

**SUPPLEMENTARY INFORMATION:****I. Viewing Comments and Documents**

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2017-0319/document> and choose the document to review. To view comments, click this notice, then click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, 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)(2) and 49 CFR 381.300(b) to renew an exemption from the FMCSRs for subsequent periods of up to 5 years if it finds that such exemption would likely maintain a level of safety that is equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305(a)).

**III. Background**

On June 18, 2024, FMCSA issued a notice of provisional renewal of exemption for AFTC for a period of 6 months.<sup>1</sup> FMCSA requested comments on the application for exemption from AFTC on the use of alternative cargo securement methods. The comment period closed on July 18, 2024. The Agency did not receive any comments to the notice.

**IV. Exemption Decision****A. Grant of Exemption**

As explained in the provisional renewal of exemption notice, the Agency believes that granting the temporary exemption to allow alternative methods for the securement of agricultural commodities in wood and plastic boxes and bins and large fiberglass tubs, as well as hay, straw, and cotton bales that are grouped together into larger singular units, as proposed by AFTC in its original exemption application, will likely provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption. The Agency hereby grants an exemption for a 5-year period, beginning April 15, 2024, and ending April 15, 2029, from 49 CFR 393.102,

393.106, 393.110, and 393.114, to allow alternate methods for the securement of (1) agricultural commodities transported in wood and plastic boxes and bins and large fiberglass tubs, and (2) hay, straw, and cotton bales that are grouped together into large singular units.

**B. Applicability of Exemption**

During the exemption period, motor carriers operating commercial motor vehicles (CMVs) may use certain alternative methods for the securement of agricultural commodities transported in wood and plastic boxes and bins and large fiberglass tubs, as well as hay, straw, and cotton bales that are grouped together into large singular units, as proposed by AFTC in its original exemption application.

**C. Terms and Conditions****1. General:**

Motor carriers and CMVs operating under this exemption must comply with all other applicable Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR parts 350-399), unless specifically exempted from a requirement.

**2. Limitation of Exemption:**

This exemption applies exclusively to CMVs transporting agricultural commodities in wood and plastic boxes and bins and large fiberglass tubs, as well as hay, straw, and cotton bales that are grouped together into large singular units.

**3. Recurring Data Reporting Requirements:**

AFTC must provide recurring yearly data submissions to include information on crashes and incidents involving CMVs transporting agricultural commodities in wood and plastic boxes and bins and large fiberglass tubs, as well as hay, straw, and cotton bales that are grouped together into large singular units when operating under this exemption. The first submission is due 5 months after the date of publication of the provisional exemption renewal in the **Federal Register** (published June 18, 2024), and subsequent submissions are due every 12-months thereafter until the exemption expires or is revoked. The yearly data submissions must be sent via email to FMCSA at [MCPSD@dot.gov](mailto:MCPSD@dot.gov). If AFTC lacks certain categories of information, alternative information may be discussed with FMCSA and submitted if approved.

**4. Data Reporting Requirements for Crashes and Incidents:**

At the end of each 12-month period, AFTC must submit a report detailing crash rates, vehicle miles traveled, number and type of CMVs operating under the exemption, and the date of the crash or incident, time, location, and

a brief description of the event. AFTC must provide any available information indicating malfunction of the alternative cargo securement methods.

**5. Meetings:**

AFTC must meet with FMCSA upon request to answer questions regarding data and information provided under the exemption.

**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 that conflicts with or is inconsistent with this exemption with respect to a person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

**E. Termination**

FMCSA does not believe that motor carriers, drivers, and CMVs covered by the exemption will experience any deterioration of safety below the level that would be achieved without the exemption. The exemption will be rescinded if: (1) motor carriers, drivers, 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 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).

**Vincent G. White,**

*Deputy Administrator.*

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**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2014-0071]

**Hours of Service of Drivers: McKee Foods Transportation, LLC, Application for Exemption**

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

**ACTION:** Notice of application for renewal of exemption; extension of comment period.

**SUMMARY:** FMCSA reopens the comment period for its July 10, 2024, notice requesting public comment on an application from McKee Foods Transportation, LLC (MFT) for a renewal of its exemption from the hours-of-service regulation pertaining to the use of a sleeper berth. FMCSA has

<sup>1</sup> 89 FR 51586.

added a supplemental document to the docket titled “McKee Foods Transportation Sleeper-Berth Exemption Provisions Interpretation.” FMCSA reopens the comment period to allow the public an opportunity to review MFT’s application for renewal of its exemption along with the supplemental document available for review in the docket.

**DATES:** Comments must be received on or before November 21, 2024.

**FOR FURTHER INFORMATION CONTACT:** Ms. Pearlle Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; FMCSA; 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4225; or [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:

#### I. Public Participation and Request for Comments

Instructions and additional information concerning submitting comments may be viewed under the **ADDRESSES** heading and in section I of the **SUPPLEMENTARY INFORMATION** heading in the July 10, 2024, notice of MFT’s exemption renewal application at 89 FR 56787–56788.

#### II. Background

FMCSA published a notice of MFT’s application to renew its exemption “for the maximum available period” from the sleeper berth requirements, which previously were set forth in 49 CFR 395.1(g)(1)(ii)(A) and (B) on July 10, 2024, with a comment deadline of August 9, 2024. That notice sought public comment on the renewal application but did not include the supplemental document titled “McKee Foods Transportation Sleeper-Berth Exemption Provisions Interpretation” in the docket. FMCSA believes that potential commenters should have an opportunity to review both documents. Accordingly, FMCSA reopens the comment period for all comments on MFT’s application for renewal of its exemption in light of the supplemental document explaining the interpretation of the exemption.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2024–24451 Filed 10–21–24; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0090]

#### Parts and Accessories Necessary for Safe Operation; Exemption Renewal for Automobile Carriers Conference and Auto Haulers Association of America

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

**ACTION:** Notice of final disposition; renewal of exemption.

**SUMMARY:** FMCSA announces its final decision to renew an exemption requested jointly by the Automobile Carriers Conference (ACC) of the American Trucking Associations and the Auto Haulers Association of America (AHAA) to relieve motor carriers operating stinger-steered automobile transporter equipment from the requirement to place warning flags on projecting loads of new and used motor vehicles. The Federal Motor Carrier Safety Regulations (FMCSRs) require any commercial motor vehicle (CMV) transporting a load which extends more than 4 feet beyond the rear of the vehicle be marked with a single red or orange fluorescent warning flag at the extreme rear if the projecting load is 2 feet wide or less and two warning flags if the projecting load is wider than 2 feet. The exemption is renewed for 5 years, unless revoked earlier.

**DATES:** This renewed exemption is effective August 9, 2024, through February 15, 2029, unless revoked earlier. Comments must be received on or before November 21, 2024.

**FOR FURTHER INFORMATION CONTACT:** David Sutula, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–9209; [MCPSV@dot.gov](mailto:MCPSV@dot.gov). If you have questions on viewing material in the docket, call Dockets Operations at (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

#### I. Public Participation

##### A. Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2018-0090/document> and choose the document to review. To view comments, click this notice, then click “Browse Comments.” If you do not have

access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, 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.

##### B. Privacy

In accordance with 49 U.S.C. 31315(b)(6), 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 (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

#### II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b)(2) and 49 CFR 381.300(b) to renew an exemption from the FMCSRs for subsequent 5-year periods if it finds that such exemption would likely maintain a level of safety that is equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305(a)). ACC and AHAA have requested a 5-year extension of the current exemption.

#### III. Background

##### Current Regulatory Requirements

FMCSA requires in § 393.87 any CMV transporting a load which extends beyond the sides by more than 4 inches, or more than 4 feet beyond the rear, to have the extremities of the load marked with red or orange fluorescent warning flags. Each warning flag must be at least 18 inches square. There must be a single flag at the extreme rear if the projecting load is 2 feet wide or less, and two warning flags are required if the projecting load is wider than 2 feet.<sup>1</sup> The flags must be located to indicate the maximum width of loads which extend beyond the sides and/or rear of the vehicle.

<sup>1</sup> In their renewal request, the applicants additionally asked for relief from 49 CFR 393.11, which requires “lamps or reflective devices” to be affixed to the rear of a load that extends more than 4 feet beyond a trailer. Because this is a new request for exemption, FMCSA is not considering the request with the renewal of the current exemption. FMCSA will process that request separately.