



**DEPARTMENT OF TRANSPORTATION**

[4910-EX-P]

**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2012-0032]

**Commercial Driver's License Standards: Application for Renewal of Exemption; Daimler Trucks North America (Daimler)**

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

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

**SUMMARY:** FMCSA announces that Daimler Trucks North America (Daimler) has requested the renewal of an exemption from the requirement for a commercial driver's license (CDL) for one commercial motor vehicle (CMV) driver, Sven Ennerst, who holds a German commercial license. The renewal would allow Mr. Ennerst to continue to test-drive Daimler vehicles on U.S. roads to better understand product requirements for these systems in "real world" environments, and verify results. Daimler believes that German regulations ensure that holders of a German commercial license will likely achieve a level of safety equal to or greater than that of drivers who hold a U.S. CDL.

**DATES:** Comments must be received on or before [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER.] Proposed effective dates of the exemption renewal are July 22, 2015 through July 22, 2017.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA-2012-0032 by any of the following methods:

- Federal eRulemaking Portal: [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments.
- Fax: 1-202-493-2251.
- Mail: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.
- Hand Delivery or Courier: West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number.

For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to [www.regulations.gov](http://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 [www.regulations.gov](http://www.regulations.gov) at any time and in the box labeled “SEARCH for” enter FMCSA-2012-0032 and click on the tab labeled “SEARCH.”

Privacy Act: In accordance with 5 USC 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](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines under the “help” section of the Federal eRulemaking Portal Web site. 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.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202-366-4325. E-mail: [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the CDL requirements of 49 CFR 383.23 for a maximum 2-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.” The procedures for requesting an exemption (including renewals) are prescribed in 49 CFR part 381. 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 renewal 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 granting or denying the exemption renewal, 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 specify the effective period of the exemption (up to 2 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

### **Daimler Application for Exemption Renewal**

Daimler has applied for a 2-year 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 18, 2015, is in the docket identified at the beginning of this notice.

FMCSA initially granted an exemption to Mr. Ennerst on July 22, 2014 (79 FR 42626). This exemption was effective July 22, 2014 and expires July 22, 2015. 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 renewal cover a two-year period.

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.

### **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. In the past 2 years, FMCSA has published several similar Daimler exemption requests, most recently a notice granting a 2-year exemption to Daimler driver Dr. Wolfgang Bernhard (79 FR 51641, August 29, 2014).

### **Request for Comments**

In accordance with 49 U.S.C. 31136(e) and 31315(b)(4), FMCSA requests public comment on Daimler's request for a renewal of Mr. Ennerst's exemption from 49 CFR 383.23. The Agency will consider all comments received by close of business on [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER.]

FMCSA will review all comments received by this date and determine whether renewal of the exemption is consistent with the requirements of 49 U.S.C. 31136(e) and 31315. As indicated above, on prior occasions, the Agency determined that providing an exemption for other Daimler drivers does not compromise the level of safety that would exist if the exemption were not granted. These prior FMCSA decisions were based on careful consideration of the comments received, and on the merits of each driver's demonstrated knowledge and skills about the safe operation of CMVs.

**Issued on:** April 8, 2015.

Larry W. Minor,  
Associate Administrator for Policy.

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