



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2024-0063]

Commercial Driver's License: Landair Transport LLC d/b/a Covenant Logistics Application for Exemption

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

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

SUMMARY: FMCSA requests public comment on Landair Transport LLC d/b/a Covenant Logistics's (Covenant Logistics) application for an exemption renewal from the requirement that a commercial learner's permit (CLP) holder be accompanied by a commercial driver's license (CDL) holder with the proper CDL class seated in the front seat while the CLP holder operates the commercial motor vehicle (CMV). FMCSA is required by statute to publish a notice explaining each exemption request, and such notice does not indicate what decision FMCSA will ultimately reach on the request. After reviewing the application, safety analyses, and public comments submitted, FMCSA will grant or deny the exemption.

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-2024-0063 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, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- **Fax:** (202) 493-2251.

Each submission must include the Agency name and the docket number (FMCSA-2024-0063) 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: Ms. Bernadette Walker, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; bernadette.walker@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-2024-0063), 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 <https://www.regulations.gov/docket/FMCSA-2024-0063/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-2024-0063 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, West Building, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., 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 the 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

Under 49 CFR 383.25(a)(1), a CLP holder operating a CMV must be accompanied by a CDL holder with the proper CDL class and endorsements necessary to operate the CMV. The CDL holder must be physically present at all times in the front seat of the CMV next to the CLP holder and must have the CLP holder under observation and direct supervision.

Applicant's Request

Covenant Logistics requests a 5-year renewal of its exemption from 49 CFR 383.25(a)(1) to allow CLP holders who have successfully passed a CDL skills test and are thus eligible to receive a CDL, to drive a CMV without a CDL holder present in the front passenger seat. FMCSA initially granted the exemption effective July 30, 2024 through July 30, 2026 (89 FR 61225). The exemption, if granted, would allow Covenant Logistics to employ a driver to transport freight immediately after the driver passes his or her CDL skills test and while the driver's CDL documentation is being processed by his or her State of domicile. Covenant Logistics' application states that it recruits and develops driver candidates with good safety records who have graduated from established driver training schools. On an annual basis, it hires approximately 1,200 new drivers each year through driver training schools. Covenant Logistics estimates that approximately 2,000 drivers annually would operate CMVs under the requested exemption. The applicant asserts that prior to the implementation of 49 CFR 383.25(a)(1), States routinely issued temporary CDLs, valid only in the State of domicile, to drivers who had

successfully passed a CDL skills test. This process made it possible for Covenant Logistics to immediately designate a new driver as on duty, and direct that driver to his or her State of domicile without using a second driver in on-duty status. The exemption renewal, if granted, would ensure continuity of operations under the current exemption [89 FR 61225] scheduled to expire July 30, 2026.

Applicant's Equivalent Level of Safety

Covenant Logistics asserts that the exemption will result in a level of safety that is greater than the level of safety without the exemption. Covenant states that a CLP holder affected by this exemption will have already completed all the necessary steps to qualify for a CDL, including passing the CDL skills test, with the remaining requirement being the administrative function of obtaining the actual CDL from his or her home State. By granting the exemption, CLP holders who have passed a CDL skills test can begin immediate and productive on-the-job training. According to Covenant Logistics, this will allow CLP holders to improve their recently acquired driving skill set and put them to work immediately at an income that meets or exceeds industry standards. Covenant Logistics said that under the proposed exemption it would ensure that a CDL driver remains in the CMV while the CLP holder is driving, but not necessarily in the front passenger seat.

A copy of Covenant Logistics' application for 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 Covenant Logistics' application for an exemption from the requirement in 49 CFR 383.25(a)(1). 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.

Larry W. Minor,
Associate Administrator of Policy.

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