

Liaisons can be found on FTA's Web site at [http://www.transit.dot.gov/13094\\_15845.html](http://www.transit.dot.gov/13094_15845.html).

Funds allocated in this announcement must be obligated in a grant by September 30, 2018. Tribes selected for competitive funding should work with

their FTA regional tribal liaison to finalize the grant application in TrAMs.  
**Carolyn Flowers,**  
*Acting Administrator.*

TABLE I—FY 2016 TRIBAL TRANSIT PROGRAM AWARDS

State	Recipient	Project ID	Project description	Allocation
AK	McGrath Native Village	D2016-TRTR-001	Start-up/Capital	\$63,000
AK	Native Village of Fort Yukon	D2016-TRTR-002	Replacement/Capital	131,655
AK	Native Village of Unalakleet	D2016-TRTR-003	Replacement/Capital	28,340
AK	Nome Eskimo Community	D2016-TRTR-004	Existing/Operating	179,621
AK	Nulato Village	D2016-TRTR-005	Start-up/Planning	25,000
AK	Rampart Village	D2016-TRTR-006	Start-up/Planning	25,000
AZ	Hualapai Indian Tribe	D2016-TRTR-007	Start-up/Capital	140,962
CA	Blue Lake Rancheria, California	D2016-TRTR-008	Replacement/Capital	120,000
CA	North Fork Rancheria of Mono Indians of California.	D2016-TRTR-009	Expansion, Replacement/Capital	66,994
CA	Susanville Indian Rancheria	D2016-TRTR-010	Replacement/Capital	45,000
CA	Susanville Indian Rancheria	D2016-TRTR-011	Existing/Capital	1,980
CA	Yurok Tribe	D2016-TRTR-012	Expansion, Replacement/Capital	234,000
CT	Mashantucket Pequot Tribal Nation	D2016-TRTR-013	Start-up/Operating	133,705
ID	Shoshone-Bannock Tribes	D2016-TRTR-014	Expansion/Capital	85,400
KS	Prairie Band Potawatomi Nation	D2016-TRTR-015	Expansion, Replacement/Capital	287,500
MN	Bois Forte Band of Chippewa	D2016-TRTR-016	Expansion/Capital	329,843
MN	Fond du Lac Band of Lake Superior Chippewa.	D2016-TRTR-017	Existing/Capital	127,987
MN	White Earth Band of Chippewa Indians	D2016-TRTR-018	Replacement/Capital	116,352
MT	Chippewa Cree Tribe	D2016-TRTR-019	Replacement/Capital	77,875
MT	Confederated Salish and Kootenai Tribes.	D2016-TRTR-020	Expansion/Capital	329,843
MT	Northern Cheyenne Tribe of the Northern Cheyenne Indian Res.	D2016-TRTR-021	Replacement/Capital	119,340
NM	Jicarilla Apache Nation	D2016-TRTR-022	Start-up/Capital	211,197
OK	Cherokee Nation	D2016-TRTR-023	Replacement/Capital	321,561
OK	Choctaw Nation of Oklahoma	D2016-TRTR-024	Expansion, Replacement/Capital	329,843
OK	Miami Tribe of Oklahoma	D2016-TRTR-025	Expansion, Replacement/Capital	179,100
OK	Muscogee (Creek) Nation	D2016-TRTR-026	Existing/Capital	108,000
OK	Seminole Nation of Oklahoma	D2016-TRTR-027	Replacement/Capital	135,000
OK	Wichita and Affiliated Tribes	D2016-TRTR-028	Start-up/Planning	24,998
WA	Confederated Tribes and Bands of the Yakama Nation.	D2016-TRTR-029	Expansion/Capital	255,344
WA	Cowlitz Indian Tribe	D2016-TRTR-030	Existing, Replacement/Capital	58,056
WA	Kalispel Indian Community of the Kalispel Reservation.	D2016-TRTR-031	Replacement/Capital	51,021
WA	Muckleshoot Indian Tribe	D2016-TRTR-032	Existing/Operating	329,843
WA	Nooksack Indian Tribe	D2016-TRTR-033	Existing/Operating	188,000
WA	Snoqualmie Indian Tribe	D2016-TRTR-034	Existing/Operating	113,640
WI	Red Cliff Band of Lake Superior Chippewa Indians.	D2016-TRTR-035	Existing/Planning	25,000
Total Allocation				5,000,000

[FR Doc. 2016-29020 Filed 12-2-16; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

[Docket No. NHTSA-2016-0024; Notice 2]

**Spartan Motors USA, Inc., Grant of Petition for Decision of Inconsequential Noncompliance**

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

**ACTION:** Grant of petition.

**SUMMARY:** Spartan Motors USA, Inc. (Spartan), has determined that certain model year (MY) 2013-2015 Utilimaster Vans do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant crash protection*. Spartan Motors USA, Inc., filed a defect report dated January 15, 2016. Spartan then petitioned NHTSA on February 12, 2016, for a decision that the subject noncompliance is inconsequential to motor vehicle safety.

**ADDRESSES:** For further information on this decision please contact James A. Jones, Office of Vehicle Safety

Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5294, facsimile (202) 366-3081.

**SUPPLEMENTARY INFORMATION:**

*I. Overview:* Spartan Motors USA, Inc. (Spartan), has determined that certain model year (MY) 2013-2015 Utilimaster Vans do not fully comply with paragraph S4.5.1(c) of Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant crash protection*. Spartan Motors USA, Inc., filed a report dated January 15, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports* for Spartan. Spartan also petitioned NHTSA on

February 12, 2016, under 49 CFR part 556 requesting a decision that the subject noncompliance is inconsequential to motor vehicle safety.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Spartan submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the petition was published, with a 30-day public comment period, on July 21, 2016 in the **Federal Register** (81 FR 47493). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2016-0024."

*II. Vehicles Involved:* Affected are approximately 910 MY 2013-2015 Utilmaster Vans that were manufactured between July 11, 2014 and December 8, 2015.

*III. Noncompliance:* Spartan explains that the noncompliance occurred during alterations to the subject vehicles.

During alterations the sun visors were removed and then reinstalled. As a result of the reinstallation, the required sun visor air bag warning labels are not visible when the sun visors are in the stowed position. Since the sun visor air bag warning labels are not visible when in the stowed position, an air bag alert label is required and therefore does not meet the requirements as specified in paragraph S4.5.1(c) of FMVSS No. 208.

*IV. Rule Text:* Paragraph S4.5.1(c) of FMVSS No. 208 requires in pertinent part:

S4.5.1(c) *Air bag alert label.* If the label required by S4.5.1(b) is not visible when the sun visor is in the stowed position, an air bag alert label shall be permanently affixed to that visor so that the label is visible when the visor is in that position. The label shall conform in content to the sun visor label shown in Figure 6(c) of this standard, and shall comply with the requirements of S4.5.1(c)(1) through S4.5.1(c)(3) . . .

*V. Summary of Spartan's Petition:*

Spartan described the subject noncompliance and stated its belief that the noncompliance is inconsequential to motor vehicle safety for the following reasons:

(a) Spartan cited the definition of motor vehicle safety as stated in the Safety Act under 49 U.S.C. 30111(a). Spartan also cited 49 U.S.C. 30118(d) under the Safety Act where Congress acknowledges that there are cases where a manufacturer has failed to comply

with a safety standard, yet the impact on motor vehicle safety is so slight that an exemption from the notice and remedy requirements of the Safety Act is justified.

(b) Spartan stated that paragraph S4.5.1(b)(2) of FMVSS No. 208 requires an air bag warning label to be installed, at the manufacturer's option, on either side of the sun visor at each outboard seating position equipped with an inflatable restraint. Within that same section of FMVSS No. 208, it states that air bag warning labels are to be installed, at the manufacturer's option, in accordance with Figure 8 or 11 of the standard. Footnotes under Figures 8 and 11, among others, state "Sun Visor Label Visible when Visor is in Down Position."

Spartan submitted a photograph depicting that the air bag warning label on the subject vehicles is visible when the sun visor is in the down position, however, the content is inverted.

(c) Spartan specified that the content of the sun visor label identifies the risks associated with the placement of children, or child seats, encourages the use of seatbelts, and defers to the owner's manual for information pertaining to the air bags.

Spartan notes that they are a vehicle alterer in this case and are not responsible for the content of the air bag warning label and that they make no assertions relating to compliance of the label. However, during alterations to the vehicles they do remove and reinstall the sun visors.

(d) Spartan also stated that they alter a completed vehicle (in this case a van) to become a vocational vehicle intended to be used as a delivery service vehicle (*i.e.*, a vehicle used to carry parcel packages or other goods.) And although, the altered vehicle would be equipped with two outboard seating positions, delivery service vehicles are typically occupied by the driver who has a specific purpose of delivering goods. Given the nature of, or intended use of, the vehicle, it would be unlikely for children to be placed in the passenger seating area.

(e) Spartan clearly expressed that they do not alter information in the owner's manual although it may provide supplements related to the alterations being made. Spartan says that the content in the owner's manual states that the air bag system is supplemental to the seat belts and further describes risks associated with the air bag system. Furthermore, the information in the owner's manual discusses an air bag warning indicator (tell-tale) of which the vehicle is equipped and its function (this indicator would provide indication

to the driver that the vehicle is equipped with an air bag system.)

(f) Spartan believes that while the content on the sun visor warning label (although not provided by Spartan) may not be in the upright position to be easily read by the occupants, it is visible with the sun visor in the down position. And even though the label is inverted, the coloring scheme would continue to signify risks associated with the air bag system.

Spartan elaborated by saying that the information within the owner's manual for the affected vehicles expands on potential risks related to the system but also encourages the use of seatbelts as the primary purpose of occupant protection.

Spartan additionally informed NHTSA that on December 8, 2015 containment actions were conducted and all units in control of Utilmaster were inspected and the noncompliance corrected. This included vehicles currently undergoing alterations.

In summation, Spartan believes that given the vocational use of the affected vehicles and information provided in the foregoing that the subject noncompliance is inconsequential to motor vehicle safety, and that its petition, to exempt Spartan from providing notification of the noncompliances as required by 49 U.S.C. 30118 and remedying the noncompliance as required by 49 U.S.C. 30120 should be granted.

*NHTSA'S Decision:*

*Background:* To reduce the adverse effects of air bags, especially for children, NHTSA required newly improved, attention getting labels in a final rule issued on November 27, 1996.<sup>1</sup> The new rule required vehicle manufacturers permanently affix an air bag alert label to the sides of sun visors. See paragraph S4.5.1(c) of FMVSS No. 208. A manufacturer did not have to provide the alert label if the sun visor air bag warning label (see paragraph S4.5.1(b) of FMVSS No. 208) was placed so that it is visible when the visor is in the stowed position. The air bag alert label includes instructions to "flip the visor over" and a pictogram of a rear facing child restraint being struck by an air bag. NHTSA believed that the alert label is more likely to attract the attention of vehicle occupants and induce them to look for the air bag

<sup>1</sup> The new labels would not be required on vehicles having a "smart passenger-side air bag" (*i.e.*, an air bag that would automatically shut-off or adjust its deployment so as not to adversely affect children)." This provision, however, was removed from the current rule issued on May 12, 2000.

warning label on the other side of the sun visor. See 61 FR 60206.

On May 12, 2000, NHTSA refreshed the content requirements of the air bag warning labels consistent with its intent to require labels for vehicles with advanced air bags. Additionally, in order to provide consumers with adequate information about their occupant restraint system, NHTSA required manufacturers to provide a written explanation of the vehicle's advanced air bag system in owner's manuals. See 65 FR 30722.

*NHTSA's Analysis:* Acting as an alterer,<sup>2</sup> Spartan removed and re-installed sun visors as part of its modification of the subject vocational vehicles. The vocational vehicles are equipped with advanced air bags at the driver and front passenger seating positions and had compliant air bag warning labels pursuant to paragraph S4.5.1(b)(1) of FMVSS No. 208 permanently affixed to the sun visors, and visible to vehicle occupants when the sun visors were stowed prior to Spartan's modifications.

The left and right-side sun visors are nearly identical in size, have identical attachment points to the headliner and are interchangeable. Apparently, when re-installing the sun visors, Spartan incorrectly placed the left-side visor on the right-side of the vehicle and vice-versa. As a result, the air bag warning labels are no longer visible to vehicle occupants when the sun visors are stowed. Rather, the air bag warning labels are inverted and only visible to vehicle occupants when the sun visors are deployed.

In accordance with paragraph S4.5.1(c) of FMVSS No. 208, if the air bag warning label is not visible when the sun visor is in the stowed position, an additional label (*i.e.*, air bag alert label) conforming to Figure 6(c) of FMVSS No. 208 shall be permanently affixed to the visor and visible when the visor is in the stowed position. Spartan failed to affix air bag alert labels to the sun visors as required.<sup>3</sup>

*NHTSA's Decision:* NHTSA has concluded that the absence of the air bag alert labels affixed to sun visors on subject Spartan vocational vehicles is inconsequential to motor vehicle safety. NHTSA agrees that given the nature and intended use of the subject vocational vehicles, it would be unlikely for

children to be placed in the front passenger seating area. The subject vehicles are equipped with OEM installed advanced airbags that have the potential to substantially decrease the risk of injuries and deaths occurring from deployment. In addition, a written explanation of the advanced passenger air bag system is included in the owner's manuals.

This petition is granted solely on the agency's decision that the noncompliance in the subject vehicles is inconsequential as it relates to motor vehicle safety. It is important that all other vehicles subject to these requirements continue to meet them.

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, this decision only applies to the subject vehicles that Spartan no longer controlled at the time it determined that the noncompliance existed. However, the granting of 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 vehicles under their control after Spartan 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)

**Jeffrey M. Giuseppe,**  
*Director, Office of Vehicle Safety Compliance.*  
[FR Doc. 2016-29026 Filed 12-2-16; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2013-0137]

#### Visual-Manual NHTSA Driver Distraction Guidelines for Portable and Aftermarket Devices

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

**ACTION:** Notice of proposed Federal guidelines.

**SUMMARY:** This notice details the proposed contents of the second phase of the National Highway Traffic Safety

Administration's (NHTSA) Driver Distraction Guidelines (Phase 2 Guidelines). The purpose of the Phase 2 Guidelines is to provide a safety framework for developers of portable and aftermarket electronic devices to use when developing visual-manual user interfaces for their systems. The Guidelines encourage innovative solutions such as pairing and Driver Mode that, when implemented, will reduce the potential for unsafe driver distraction by limiting the time a driver's eyes are off the road, while at the same time preserving the full functionality of these devices when they are not used while driving. Currently no safety guidelines exist for portable device technologies when they are used during a driving task. NHTSA seeks comments and suggestions to improve this proposal.

**DATES:** You should submit your comments early enough to be received not later than February 3, 2017.

**ADDRESSES:** You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* Go to <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 or Courier:* 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202-493-2251.

*Instructions:* All submissions must include the agency name and docket number. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: (202) 366-9826.

*Privacy Act:* Anyone is able to search the electronic form of all comments

<sup>2</sup> As defined by 49 CFR 567.3.

<sup>3</sup> In the petition, Spartan discussed noncompliance to paragraph S4.5.1(b)(2) of FMVSS No. 208 and in their safety recall report, incorrectly cited paragraph S4.5.1 5(c) of FMVSS No. 208. The noncompliance resulting from the absence of air bag alert labels pursuant to paragraph S4.5.1(c) of FMVSS No. 208 is under review in this petition.