



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2020-0191]

Parts and Accessories Necessary for Safe Operation; Application for Exemption Renewal from Loomis Armored US, LLC

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

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

SUMMARY: FMCSA requests public comment on an application from Loomis Armored US, LLC (Loomis), seeking renewal of a 5-year exemption that would allow Loomis to continue operating armored vehicles with welded-shut cab doors and the addition of two doors behind the cab. FMCSA is required by statute to publish a notice explaining each exemption request. FMCSA reviews the application, safety analyses, and public comments submitted and may grant or deny the exemption. Therefore, this notice should not be construed as a preliminary decision on the matter.

DATES: Comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE **FEDERAL REGISTER**].

ADDRESSES: You may submit comments identified by Docket Number FMCSA-2020-0191 by any of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. See the Public Participation and Request for Comments section below for further information.
- **Mail:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58-213, West Building, Washington, DC 20590-0001.
- **Hand Delivery or Courier:** 1200 New Jersey Avenue SE, W58-213, West Building, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.

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

Each submission must include the Agency name and the docket number (FMCSA-2020-0191) for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the Privacy Act heading below.

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, as described in the system of records notice DOT/ALL-14 FDMS (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notice>.

The comments are posted without edit and are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Mr. Jose Cestero, Mechanical Engineer, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, FMCSA; (202)-366-5541; jose.cestero@dot.gov. If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2020-0191), 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 e-mail 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 <https://www.regulations.gov/docket/FMCSA-2020-0191/document>, click on this notice, click “Comment,” and type your comment into the text box on the following screen.

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.

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA

headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, insert FMCSA-2021-0191 in the keyword box, select the document tab 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 by visiting Dockets Operations in room W58-213 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) 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 the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, 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 absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). 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. Applicant's Request

Current Regulatory Requirements

Section 393.203(a) of the FMCSRs requires that (1) cab compartment doors or door parts used as an entrance or exit shall not be missing or broken; (2) doors shall not sag so that they cannot be properly opened or closed; and (3) no door shall be wired shut or otherwise secured in the closed position so that it cannot be readily opened. Section 393.203(a) includes an exception when the vehicle is loaded with pipe or bar stock that blocks the door and the cab has a roof exit.

Application for Renewal of Exemption

Loomis Armored US, LLC requests a renewal of its exemption to operate its specialized armored vehicles designed to allow a reduced number of employees to safely transport cash and other valuables using proprietary security technology. FMCSA originally granted the 5-year exemption effective October 18, 2021 through October 13, 2026 (86 FR 57738). In its initial application, Loomis stated that because its technology required cab doors different from those provided by the original equipment manufacturer, Loomis welded shut the original driver and passenger cab doors and installed two high-security doors behind the cab: a trap compartment door equipped with biometric access for authorized personnel and an emergency escape hatch. Loomis stated that the system includes safety overrides in the event of power loss, that the vehicles were tested to confirm that vehicle safety and operator security were not compromised, and that employees receive training on the operation and use of the modified vehicles. Loomis asserted that this configuration maintains a level of safety equivalent to, or greater than, compliance with 49 CFR 393.203(a) while enhancing security against robberies and other criminal activity.

After evaluating the application and public comments, FMCSA granted Loomis a limited 5-year exemption from 49 CFR 393.203(a), allowing approximately 500 armored vehicles to operate with welded-shut cab doors and two security-enhanced doors behind the cab. FMCSA determined that the alternative door configuration is likely to provide a level of safety equivalent to, or greater than, compliance with the regulation, including adequate means for occupant evacuation and emergency responder access. The Agency acknowledged concerns regarding first-responder access but concluded that armored vehicles inherently present access challenges and that the rear emergency and messenger doors provide an equivalent means of evacuation and rescue.

In its renewal application, Loomis reiterates its previous statements in support of the original exemption request. In addition, Loomis reports that there have been no known incidents during the exemption period to suggest that the exemption has resulted in a lower level of safety. Loomis asserts that welding the original cab doors shut and relying on security-enhanced replacement doors behind the cab continues to reduce opportunities for criminal activity and enhances employee safety, while maintaining compliance with applicable safety and performance requirements. The renewal request applies to approximately 1,600 vehicles and a similar number of drivers. Loomis asserts that renewal of the exemption would continue to provide a level of safety equivalent to, or greater than, provided by the regulation.

A copy of Loomis' application and supporting materials 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 Loomis application for an exemption from the requirements of 49 CFR 393.203(a). All comments received before the close of business on the comment closing date 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 may 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.

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