 inches) tall by 277 mm (10.9 inches) wide and will be mounted 100 mm (3.8 inches) from the center of the windshield on the driver's side with the edge of the housing extending approximately 240 mm (about 9.44 inches) above the lower edge of the area swept by the windshield wipers. Daimler Coaches stated in its petition that similar safety camera technologies have been granted by the Agency. FMCSA notes that those technologies, while similar, have different mounting location requirements than the driver assistance technology developed by Daimler Coaches. Other safety camera technologies are mounted on the upper edge of the area swept by the windshield wipers, whereas Daimler Coaches' safety system is installed on the lower edge of the area swept by the windshield wipers.

The DACT device will be mounted outside the driver's normal sight lines to the road ahead, signs, signals, and mirrors. Daimler Coaches states that this location will allow for optimal functionality of the safety features supported by the device. The location of the technology—within the sweep of the windshield wiper—also ensures the safe operation of the system in inclement weather, where the sensors' field of view can be wiped 'clean' through normal use of the windshield wiper system. Additionally, because of the sweep pattern of the windshield wiper, only the corner of the DACT device housing extends into the prohibited mounting area. Daimler Coaches believes this location to be critical for optimal functionality of the DACT device safety system, which would not be achieved by mounting it (1) higher in the windshield, and (2) within the location limits specified in section 393.60(e)(1)(ii).

The Agency agrees with Daimler Coaches that installation of an operational driver assistance technology such as the DACT device system provides a greater level of safety than would be provided if the technology were not available. FMCSA does not believe that the location of Daimler Coaches' camera technology will impede driver visibility of normal

sightlines towards signs, signals, and mirrors because (1) the safety device minimally exceeds the lower edge of the area swept by the windshield wipers; (2) generally, motorcoaches have an elevated seating position that greatly improves the forward visual field of view, and any resultant impairment of available sight lines would be minimal; and (3) the mounting location of Daimler Coaches' camera technology will be reasonable and enforceable at roadside.

In addition, the Agency believes the use of Daimler Coaches' DACT device by fleets is likely to improve the overall level of safety for the motoring public. For these reasons, the Agency believes that allowing placement of the Daimler Coaches' DACT device beyond the area of the lower windshield currently permitted by Agency regulations will likely provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

## VII. Terms and Conditions for the Exemption

During the temporary exemption period, motor carriers are allowed to operate Daimler Tourrider commercial motorcoaches equipped with Daimler Coaches' DACT device mounted not more than 240 mm (9.5 inches) above the lower edge of the area swept by the windshield wipers; and outside the driver's sight lines to the road and highway signs and signals. When operating under this exemption, motor carriers are subjected to the following terms and conditions:

1. This exemption is limited to Daimler Coaches' DACT device on Tourrider commercial motorcoaches and does not apply to any other camera safety technology device or commercial motor vehicle (CMV).

2. This exemption is subject to revocation prior to the 5-year expiration in the event that FMCSA obtains information supporting and makes a determination that use of the DACT safety device on Tourrider motorcoaches does not achieve the requisite statutory level of safety or the exemption is not consistent with 49 U.S.C. 31136(e). Interested parties possessing information demonstrating that motor carriers utilizing Daimler Coaches' DACT safety device on Tourrider motorcoaches are not achieving the requisite statutory level of safety should immediately notify FMCSA at [MCPSD@DOT.GOV](mailto:MCPSD@DOT.GOV). The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with 49

U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

### Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

### Termination

The exemption is valid for 5 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) motor carriers operating Tourrider commercial motorcoaches fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Robin Hutchesson,  
Administrator.

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## DEPARTMENT OF THE TREASURY

### Community Development Financial Institutions Fund

#### Open Meeting: Community Development Advisory Board

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces an open meeting of the Community Development Advisory Board (the Advisory Board), which provides advice to the Director of the Community Development Financial Institutions Fund (CDFI Fund). This meeting will be conducted virtually. A link to register to view the meeting can be found at the top of [www.cdfifund.gov/cdab](http://www.cdfifund.gov/cdab).

**DATES:** The meeting will be held from 10:00 a.m. to 11:00 a.m. Eastern Time on Friday, July 7, 2023.

**Submission of Written Statements:** Participation in the discussions at the meeting will be limited to Advisory Board members, Department of the Treasury staff, and certain invited guests. Anyone who would like to have the Advisory Board consider a written statement must submit it by 5:00 p.m.

Eastern Time on Thursday, June 29, 2023. Send electronic statements to [AdvisoryBoard@cdfi.treas.gov](mailto:AdvisoryBoard@cdfi.treas.gov).

In general, the CDFI Fund will make all statements available in their original format, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers, for virtual public inspection and copying. The CDFI Fund is open on official business days between the hours of 9:00 a.m. and 5:00 p.m. Eastern Time. You can make arrangements to virtually inspect statements by emailing [AdvisoryBoard@cdfi.treas.gov](mailto:AdvisoryBoard@cdfi.treas.gov). All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should only submit information that you wish to make publicly available.

**FOR FURTHER INFORMATION CONTACT:** Bill Luecht, Senior Advisor, Office of Legislative and External Affairs, CDFI Fund; (202) 653-0322 (this is not a toll-free number); or [AdvisoryBoard@cdfi.treas.gov](mailto:AdvisoryBoard@cdfi.treas.gov). Other information regarding the CDFI Fund and its programs may be obtained through the CDFI Fund's website at <http://www.cdfifund.gov>.

**SUPPLEMENTARY INFORMATION:** Section 104(d) of the Riegle Community Development and Regulatory Improvement Act of 1994 (Pub. L. 103-325), which created the CDFI Fund, established the Advisory Board. The charter for the Advisory Board has been filed in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. 1001 *et seq.*), and with the approval of the Secretary of the Treasury.

The function of the Advisory Board is to advise the Director of the CDFI Fund (who has been delegated the authority to administer the CDFI Fund) on the policies regarding the activities of the CDFI Fund. The Advisory Board does not advise the CDFI Fund on approving or declining any particular application for monetary or non-monetary awards.

In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. 1009 and the regulations thereunder, Bill Luecht, Designated Federal Officer of the Advisory Board, has ordered publication of this notice that the Advisory Board will convene an open meeting, which will be conducted virtually, from 10:00 a.m. to 11:00 a.m. Eastern Time on Friday, July 7, 2023. Members of the public who wish to view the meeting must register in advance. The link to the registration system can be found in the meeting announcement found at the top of