

*New York State Department of Motor Vehicles (DMV)*

**Comments:** The New York State DMV provided responses to the eight research questions listed in the 60-day **Federal Register** notice.

**Agency Response:** FMCSA thanks the New York State DMV for its responses to the study research questions. The Agency will reach out to gather more information once data collection begins.

*National School Transportation Association (NSTA)*

**Comments:** NSTA did not comment on the proposed information collection; however, the organization did state that it supports third-party testing implementation for CDL licensing, due to its potential to streamline the CDL process and address the nationwide bus driver shortage. Conversely, NSTA raised concerns that ELDT requirements negatively affect the ability of school bus contractors to recruit drivers, as “applicants have to learn and be tested in areas not germane to their role as a school bus driver.” NSTA also stated that ELDT requirements can be duplicative of State programs already in place, which can impede the licensing process for school bus drivers. NSTA stated that “removal of redundancies is paramount” to alleviate the national school bus driver shortage.

**Agency Response:** FMCSA invites NSTA to work with the Agency to identify redundancies in ELDT and State bus driver licensing requirements.

*Alexandria Technical and Community College*

**Comments:** Alexandria Technical and Community College, a learning institution that provides professional truck driver training, indicated support for third-party testing and advocated for “broad sweeping” annual audits of ELDT providers, more stringent requirements for ELDT providers and third-party CDL examiners, and minimum timeframe requirements for theory, behind-the-wheel range, and road training.

**Agency Response:** FMCSA is developing plans for an ELDT audit program. The Agency will continue to conduct research to support decision-making around the CDL and ELDT programs.

Title 23, United States Code (U.S.C.), chapter 4, section 403 authorizes the Secretary to use funds appropriated to carry out that section to conduct research and development activities, including demonstration projects and the collection and analysis of highway and motor vehicle safety data and

related information with respect to all aspects of highway and traffic safety systems and conditions relating to vehicle, highway, driver, passenger, motorcyclist, bicyclist, and pedestrian characteristics; accident causation and investigations; human behavioral factors and their effect on highway and traffic safety, including driver education, impaired driving and distracted driving; research on, evaluations of, and identification of best practices related to driver education programs (including driver education curricula, instructor training and certification, program administration, and delivery mechanisms) and recommendations for harmonizing driver education and multistage graduated licensing systems; and the effect of State laws on any aspects, activities, or programs described above (see 23 U.S.C. 403(b)(1)(A)(i) through (ii), 23 U.S.C. 403(b)(1)(B)(i) through (iii), 23 U.S.C. 403(b)(1)(E), 23 U.S.C. 403(b)(1)(F)).

**Public Comments Invited:** You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA’s functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority of 49 CFR 1.87.

**Thomas P. Keane,**

*Associate Administrator, Office of Research and Registration.*

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**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0039; Notice 1]

#### Motor Coach Industries, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Receipt of petition.

**SUMMARY:** Motor Coach Industries, Inc. (MCI), MCI has determined that certain model year (MY) 1988–2022 MCI coaches do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 205, *Glazing Materials*.

MCI filed an original noncompliance report dated March 22, 2022, and amended the report on April 14, 2022. MCI petitioned NHTSA on April 14, 2022, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety and submitted supplemental information on September 2, 2022. This document announces receipt of MCI’s petition and supplemental information.

**DATES:** Send comments on or before March 23, 2023.

**ADDRESSES:** Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- **Mail:** Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- **Hand Delivery:** Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.

- **Electronically:** Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Follow the online instructions for submitting comments.

- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <https://www.regulations.gov/>, including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at <https://www.regulations.gov> by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

**FOR FURTHER INFORMATION CONTACT:** Jack Chern, Safety Compliance Engineer, Office of Vehicle Safety Compliance, NHTSA, (202) 366–0661.

**SUPPLEMENTARY INFORMATION:**

*I. Overview:* MCI determined that certain MCI motor vehicles do not fully comply with paragraph S5.1 of FMVSS No. 205, *Glazing Materials* (49 CFR 571.205).

MCI filed an original noncompliance report dated March 22, 2022, and amended the report on April 14, 2022, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. MCI petitioned NHTSA on April 14, 2022, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

This notice of receipt of MCI's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or another exercise of judgment concerning the merits of the petition.

*II. Vehicles Involved:* Approximately 15,454 of the following coaches, manufactured between January 4, 1988, and January 14, 2022, are potentially involved:

1. MY 2001–2021 MCI J4500
2. MY 1998–2013 MCI E4500
3. MY 2017–2021 MCI J3500
4. MY 2005–2021 MCI D4005
5. MY 2005–2022 MCI D4505
6. MY 2000–2007 MCI D4000
7. MY 2001–2020 MCI D4500
8. MY 1988–2001 MCI 102D3
9. MY 1988–2001 MCI 102DL3
10. MY 2001–2022 MCI D4000ISTV
11. MY 2000–2001 MCI 102D3ISTV
12. MY 1995–1999 MCI MC12PTV

*III. Noncompliance:* MCI explains that the subject vehicles were manufactured with a small curb view window to the immediate right of the driver that has glazing rated AS–5 instead of AS–1 or AS–2, or one of the bullet resistant variations of glazing that are specified in ANSI/SAE Z26.1–1996, and therefore, do not comply with FMVSS No. 205.

*IV. Rule Requirements:* Paragraph S5.1 of FMVSS No. 205 includes the requirements relevant to this petition. Glazing materials for use in motor vehicles must conform to ANSI/SAE Z26.1–1996 (incorporated by reference, see § 571.5), unless FMVSS No. 205 provides otherwise. SAE Recommended Practice J673 (1993) (incorporated by reference, see § 571.5) is referenced in ANSI/SAE Z26.1–1996.

*V. Summary of MCI's Petition:* The following views and arguments presented in this section, “V. Summary of MCI's Petition,” are the views and arguments provided by MCI. They have not been evaluated by the Agency and do not reflect the views of the Agency. MCI describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

MCI explains that FMVSS No. 205 and ANSI/SAE Z26.1–1996 does not permit AS–5 rated glazing to be installed at locations requisite for driving visibility. MCI says that NHTSA considers “requisite for driving visibility” to mean “every item of glazing that is to the immediate left and right of the driver, as well as windshields.”

MCI's petition includes a schematic to show the exact location of the small curb view window on the subject coaches. MCI further explains that AS–5 rated glazing “is not required to meet certain performance requirements that are applicable to AS–2 glazing.” However, MCI contends that the AS–5 rated glazing installed in the small curb view window of the subject coaches complies with the 70 percent light transmittance requirement described in Test 2 of ANSI/SAE Z26.1–1996.

MCI believes that the subject noncompliance is inconsequential to motor vehicles safety and argues that “the actual field performance of the small curb view window has met the intent of the substantive requirements of FMVSS 205 for glazing requisite for driving visibility.” MCI states that “there is no reasonable possibility that any vehicle occupant would impact that window in a collision. Moreover, there is no reasonable possibility that any person would be ejected through the small curb view window in a collision, given its location and small size. For

these reasons, MCI focused its analysis on the purpose of the standard for ensuring a necessary degree of transparency in motor vehicle windows for driver visibility.”

First, MCI states that the small curb view window in which the AS–5 rated glazing is installed, “is not requisite for driving in the forward and reverse gears” but may be used to assist with parking. MCI claims that “the value of the small curb view window even for parking is very limited—essentially just to identify the location of the curb to the driver or identify a person or object between the coach and the curb.”

Second, MCI explains that the glazing used in the small curb view window meets the requirements for 70 percent light transmissibility, even though that is not required for AS–5 glazing. Thus, MCI claims, “the need to ensure a necessary degree of transparency through the glazing is achieved.”

Third, MCI states that while AS–5 glazing is not required to meet certain abrasion resistance requirements of ANSI/SAE Z26.1–1996, “the small curb view window has not unreasonably degraded its transmissibility through abrasion or other environmental exposures in actual field usage.” MCI provided photos of the affected coaches with its petition to demonstrate that “the small curb view window has retained good visibility, notwithstanding many years of service in challenging environmental conditions.” Furthermore, MCI claims that glazing used in the small curb view window “has not abraded excessively over time and remains safe for use.”

MCI further states that it has not received any customer complaints over the last 10 years but acknowledges that NHTSA does not consider an absence of complaints relevant when determining whether a noncompliance is inconsequential to motor vehicle safety. MCI states that the safety risk of the subject noncompliance “is the potentially reduced visibility through glazing that degrades from environmental exposure.” However, MCI claims that it has effectively demonstrated that “the glazing in this particular location has remained adequately transparent even after years of service in harsh environmental conditions.” Therefore, MCI believes, “in this case, the absence of complaints supports the photographic evidence accompanying this petition.”

MCI concludes by stating its belief that the noncompliance inconsequential to motor vehicle safety and its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a

remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject coaches that MCI no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant equipment under their control after MCI notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

**Otto G. Matheke III,**

*Director, Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

[Docket No. DOT-OST-2023-0020]

### Request for Information on US DOT Equitable Transportation Community Explorer (ETCE) Tool and Index Methodology

**AGENCY:** Office of the Secretary (OST), Department of Transportation (DOT).

**ACTION:** Request for information.

**SUMMARY:** The Department of Transportation is issuing this request for information (RFI) to solicit feedback on DOT's updated Transportation Disadvantaged Census Tracts Tool (now named US DOT Equitable Transportation Community Explorer) and Index methodology that supports the Administration's Justice40 initiative.

**DATES:** Issued February 17, 2023; responses to this RFI should be received by March 18, 2023.

**ADDRESSES:** Comments should refer to the docket number above and submitted by one of the following methods:

- *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *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:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays.

*Instructions:* For detailed instructions on submitting comments, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Privacy Act:* Except as provided below, all comments received into the docket will be made public in their entirety. The comments will be searchable by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You should not include information in your comment that you do not want to be made public. For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets.

**FOR FURTHER INFORMATION CONTACT:** For further information, please email [Justice40@dot.gov](mailto:Justice40@dot.gov) or contact Kristin Wood at 774-293-2726. Office hours are from 8 a.m. to 5 p.m. EDT, Monday through Friday, except for Federal holidays.

## SUPPLEMENTARY INFORMATION:

### I. Background

Executive Order (E.O.) 14008, "Tackling the Climate Crisis at Home and Abroad", and the subsequent "Interim Implementation Guidance for the Justice40 Initiative" (M-21-28) charged each federal agency with creating an interim "disadvantaged communities" methodology to help each agency achieve the goal that 40 percent of the overall benefits of investments flow to disadvantaged communities. Recently, the Office of Management and Budget and Council on Environmental Quality (CEQ) issued M-23-09, an addendum to the "Interim Implementation Guidance for the Justice40 Initiative," (M-21-28) providing guidance on the use of the Climate and Economic Justice Screening Tool (CEJST).

In support of the Justice40 Initiative, the Department of Transportation

(Department) developed the interim Transportation Disadvantaged Census Tracts (Historically Disadvantaged Communities) tool. The Department is proposing to update and rebrand its current tool as the U.S. DOT Equitable Transportation Community Explorer (ETCE). The tool will serve an interactive web application that explores the cumulative burden disadvantage communities experience resulting from underinvestment in transportation in the following five component areas: Transportation Insecurity, Climate and Disaster Risk Burden, Environmental Burden, Health Vulnerability, and Social Vulnerability. ETCE uses newly available 2020 Census Tracts and data, adds additional indicators reflective of disadvantage related to lack of transportation investment and updates the methodology used to calculate disadvantage. In ETCE, individual variables and datasets are combined to create a score for each component (Transportation Insecurity, Climate and Disaster Risk Burden, Environmental Burden, Health Vulnerability, and Social Vulnerability). The scores from each component are percentile ranked and combined to create an overall index score. Under this methodology, a census tract will be considered disadvantaged if the overall index score places it in the 65th percentile (or higher) of all US census tracts. The 65th percentile cutoff was chosen to be consistent with other tools that measure disadvantage including CEJST.

Applicants to DOT's discretionary programs have the option of using CEJST and/or ETCE when developing funding applications. State DOT's and Metropolitan Planning Organizations can use ETCE in developing their Statewide Transportation Improvement Programs (STIPs)/Transportation Improvement Programs (TIPs). DOT, as appropriate, will use ETCE as a consideration in making funding decisions and setting policy. The US DOT Equitable Transportation Community Explorer mapping tool, index methodology, and datasets are available at <https://cms.dot.gov/priorities/updated-justice40-tool-and-index-rfi>.

### II. Key Questions for Input

Through this request for information, DOT seeks input, information, and recommendations on the US DOT Equitable Transportation Community Explorer from a broad array of stakeholders in the public sector, including state, Tribal, and local governments, and territorial areas, and in the private sector, including