

your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; 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-2012-0032), 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-2012-0032" 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.

**II. Legal Basis**

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from the 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 the safety analyses and the public comments, 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 decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

**III. Daimler Application for Exemption Renewal**

Daimler has applied for a renewal of an exemption for one of its engineers from 49 CFR 383.23, which prescribes licensing requirements for drivers operating CMVs in interstate or intrastate commerce. This driver, Sven Ennerst, holds a valid German commercial license but is unable to obtain a CDL in any of the U.S. States due to residency requirements. A copy of the request for renewal, dated February 15, 2017, is in the docket identified at the beginning of this notice.

FMCSA granted a renewal of an exemption to Mr. Ennerst on July 22, 2015 (80 FR 45576). This exemption was effective July 22, 2015, and expires July 22, 2017. Detailed information about the qualifications and experience of Mr. Ennerst was provided by Daimler in its original application, a copy of which is in the docket referenced above. Renewal of the exemption will enable Mr. Ennerst to operate CMVs in interstate or intrastate commerce to support Daimler field tests designed to meet future vehicle safety and environmental requirements and to develop improved safety and emission technologies. According to Daimler, Mr. Ennerst will typically drive for no more than 6 hours per day for 2 consecutive days, and 10 percent of the test driving will be on two-lane State highways, while 90 percent will be on interstate highways. The driving will consist of no more than 200 miles per day, for a total

of 400 miles during a two-day period on a quarterly basis. He will in all cases be accompanied by a holder of a U.S. CDL who is familiar with the routes to be traveled. Daimler requests that the exemption cover the maximum allowable duration of 5 years.

Daimler has explained in prior exemption requests that the German knowledge and skills tests and training program ensure that Daimler's drivers operating under the exemption will achieve a level of safety that is equivalent to, or greater than, the level of safety obtained by complying with the U.S. requirement for a CDL.

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

FMCSA has previously determined that the process for obtaining a German commercial license is comparable to, or as effective as, the requirements of part 383, and adequately assesses the driver's ability to operate CMVs in the U.S. Since 2012, FMCSA has granted Daimler drivers similar exemptions [May 25, 2012 (77 FR 31422); July 22, 2014 (79 FR 42626); March 27, 2015 (80 FR 16511); October 5, 2015 (80 FR 60220); July 12, 2016 (81 FR 45217); July 25, 2016 (81 FR 48496)].

Issued on: May 8, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017-09736 Filed 5-12-17; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2016-0111]

**Parts and Accessories Necessary for Safe Operation; Application for an Exemption From the International Institute of Towing and Recovery (IITR)**

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

**ACTION:** Notice of final disposition

**SUMMARY:** The Federal Motor Carrier Safety Administration (FMCSA) announces its decision to grant the International Institute of Towing and Recovery's (IITR's) application for a limited 5-year exemption to allow commercial motor vehicle (CMV) operators to secure automobiles, light trucks, and vans using a total of four tiedowns—two fixed and two adjustable—instead of using a minimum of two tiedowns, both of which need to be adjustable. While the Federal Motor Carrier Safety Regulations (FMCSRs) require each tiedown, or its associated

connectors or its attachment mechanisms to be adjustable, the Agency has determined that the use of four tiedowns to secure light vehicles, only two of which are adjustable, will (1) prevent lateral, forward, rearward, and vertical movement of the load when in transit, and (2) provide a level of safety that is equivalent to, or greater than, the level of safety provided by the regulation.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Amina Fisher, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC-PSV, (202) 366-2782, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4007 of the Transportation Equity Act for the 21st Century (TEA-21) [Pub. L. 105-178, June 9, 1998, 112 Stat. 401] amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). On August 20, 2004, FMCSA published a final rule (69 FR 51589) implementing section 4007. Under this rule, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public with 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 the safety analyses and the public comments 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 decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must specify the effective period of the exemption (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

##### IITR's Application for Exemption

IITR applied for an exemption from 49 CFR 393.112 to allow CMV operators

to secure automobiles, light trucks, and vans using a total of four tiedowns—two fixed and two adjustable—instead of using a minimum of two tiedowns, both of which are required to be adjustable. A copy of the application is included in the docket referenced at the beginning of this notice.

Section 393.112 of the FMCSRs, “Must a tiedown be adjustable?” states “Each tiedown, or its associated connectors, or its attachment mechanisms must be designed, constructed, and maintained so the driver of an in-transit commercial motor vehicle can tighten them. However, this requirement does not apply to the use of steel strapping.”

Section 393.128 of the FMCSRs, “What are the rules for securing automobiles, light trucks and vans?,” states in paragraph (b)(1) that “Automobiles, light trucks, and vans must be restrained at both the front and rear to prevent lateral, forward, rearward, and vertical movement using a minimum of two tiedowns.”

In its application, IITR states that the towing industry has adopted a securement method for light vehicles whereby two non-adjustable tiedowns are attached to the rear of disabled vehicle, and then “snugged up or adjusted by using the winch to remove any slack in the chains.” Two adjustable chains are used to secure the front of the disabled vehicle to the transport vehicle, and “as the front binder or ratchet is tightened up, it not only tightens up the front tiedown chain but the rear tiedown chain as well.” IITR states that this securement system will prevent any lateral, forward, rearward, and vertical movement of the disabled vehicle, and that the four-point tiedown system exceeds the minimum tiedown requirements specified in the FMCSRs. Additional information is provided in the IITR application included in the docket referenced at the beginning of this notice.

##### Public Comments

On September 28, 2016, FMCSA published notice of the IITR application and requested public comment (81 FR 66728). The Agency received six comments, all in support of IITR's application. All commenters believe that the use of a four-tiedown system provides greater assurance that the transported vehicle will be properly secured to prevent lateral, forward, rearward, and vertical movement when compared to the minimally required two tiedowns permitted by the regulations. Mr. Peter O'Connell, commenting on behalf of the Towing and Recovery Association of America, the Conference

of North-Eastern Towing Associations, and the Empire State Towing and Recovery Association, stated that “A non-adjustable chain is also stronger than one with a ratcheting device, which is the weakest point of the securement—a factor to be considered in a head on collision with a heavy vehicle, such as a small truck or SUV on board.”

##### Discussion

The FMCSRs, as currently written, do not prohibit the use of a four-tiedown system to restrain automobiles, light trucks and vans. Instead, the regulations require a minimum of two tiedowns, both of which must be adjustable. However, the Agency agrees with the commenters that the use of a four-point tiedown system consisting of two fixed tiedowns and two adjustable tiedowns will provide a level of safety that is equivalent to or greater than a system that uses two adjustable tiedowns. In the configuration described in the application, tensioning of the adjustable tiedowns on one end of the load via binders, ratchets, a winch, or the tilt of the vehicle bed will in turn provide a controlled tensioning of the other, fixed tiedowns. The use of four tiedowns in this manner will provide restraint of the transported vehicle in the lateral, longitudinal, and vertical direction as required by section 393.128(b)(1) of the FMCSRs. In addition, FMCSA notes that the use of a four-tiedown system wherein all four tiedowns are adjustable (as opposed to just two as suggested in the IITR exemption application) will provide proper securement.

FMCSA notes that in addition to the cargo securement requirements of part 393, section 392.9(b)(2) of the FMCSRs requires every driver to inspect the cargo and the devices used to secure the cargo within the first 50 miles after beginning a trip and make adjustments to the cargo or load securement devices as necessary—including adding more securement devices—to ensure that the cargo cannot shift on or within or fall from the CMV. Further, section 392.9(b)(3) of the FMCSRs requires every driver to reexamine the cargo and its load securement devices during the course of transportation and make any necessary adjustment whenever (1) the driver makes a change of duty status, (2) the CMV has been driven for 3 hours, or (3) the CMV has been driven for 150 miles, whichever occurs first.

##### FMCSA Decision

FMCSA has evaluated the comments received in support of IITR's application. The Agency agrees that allowing the use of four tiedowns, at

least two of which are adjustable, to secure automobiles, light trucks and vans will prevent against lateral, forward, rearward, and vertical motion as required in 49 CFR 393.128. The Agency believes that this configuration will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

#### Terms and Conditions for the Exemption

The Agency hereby grants the exemption for a 5-year period, beginning May 15, 2017 and ending May 16, 2022. During the temporary exemption period, motor carriers will be allowed to use a four-tiedown system, at least two of which must be adjustable, to secure automobiles, light trucks and vans under 49 CFR 393.128. The exemption will be valid for 5 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles 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).

Interested parties possessing information that would demonstrate that motor carriers who use two non-adjustable tiedowns in addition to the two required adjustable tiedowns are not achieving the requisite statutory level of safety should immediately notify FMCSA. 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. 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.

Issued on: May 8, 2017.

**Daphne Y. Jefferson,**  
Deputy Administrator.

[FR Doc. 2017-09738 Filed 5-12-17; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2002-12432; FMCSA-2002-12844; FMCSA-2004-19477; FMCSA-2005-23238; FMCSA-2006-26066; FMCSA-2008-0106; FMCSA-2008-0266; FMCSA-2008-0340; FMCSA-2009-0291; FMCSA-2009-0321; FMCSA-2010-0114; FMCSA-2010-0187; FMCSA-2010-0201; FMCSA-2010-0354; FMCSA-2010-0385; FMCSA-2012-0040; FMCSA-2012-0104; FMCSA-2012-0159; FMCSA-2012-0214; FMCSA-2012-0337; FMCSA-2012-0338; FMCSA-2012-0339; FMCSA-2014-0004; FMCSA-2014-0006; FMCSA-2014-0007; FMCSA-2014-0296; FMCSA-2014-0298; FMCSA-2014-0299; FMCSA-2014-0300]

#### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 81 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

**DATES:** Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or 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., e.t., Monday through Friday, except Federal holidays.

*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 <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

## II. Background

On March 8, 2017, FMCSA published a notice announcing its decision to renew exemptions for 81 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (82 FR 13048). The public comment period ended on April 7, 2017, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person:

Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

## III. Discussion of Comments

FMCSA received no comments in this proceeding.

## VI. Conclusion

As of February 5, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 26 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (71 FR 5105; 71 FR 19600; 73 FR 11989; 73 FR 35194; 73 FR 35197; 73 FR 48273; 73 FR 48275; 73 FR 75803; 74 FR 6209; 74 FR 65842; 75 FR 9478; 75 FR 13653; 75 FR 44050; 75 FR 52062; 75 FR 54958; 75 FR 70078; 76 FR 4413; 76 FR 46793; 76 FR 59245; 77 FR 7234; 77 FR 17107; 77 FR 27847; 77 FR 36336; 77 FR 38386; 77 FR 46795; 77 FR