

road location or feature or the highway safety problem that the project would address, and how the project would address these challenges);

3. Applicant information and coordination with other entities (identification of the Indian tribal government applying for TTPSF, description of cooperation with other entities in selecting projects from the TIP as required under 23 U.S.C. 202(e)(2), information regarding any other entities involved in the project);

4. Grant Funds and Sources/Uses of Project Funds (information about the amount of grant funding requested for the project, availability/commitment of funds sources and uses of all project funds, total project costs, percentage of project costs that would be paid for with the TTPSF, and the identity and percentage shares of all parties providing funds for the project (including Federal funds provided under other programs);

5. A description of how the proposal meets the Selection Criteria identified in Section III (*Selection Criteria and Policy Considerations*) and the statutory eligibility criteria as described in Section II (*Eligibility*).

#### D. Contact Information

The applicant must include contact information requested as part of the SF-424. The FHWA will use this information if additional application information is needed or to inform parties of FHWA's decision regarding selection of projects. Contact information should be provided for a direct employee of the lead applicant. Contact information for a contractor, agent, or consultant of the lead applicant is insufficient for FHWA's purposes.

#### VI. Program Funding and Award

Section 1101 of MAP-21 authorized \$450,000,000 for the TTP for each of FY 2013 and 2014. Section 1119 of MAP-21 amends 23 U.S.C. 202(e) to provide that not more than 2 percent of such funds made available for the TTP may be allocated for TTPSF. Accordingly, FHWA expects that a maximum of \$9,000,000 could be made available in 2014 for TTPSF. The FHWA anticipates high demand for this limited amount of funding and encourages applications with scalable requests that allow more tribes to receive funding; and for requests that identify a commitment of other funding sources to complement the TTPSF funding request. Applicants should show the capacity to successfully implement the proposed request in a timely manner, and ensure that cost estimates and timelines to

complete deliverables are included in their application to be given full consideration.

#### VII. Consultation Process

The DOT issued Order 5301.1, "Department of Transportation Programs, Policies, and Procedures Affecting American Indians, Alaska Natives, and Tribes" on November 16, 1999. This Order affirmed the DOT's and its Modal Administrations' unique legal relationship with Indian tribes, established DOT's consultation and coordination process with Indian tribes for any action that may significantly or uniquely affect them, and listed goals for Modal Administrations to meet when carrying out policies, programs, and activities affecting American Indians, Alaska Natives, and tribes. The Department affirms its commitment to these principles, and those set forth in Executive Order 13175 and the President's November 5, 2009, memorandum in establishing the DOT Consultation Plan dated March 4, 2010, and found at: <http://www.dot.gov/sites/dot.dev/files/docs/Tribal%20Consultation%20Plan.pdf>.

**Authority:** Section 1119 of Pub. L. 112-141; 23 U.S.C. 202(e).

Dated: May 7, 2014.

**Gregory Nadeau,**  
Deputy Administrator.

[FR Doc. 2014-11074 Filed 5-13-14; 8:45 am]

**BILLING CODE 4910-22-P**

#### DEPARTMENT OF TRANSPORTATION

##### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2014-0005]

##### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of applications for exemptions; request for comments.

**SUMMARY:** FMCSA announces receipt of applications from 26 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. 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. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

**DATES:** Comments must be received on or before June 13, 2014.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2014-0005 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line 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:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

- *Fax:* 1-202-493-2251.

*Instructions:* Each submission must include the Agency name and the docket numbers for this notice. 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 heading below for further information.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

**FOR FURTHER INFORMATION CONTACT:** Elaine M. Papp, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto: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:

##### Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations 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.” FMCSA can renew exemptions at the end of each 2-year period. The 26 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

##### Qualifications of Applicants

###### *Lyle R. Bell*

Mr. Bell, 64, has a prosthetic right eye due to a traumatic incident in 1994. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, “At this point, Lyle has the same vision left eye that he has been driving with for the past 10 years. He is used to seeing with monocular vision and has learned to compensate for his lack of depth perception by using other visual clues [*sic*]. He has sufficient vision in his left eye to perform driving tasks of a commercial vehicle, but there is no binocular vision due to only having one eye.” Mr. Bell reported that he has driven straight trucks for 48 years, accumulating 2.4 million miles, and tractor-trailer combinations for 30 years, accumulating 3 million miles. He holds a Class A CDL from Nebraska. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he failed to yield to a traffic signal.

###### *Tracy L. Bowers*

Mr. Bowers, 51, has had a retinal detachment in his right eye since 2010. The visual acuity in his right eye is 20/80, and in his left eye, 20/16. Following an examination in 2014, his optometrist stated, “Based on these findings, I feel Tracy L. Bowers has the visual abilities to continue operating a commercial motor vehicle in interstate commerce because the visual loss in his right eye occurred more than 3 years ago and has been stable since that time.” Mr. Bowers

reported that he has driven straight trucks for 5 years, accumulating 225,000 miles, and tractor-trailer combinations for 6 years, accumulating 36,000 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *Bradley E. Buzzell*

Mr. Buzzell, 51, has had amblyopia in his left eye since 1993. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2014, his optometrist stated, “I certify that Bradley Buzzell has sufficient vision to perform driving tasks required to operate a commercial vehicle.” Mr. Buzzell reported that he has driven straight trucks for 30 years, accumulating 540,000 miles. He holds a Class BMC CDL from New Hampshire. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *William C. Christy*

Mr. Christy, 69, has had acute zonal occult outer retinopathy with central scotoma in his right eye since 2005. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2014, his ophthalmologist stated, “It is my opinion based on my exam of Mr. Christy, his visual field testing and his driving history that he is safe to drive a commercial vehicle without restriction.” Mr. Christy reported that he has driven straight trucks for 48 years, accumulating 48,000 miles, and tractor-trailer combinations for 48 years, accumulating 576,000 miles. He holds a Class A CDL from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *Gerard J. Cormier*

Mr. Cormier, 51, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2013, his optometrist stated, “By this standard, he meets Massachusetts’s standard for a Class D license and can be certified to drive the commercial vehicle both in and out of Massachusetts without restriction.” Mr. Cormier reported that he has driven straight trucks for 33 years, accumulating 264,000 miles. He holds an operator’s license from Massachusetts. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *Joe T. Gage*

Mr. Gage, 65, has a prosthetic left eye due to a traumatic incident during childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2014, his optometrist stated, “In my opinion, Mr. Gage has shown over the years that he has sufficient vision to perform the task required to operate a commercial motor vehicle.” Mr. Gage reported that he has driven straight trucks for 47 years, accumulating 14,100 miles, and tractor-trailer combinations for 47 years, accumulating 3.05 million miles. He holds a Class A CDL from Arkansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *Hector A. Hernandez*

Mr. Hernandez, 42, has had a corneal transplant in his left eye since 2010. The visual acuity in his right eye is 20/20, and in his left eye, 20/80. Following an examination in 2014, his ophthalmologist stated, “He has a mild degree of visual impairment which should not interfere with his ability to safely operate/drive a commercial vehicle.” Mr. Hernandez reported that he has driven straight trucks for 15 years, accumulating 68,250 miles. He holds an operator’s license from Maryland. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *Rex G. Holladay*

Mr. Holladay, 60, has retina damage in his left eye due to a traumatic incident in 1982. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2013, his optometrist stated, “I consider Mr. Holladay visually well adapted, and has adequate visual function to operate a commercial vehicle.” Mr. Holladay reported that he has driven straight trucks for 35 years, accumulating 140,000 miles, and tractor-trailer combinations for 16 years, accumulating 1.04 million miles. He holds a Class A CDL from Arkansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *Chester E. Jaycox*

Mr. Jaycox, 58, has had a corneal scar in his right eye since 1989. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, “In my medical opinion I feel that Chester Jaycox is able to perform driving tasks to operate a commercial

vehicle." Mr. Jaycox reported that he has driven straight trucks for 33 years, accumulating 1.16 million miles, and tractor-trailer combinations for 21 years, accumulating 735,000 miles. He holds a Class AM CDL from New York. His driving record for the last 3 years shows 1 crash, for which he was not cited, and no convictions for moving violations in a CMV.

*Danny J. Johnson*

Mr. Johnson, 51, has had a prosthetic left eye due to a traumatic incident in 1988. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2013, his optometrist stated, "In my opinion Dan has sufficient vision to operate a commercial vehicle if it is equipped with adequate mirrors." Mr. Johnson reported that he has driven straight trucks for 32 years, accumulating 320,000 miles, and tractor-trailer combinations for 32 years, accumulating 160,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Glenn K. Johnson, Jr.*

Mr. Johnson, 65, has had amblyopia, exotropia, strabismus, and cataracts in his left eye since childhood. The visual acuity in his right eye is 20/30, and in his left eye, 20/400. Following an examination in 2014, his optometrist stated, "In my medical opinion, Mr. Johnson has sufficient vision to perform the driving tasks required to operate a commercial vehicle with his current vision." Mr. Johnson reported that he has driven tractor-trailer combinations for 45 years, accumulating 4.95 million miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Terry A. Legates*

Mr. Legates, 27, has optic nerve disorder in his left eye due to a traumatic incident during childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2014, his optometrist stated that, in his medical opinion, Mr. Legates does have sufficient vision to operate a commercial motor vehicle. Mr. Legates reported that he has driven straight trucks for 3.5 years, accumulating 45,500 miles. He holds an operator's license from Oklahoma. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Charles E. Meis*

Mr. Meis, 66, has had macular degeneration in his right eye since 2009. The visual acuity in his right eye is 20/250, and in his left eye, 20/20. Following an examination in 2013, his ophthalmologist stated, "In my medical opinion, Charles Meis has sufficient vision to perform the driving tasks required to operate a commercial vehicle . . ." Mr. Meis reported that he has driven straight trucks for 30 years, accumulating 1.8 million miles. He holds an operator's license from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Ronald B. Mohr*

Mr. Mohr, 57, has retinal scarring in his left eye due to a traumatic incident in 1979. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2014, his optometrist stated, "It is my medical opinion that Ronald Mohr has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Mohr reported that he has driven straight trucks for 40 years, accumulating 20,000 miles, and tractor-trailer combinations for 30 years, accumulating 600,000 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Hassan Ourahou*

Mr. Ourahou, 25, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2014, his optometrist stated, "The patient has significant vision to perform the driving tasks required to operate a commercial vehicle." Mr. Ourahou reported that he has driven tractor-trailer combinations for 2 years, accumulating 250,700 miles. He holds a Class A CDL from Kentucky. His driving record for the last 3 years shows no crashes and 2 convictions for moving violations in a CMV; in one instance he exceeded the speed limit by 13 MPH; in another instance, he failed to obey a traffic control device.

*Jesus Penuelas*

Mr. Penuelas, 39, has had a macular scar in his right eye since birth. The visual acuity in his right eye is hand motion, and in his left eye, 20/20. Following an examination in 2013, his optometrist stated, "Mr. Penuelas has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Penuelas reported that he has driven straight trucks for 13 years,

accumulating 975,000 miles. He holds an operator's license from Arizona. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Enoc Ramos III*

Mr. Ramos, 43, has had a retinal detachment in his right eye since 2001. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2013, his optometrist stated, "I don't foresee a major problem with his operating [sic] commercial vehicle from a visual perspective." Mr. Ramos reported that he has driven tractor-trailer combinations for 13 years, accumulating 910,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*James T. Rohr*

Mr. Rohr, 73, has had hereditary macular dystrophy in his left eye since birth. The visual acuity in his right eye is 20/40, and in his left eye, 20/150. Following an examination in 2013, his optometrist stated, "In my professional opinion Mr. Rohr can safely perform the driving tasks required to operate a private motor vehicle as well as a commercial motor vehicle." Mr. Rohr reported that he has driven straight trucks for 5 years, accumulating 40,000 miles, and tractor-trailer combinations for 40 years, accumulating 3.8 million miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*DelRay V. Ryckman*

Mr. Ryckman, 47, has retinal scarring in his left eye due to a traumatic incident in 1985. The visual acuity in his right eye is 20/20, and in his left eye, hand motion. Following an examination in 2014, his optometrist stated, "In my medical opinion, DelRay does have sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Ryckman reported that he has driven straight trucks for 27 years, accumulating 540,000 miles. He holds a Class A3 CDL from South Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Joe Sanchez*

Mr. Sanchez, 56, has a prosthetic right eye due to a traumatic incident in 1983. The visual acuity in his right eye is no light perception, and in his left eye, 20/30. Following an examination in 2013,

his optometrist stated, “He has sufficient vision vision [*sic*] to operate a commercial vehicle.” Mr. Sanchez reported that he has driven straight trucks for 19 years, accumulating 728,000 miles, and tractor-trailer combinations for 16 years, accumulating 1.46 million miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*James S. Seeno*

Mr. Seeno, 38, has had a retinal detachment in his right eye since 1996. The visual acuity in his right eye is 20/80, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, “Mr. Seeno does have sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Seeno reported that he has driven straight trucks for 9 years, accumulating 90,000 miles, and buses for 7 years, accumulating 350,000 miles. He holds a Class B CDL from Nevada. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*George W. Thomas*

Mr. Thomas, 40, has had complete loss of vision in his left eye since 2007. The visual acuity in his right eye is 20/15, and in his left eye, no light perception. Following an examination in 2014, his ophthalmologist stated, “I do not have the knowledge of the vision requirements for a commercial drivers’ [*sic*] license but I am of the opinion that he has sufficient vision in his right eye to drive and can receive this license [*sic*] if it is legal for a monocular patient to have a CDL.” Mr. Thomas reported that he has driven straight trucks for 12 years, accumulating 480,000 miles, and tractor-trailer combinations for 3 years, accumulating 150,000 miles. He holds a Class A Commercial Beginner Permit from South Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Thomas L. Tveit*

Mr. Tveit, 61, has had degenerative myopia in his right eye since birth. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, “In my opinion, Mr. Tveit has adequate vision to operate a commercial vehicle.” Mr. Tveit reported that he has driven straight trucks for 47 years, accumulating 70,500 miles, and tractor-trailer combinations for 26 years, accumulating 598,000 miles. He holds a Class A3 CDL from South Dakota. His

driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Bart M. Valiante*

Mr. Valiante, 56, has had a central vein occlusion in his left eye since 2002. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2013, his ophthalmologist stated, “In my medical opinion, Mr. Valiante has sufficient vision to perform driving tasks to operate a commercial vehicle.” Mr. Valiante reported that he has driven straight trucks for 35 years, accumulating 875,000 miles, and tractor-trailer combinations for 35 years, accumulating 875,000 miles. He holds a Class A CDL from Connecticut. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*James W. VanRyswyk*

Mr. VanRyswyk, 69, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/125, and in his left eye, 20/20. Following an examination in 2013, his optometrist stated, “It is my opinion that Mr. Van Ryswyk [*sic*] is visually competent to operate a commercial vehicle.” Mr. VanRyswyk reported that he has driven straight trucks for 52 years, accumulating 2.6 million miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Drake M. Vendsel*

Mr. Vendsel, 21, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/15, and in his left eye, 20/60. Following an examination in 2014, his optometrist stated, “Given that [Mr. Vendsel has] been driving a “farm plated” semi truck [*sic*] incident free since the time [Mr. Vendsel was] working for [his] father on [his father’s] farm since [his] early teen years, I would say [Mr. Vendsel has] sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Vendsel reported that he has driven straight trucks for 7 years, accumulating 42,000 miles, and tractor-trailer combinations for 3 years, accumulating 18,000 miles. He holds an operator’s license from North Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

**Request for Comments**

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on

the exemption petitions described in this notice. The Agency will consider all comments received before the close of business June 13, 2014. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them 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 monitor the public docket for new material.

**Submitting Comments**

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 that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA–2014–0005 and click the search button. When the new screen appears, click on the blue “Comment Now!” button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

**Viewing Comments and Documents**

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA–2014–0005 and click “Search.” Next, click “Open Docket Folder” and you will find all documents and comments related to the proposed rulemaking.

Issued on: May 8, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014-11086 Filed 5-13-14; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2014-0012]

#### Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 50 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions will enable these individuals to operate CMVs in interstate commerce.

**DATES:** The exemptions are effective May 14, 2014. The exemptions expire on May 16, 2016.

**FOR FURTHER INFORMATION CONTACT:** Elaine M. Papp, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Room W64-224, Department of Transportation, 1200 New Jersey Avenue SE., 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>.

**Docket:** For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Privacy Act:** Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS)

published in the **Federal Register** on January 17, 2008 (73 FR 3316).

#### Background

On February 25, 2013, FMCSA published a notice of receipt of Federal diabetes exemption applications from 50 individuals and requested comments from the public (79 FR 10612). The public comment period closed on March 27, 2014 and two comments were received.

FMCSA has evaluated the eligibility of the 50 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

#### Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that "A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control" (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled "A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century." The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 50 applicants have had ITDM over a range of 1 to 36 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly

monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the February 25, 2014, **Federal Register** notice and they will not be repeated in this notice.

#### Discussion of Comments

FMCSA received two comments in this proceeding. The comments are discussed below.

John Navarro is in favor of granting all drivers exemptions.

Jason Runyon corrected the spelling of his name from "James", as it appeared in FMCSA-2014-0012-0001 (79 FR 10612). The spelling has been corrected below.

#### Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) 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 annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of