

(c) The CMV may be designed to haul a harvested agricultural commodity or equipment for harvesting or be a support vehicle for custom-harvesting operations, such as a service truck;

(d) The CMV may be hauling a harvested agricultural commodity or equipment for the purpose of custom harvesting;

(e) The CMV may have a newly harvested commodity or remnants on board;

(f) The driver will be able to provide a verifiable location of the current harvesting operation or delivery location for a harvested commodity.

(5) The USCHI must provide FMCSA with a list of motor carrier USDOT numbers that are engaged in custom farm operations every 90 days. The driver must be working for a motor carrier with a USDOT number identified in the most current list provided to FMCSA by USCHI. See additional FMCSA notification requirements in Section VII.E below. This exemption applies to USCHI members only.

#### D. 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.

#### E. Notification to FMCSA

Starting in May of 2024 and every 90 days thereafter, USCHI must provide FMCSA with the USDOT numbers of the motor carriers that will be operating under this exemption. The USCHI must notify FMCSA within five business days of any crash (as defined in 49 CFR 390.5), involving any of the drivers operating under the terms of the exemption. The notification must include the following information:

(a) Identity of Exemption: "USCHI Renewal,"

(b) Name of the custom harvester employer and USDOT number,

(c) Date of the crash,

(d) Origin and intended destination of the USCHI driver's trip and the distance (in miles) of the crash from the driver's home terminal,

(e) Driver's name, license number, and age,

(f) Vehicle number and State license number,

(g) Number of individuals suffering physical injury

(h) Number of fatalities,

(i) The police-reported circumstances of the crash,

(j) Whether the driver was cited for violation of any traffic laws or motor carrier safety regulations,

(k) The driver's total driving time and total on-duty time period prior to the accident,

(l) Information about what safety training, if any, was provided to drivers operating under this exemption after the driver obtained a CDL, and

(m) A scanned copy of the police accident report.

Reports filed under this provision shall be emailed to [MCPSD@DOT.GOV](mailto:MCPSD@DOT.GOV).

#### F. Termination

The exemption will be rescinded if: (1) the USCHI, motor carriers, and drivers operating under the exemption 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 objects of 49 U.S.C. 31136(e) and 31315.

Should FMCSA receive notice of any potential adverse safety impacts, FMCSA will take all steps necessary to protect the public interest, including revocation or restriction of the exemption if necessary. FMCSA may immediately revoke or restrict the exemption for failure to comply with its terms and conditions.

#### Sue Lawless,

Acting Deputy Administrator.

[FR Doc. 2024-13323 Filed 6-17-24; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2022-0122]

#### Entry-Level Driver Training: Application for Exemption; State of Alaska

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

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

**SUMMARY:** FMCSA announces that it has received an application from the State of Alaska for a renewal of its exemption from the limitations imposed by the commercial driver's license (CDL) regulations on the State's ability to issue

restricted CDLs. The exemption renewal would allow the State to waive specified portions of the CDL skills test for drivers who reside and operate in 14 defined geographic areas that lack the infrastructure to allow completion of the full skills test. Drivers who receive a restricted CDL under the provisions of the current exemption would also be exempt from the Entry-Level Driver Training (ELDT) regulations. The State of Alaska currently holds an exemption for the period December 28, 2022, through December 30, 2024, and requests a five-year renewal of the exemption. FMCSA requests public comment on Alaska's request for exemption.

**DATES:** Comments must be received on or before July 18, 2024.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-2022-0122 using any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). See the Public Participation and Request for Comments section below for further information.

- *Mail:* Docket Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building, Ground Floor, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

- *Fax:* (202) 493-2251.

Each submission must include the Agency name and the docket number for this notice (FMCSA-2022-0122). 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 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. 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 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, 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>. The comments are posted without edit and are searchable by the name of the submitter.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver, and Vehicle Safety Standards; (202) 366-2722; [richard.clemente@dot.gov](mailto:richard.clemente@dot.gov). If you have questions on viewing or submitting material to the docket, contact Dockets 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-2022-0122), indicate the specific section of this document to which the comment applies, and provide a reason for your 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-2022-0122" in the "Keyword" box, and click "Search." When the new screen appears, click on the "Comment" 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.

### **II. Legal Basis**

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from Federal Motor Carrier Safety Regulations (FMCSRs). 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 safety analyses submitted by the applicant. The Agency must 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(a)). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

### **III. Background**

#### *Current Regulatory Requirements*

Under 49 CFR 383.3(e), Alaska may waive certain knowledge and skills tests requirements and issue restricted CDLs. These restricted CDLs are valid only within the State and are subject to certain conditions. To be eligible for a restricted CDL, drivers must operate exclusively over roads that are not connected to the State highway system and are not connected to any highway or vehicular way with an average daily traffic volume greater than 499 (49 CFR 383.3(e)(2)). The Federal Highway Administration, FMCSA's predecessor agency, set the daily traffic volume limit at 499 in its grant of a request for a waiver in 1989 (54 FR 33230) and codified it in the FMCSRs in 1996 (61 FR 9546). Relatedly, the ELDT regulations set forth in 49 CFR 380, subparts F and G, establish minimum training standards for individuals applying for certain CDLs and define curriculum standards for theory and behind-the-wheel training. The ELDT curriculum in 49 CFR part 380, appendix A, section A3.1, requires Class A CDL applicants to demonstrate proficiency in proper techniques for initiating vehicle movement, executing left and right turns, changing lanes, navigating curves at speed, entry and exit on the interstate or controlled-access highway, and stopping the vehicle in a controlled manner. Under 49 CFR 380.603(a)(2), drivers issued a restricted CDL by the State of Alaska are exempt from the ELDT requirements.

Under the CDL regulations, before receiving a CDL from a State, a driver must pass a safe on-road driving test.

Requisite skills include: the ability to adjust speed to various driving conditions (49 CFR 383.113(c)(4)); and the ability to choose a safe gap when driving around other vehicles (49 CFR 383.113(c)(4)).

### **IV. Request for Exemption Renewal**

On July 6, 2022, the Agency published a notice seeking comment on Alaska's request for an exemption from the portion of the ELDT curriculum that requires a Class A CDL applicant to demonstrate proficiency in proper techniques for initiating vehicle movement, executing left and right turns, changing lanes, navigating curves at speed, entry and exit on the interstate or controlled-access highway, and stopping the vehicle in a controlled manner (87 FR 40334). The application stated that compelling the State to comply with these requirements would "have devastating impacts on rural Alaska's movement of produce, prescriptions, people, and other goods." According to the application, parts of rural Alaska do not fit the requirements for the restricted CDL in 49 CFR 383.3(e), since they contain roads with an average daily traffic volume that is greater than 499.

On December 28, 2022, after analyzing the application and public comments, the Agency published its decision (87 FR 79932). FMCSA opted not to grant the exemption from the ELDT curriculum in 49 CFR part 380, appendix A, section A3.1, as requested by the State, stating that under the requested exemption drivers, who had not received the full ELDT curriculum, would be eligible for CDLs that were unrestricted and valid outside of Alaska. Instead, FMCSA granted Alaska a two-year exemption from some of the conditions required under 49 CFR 383.3(e) for the issuance of a restricted CDL. The exemption allows the State to waive the portions of the CDL skills test enumerated in 49 CFR 383.113(c)(3) and (4) for drivers who reside in one of 14 defined geographic areas. These areas lack the infrastructure to allow completion of the full skills test. Drivers who receive a restricted CDL under the provisions of the exemption under this exemption may not operate outside of the 14 defined geographic areas. Also, under 49 CFR 380.603(a)(2), these drivers are not subject to the ELDT regulations. FMCSA concluded that granting the exemption, subject to the stated terms and conditions, was likely to achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved absent the exemption.

*Application for Renewal of Exemption*

Citing the same reasons as the initial request, the State of Alaska has applied for a renewal of the current exemption for a period of five years.

**V. Applicant's Method To Ensure an Equivalent or Greater Level of Safety**

The applicant states that its commitment to safety remains unchanged and adds that it is not aware of any decline in safety during the current exemption. As required of the terms and conditions, the applicant provided to FMCSA a list of drivers that were issued a CDL under this exemption. The drivers' safety records as well as the comments received to this notice will be reviewed and analyzed by the Agency. A copy of the State of Alaska's application for renewal of its exemption is available for review in the docket for this notice.

**IV. Request for Comments**

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on the State of Alaska's application for an extension of an exemption from some of the conditions required for the issuance of a restricted CDL. 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.*

[FR Doc. 2024-13325 Filed 6-17-24; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

[Docket No. NHTSA-2019-0041; Notice 2]

**FCA US LLC, Denial of Petition for Decision of Inconsequential Noncompliance**

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

**ACTION:** Denial of petition.

**SUMMARY:** FCA US LLC (f/k/a Chrysler Group LLC) (FCA), has determined that certain MY 2014-2019 Fiat 500 motor vehicles do not comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 138, *Tire Pressure Monitoring Systems*. FCA filed a noncompliance report dated April 11, 2019, and subsequently petitioned NHTSA on May 3, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces and explains the denial of FCA's petition.

**FOR FURTHER INFORMATION CONTACT:** Kamna Ralhan, Office of Vehicle Safety Compliance, NHTSA, (202) 366-7236.

**SUPPLEMENTARY INFORMATION:****I. Overview**

FCA has determined that certain MY 2014-2019 Fiat 500 motor vehicles do not comply with paragraph S4.2(a) of FMVSS No. 138, *Tire Pressure Monitoring Systems* (49 CFR 571.138). FCA filed a noncompliance report dated April 11, 2019, pursuant to 49 CFR 573, *Defect and Noncompliance Responsibility and Reports*, and subsequently petitioned NHTSA on May 3, 2019, 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 40 U.S.C. 30118 and 49 U.S.C. 30120, *Exemption for Inconsequential Defect or Noncompliance*.

Notice of receipt of FCA's petition was published with a 30-day public comment period, on September 12, 2019, in the **Federal Register** (84 FR 48208). No comments were received. To view the petition 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 number "NHTSA-2019-0041."

**II. Vehicles Involved**

Approximately 12,675 MY 2014-2019 Fiat 500 motor vehicles, manufactured between July 27, 2013, and February 9, 2019, are potentially involved.

**III. Noncompliance**

FCA explains that the noncompliance is that the subject vehicles are equipped with incorrectly programmed tire pressure monitor system (TPMS) sensors that do not meet the minimum activation pressure requirements of paragraph S4.2(a) of FMVSS No. 138. Specifically, the TPMS sensors may not

illuminate the low tire pressure warning telltale until the inflation pressure is one to two pounds per square inch (PSI) below the minimum allowable activation pressure.

**IV. Rule Requirements**

Paragraph S4.2(a) of FMVSS No. 138 provides the requirements relevant to this petition. The TPMS must illuminate a low tire pressure warning telltale not more than 20 minutes after the inflation pressure in one or more of the vehicle's tires, up to a total of four tires, is equal to or less than either the pressure 25 percent below the vehicle manufacturer's recommended cold inflation pressure, or the pressure specified in the 3rd column of Table 1 of FMVSS No. 138 for the corresponding sort of tire, whichever is higher.

**V. Summary of FCA's Petition**

The following views and arguments presented in this section, "V. Summary of FCA's petition," are the views and arguments provided by FCA and do not reflect the views of the Agency. FCA describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

FCA states that the subject vehicles comply with FMVSS No. 110 which requires that the vehicle maximum load on the tire not be greater than the applicable maximum load rating as marked on the sidewall of the tire. In addition, FCA states that the vehicles are equipped with tires that meet FMVSS No. 139 requirements which include performance testing for low tire inflation pressure. In accordance with this performance testing, a tire is loaded to its maximum tire load capacity and is then inflated to 140 kPa, (20 PSI). While inflated to 20 PSI, the tire is loaded to 100 percent of the tire's maximum load carrying capacity and run on a test axle for 1.5 hours.

FCA explains that the subject vehicles are noncompliant because the low tire pressure warning telltale illuminates when the pressure decreases to 28-27 PSI but is required to illuminate when the pressure decreases to 28.5 PSI. FCA states that 28-27 PSI is more than the 20 PSI required in FMVSS No. 139 testing. Therefore, according to FCA, a driver of the subject vehicle would have "sufficient time to check and inflate tires well before the tires would be susceptible to appreciable damage."

FCA adds that it is not aware of any crashes, injuries, or customer complaints associated with the condition. FCA says that NHTSA has granted a prior inconsequentiality petition that involved a similar