FMCSA may grant an exemption from the diabetes requirement at 49 CFR 391.41(b)(3) if the exemption is likely to achieve a level of safety equal to that existing without the exemption.

Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an ophthalmologist’s or optometrist’s report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver’s qualification file, or keep a copy in his/her driver’s qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Conclusion

Based upon its evaluation of the 23 exemption applications, FMCSA grants Randall W. Amtower (NV), Steven G. Brickey (CO), Ronald K. Coleman (KY), Randall L. Corriss (ND), Raymond G. Gravesend (NY), John T. Green (TX), Gregory M. Harris (TX), Bryan R. Hopkins (NY), Kelly M. Keller (ND), Roger S. Kumbalek (WI), Timothy J. Loeschen (TX), Gary K. McCord (IN), Joseph L. Miska (MN), Susan L. Mosel (WI), Mark T. L. Owings (KS), Jacob D. Oxford (ID), Derek W. Palmer (MA), Robert D. Regavich (NJ), Jack W. Schlichting (MN), Lonnie H. Shere (WA), Craig A. Trimmer (OH), Lisa E. Williams (IN), and Ramon I. Zimora-Ortiz (WA) from the ITDM requirement.

REVOCATION

The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: August 20, 2012.

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2012–21025 Filed 8–24–12; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0160]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 10 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye.


FOR FURTHER INFORMATION CONTACT:
Elaine M. Papp, Chief, Medical Programs Division, (202)–366–4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at http://www.regulations.gov. For access to the docket to read background documents or comments, go to http://
meridian in each eye, and the ability to
vision of at least 70° or without corrective lenses, field of
lenses, distant binocular acuity of at
(Snellen) or better with corrective
acuity separately corrected to 20/40
without corrective lenses or visual
least 20/40 (Snellen) in each eye
person has distant visual acuity of at
drive a commercial motor vehicle if that
FMCSRs provides:
Applicants
Vision and Driving Experience of the
exemptions to each of them.
made a determination to grant
10 applications on their merits and
at the end of the 2-year period.
Such exemption.'' The statute also
that is equivalent to or greater than the
FMCSA may grant an exemption for a 2-
391.41(b)(10), for drivers who operate
individuals applied for exemptions from
public (77 FR 38381). That notice listed
and requested comments from the
a notice of receipt of exemption
E8–785.pdf.
Background
On June 27, 2012, FMCSA published
a notice of receipt of exemption
applications from certain individuals, and
requested comments from the
public (77 FR 38381). That notice listed
10 applicants’ case histories. The 10
individuals applied for exemptions from
the vision requirement in 49 CFR
391.41(b)(10), for drivers who operate
CMVs in interstate commerce.
Under 49 U.S.C. 31136(e) and 31315,
FMCSA may grant an exemption for a 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 statute also
allows the Agency to renew exemptions
at the end of the 2-year period.
Accordingly, FMCSA has evaluated
the 10 applications on their merits and
made a determination to grant
exemptions to each of them.
Vision and Driving Experience of the
Applicants
The vision requirement in the
FMCSRs provides:
A person is physically qualified to
drive a commercial motor vehicle if that
person has distant visual acuity of at
least 20/40 (Snellen) in each eye
without corrective lenses or visual
acuity separately corrected to 20/40
(Snellen) or better with corrective
lenses, distant binocular acuity of at
least 20/40 (Snellen) in both eyes with
or without corrective lenses, field of
vision of at least 70° in the horizontal
meridian in each eye, and the ability to
recognize the colors of traffic signals
and devices showing requirement red,
green, and amber (49 CFR
391.41(b)(10)).
FMCSA recognizes that some drivers
do not meet the vision requirement but
have adapted their driving to
accommodate their vision limitation
and demonstrated their ability to drive
safely. The 10 exemption applicants
listed in this notice are in this category.
They are unable to meet the vision
requirement in one eye for various
reasons, including amblyopia, complete
loss of vision, and cystoidal macular
edema. In most cases, their eye
conditions were not recently developed.
Eight of the applicants were either born
with their vision impairments or have
had them since childhood. The two
individuals that sustained their vision
conditions as adults have had them for
a period of 1 to 16 years.
Although each applicant has one eye
which does not meet the vision
requirement in 49 CFR 391.41(b)(10),
each has at least 20/40 corrected vision
in the other eye, and in a doctor’s
opinion, has sufficient vision to perform
all the tasks necessary to operate a CMV.
Doctors’ opinions are supported by the
applicants’ possession of valid
commercial driver’s licenses (CDLs) or
non-CDLs to operate CMVs. Before
issuing CDLs, States subject drivers to
knowledge and skills tests designed to
evaluate their qualifications to operate a
CMV.
All of these applicants satisfied the
testing requirements for their State of
residence. By meeting State licensing
requirements, the applicants
demonstrated their ability to operate a
CMV, with their limited vision, to the
satisfaction of the State.
While possessing a valid CDL or non-
CDL, these 10 drivers have been
authorized to drive a CMV in intrastate
commerce, even though their vision
disqualified them from driving in
interstate commerce. They have driven
CMVs with their limited vision for
careers ranging from 5 to 40 years. In the
past 3 years, two of the drivers were
involved in crashes and none of the
drivers was convicted of moving
violations in a CMV.
The qualifications, experience, and
medical condition of each applicant
were stated and discussed in detail in
the June 27, 2012 notice (77 FR 38381).
Basis for Exemption Determination
Under 49 U.S.C. 31136(e) and 31315,
FMCSA may grant an exemption from
the vision requirement in 49 CFR
391.41(b)(10) if the exemption is likely
to achieve an equivalent or greater level
of safety than would be achieved
without the exemption. Without the
exemption, applicants will continue to
be restricted to intrastate driving. With
the exemption, applicants can drive in
interstate commerce. Thus, our analysis
focuses on whether an equal or greater
level of safety is likely to be achieved by
permitting each of these drivers to drive
in interstate commerce as opposed to
restricting him or her to driving in
intrastate commerce.
To evaluate the effect of these
exemptions on safety, FMCSA
considered the medical reports about
the applicants’ vision as well as their
driving records and experience with the
vision deficiency.
To qualify for an exemption from the
vision requirement, FMCSA requires a
person to present verifiable evidence that
he/she has driven a commercial vehicle
safely with the vision deficiency for
the past 3 years. Recent driving
performance is especially important in
evaluating future safety, according to
several research studies designed to
correlate past and future driving
performance. Results of these studies
support the principle that the best
predictor of future performance by a
driver is his/her past record of crashes
and traffic violations. Copies of the
studies may be found at Docket Number
We believe we can properly apply the
principle to monocular drivers, because
data from the Federal Highway
Administration’s (FHWA) former waiver
study program clearly demonstrate the
driving performance of experienced
monocular drivers in the program is
better than that of all CMV drivers
collectively (See 61 FR 13338, 13345,
March 26, 1996). The fact that
experienced monocular drivers
demonstrated safe driving records in the
waiver program supports a conclusion
that other monocular drivers, meeting
the same qualifying conditions as those
required by the waiver program, are also
likely to have adapted to their vision
deficiency and will continue to operate
safely.
The first major research correlating
past and future performance was done
in England by Greenwood and Yule in
1920. Subsequent studies, building on
that model, concluded that crash rates
for the same individual exposed to
certain risks for two different time
periods vary only slightly (See Bates
and Neyman, University of California
Other studies demonstrated theories of
predicting crash proneness from crash
history coupled with other factors.
Factors—such as age, sex, geographic
driver and conviction history—are used every day
This page contains a notice and request for comments issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT, on pipeline safety. The notice mentions a study that compared the crash rates of drivers with or without vision impairments. It also discusses the requirements for obtaining an exemption from the vision requirement for commercial motor vehicle (CMV) drivers. The notice outlines the eligibility criteria for exemption, which include medical certification by an ophthalmologist or optometrist, and a review of driving records. The notice also highlights the importance of driving in congested urban areas and the need for drivers to be physically qualified to operate CMVs safely.

Summary: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on two information collections that we will be submitting to the Office of Management and Budget (OMB) for renewal. The information collections relate to the management of pipeline safety data and the control room management program for gas distribution pipelines.

DATES: Interested persons are invited to submit comments on or before October 26, 2012.

ADDRESSES: Comments may be submitted in the following ways:

- Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590–0001.
- Hand Delivery: Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: Identify the docket number, PHMSA–2012–0215, at the beginning of your comments. Note that all comments received will be posted without change to http://www.regulations.gov, including any personal information provided. You should know that anyone is able to search the electronic form of all comments.

by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., “Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,” Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 10 applicants, two of the drivers were involved in crashes and none was convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants’ ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants’ intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 10 applicants listed in the notice of June 27, 2012 (77 FR 38381).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 10 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency’s vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist’s or optometrist’s report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver’s qualification file, or keep a copy in his/her driver’s qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

FMCSA received no comments in this proceeding.

Conclusion

Based upon its evaluation of the 10 exemption applications, FMCSA exempts Kayla L. Baxter (UT), Tyrone Harper (AL), Edward C. Little (WA), John P. Loichinger (IN), Jeffrey Macysyn (IN), Peter C. Packard (NH), Raef O. Parmalee (OR), Ronald H. Sieg (MO), Ted L. Smeltzer (IN), and Gregory S. Smith (AR) from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: August 20, 2012.

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2012–21027 Filed 8–24–12; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2012–0215]

Pipeline Safety: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on two information collections that we will be submitting to the Office of Management and Budget (OMB) for renewal. The information collections relate to the program for Control Room Management/ Human Factors and the Integrity Management Program for Gas Distribution Pipelines.

DATES: Interested persons are invited to submit comments on or before October 26, 2012.

ADDRESSES: Comments may be submitted in the following ways:

- Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590–0001.
- Hand Delivery: Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: Identify the docket number, PHMSA–2012–0215, at the beginning of your comments. Note that all comments received will be posted without change to http://www.regulations.gov, including any personal information provided. You should know that anyone is able to search the electronic form of all comments.