

areas. The total length of the project site spans approximately 0.4 miles. The project is located within the City of Anaheim between State Route 91 (SR-91) and Interstate 5 (I-5), Orange County. The purpose of the project is to relieve congestion along the roadway, provide continuity in the number of lanes on Brookhurst Street, and improve drainage along the corridor. The federal aid project number is STPL 5055(163). The actions by the Federal agency, and the laws under which such actions were taken, are described in the Final Environmental Assessment (FEA) for the project, approved on 9/12/14, in the FHWA Finding of No Significant Impact (FONSI) issued on 9/12/14, and in other documents in the FHWA project records. The FEA, FONSI, and other project records are available by contacting Caltrans at the addresses provided above. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to

1. Council on Environmental Quality Regulations
2. National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq.
3. Federal-Aid Highway Act of 1970, 23 U.S.C. 109
4. MAP-21, the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112-141)
5. Clean Air Act Amendments of 1990 (CAAA)
6. Clean Water Act of 1977 and 1987
7. Federal Water Pollution Control Act of 1972 (see Clean Water Act of 1977 & 1987)
8. Federal Land Policy and Management Act of 1976 (Paleontological Resources)
9. Noise Control Act of 1972
10. Safe Drinking Water Act of 1944, as amended
11. Endangered Species Act of 1973
12. Executive Order 11990, Protection of Wetlands
13. Executive Order 13112, Invasive Species
14. Executive Order 13186, Migratory Birds
15. Fish and Wildlife Coordination Act of 1934, as amended
16. Migratory Bird Treaty Act
17. Water Bank Act Wetlands Mitigation Banks, ISTEA 1991, Sections 1006-1007
18. Wildflowers, Surface Transportation and Uniform Relocation Act of 1987 Section 130
19. Coastal Zone Management Act of 1972
20. Coastal Zone Management Act Reauthorization Amendments Of 1990

21. Executive Order 11988, Floodplain Management

22. Department of Transportation (DOT) Executive Order 5650.2—Floodplain Management and Protection (April 23, 1979)

23. Rivers and Harbors Appropriation Act of 1899, Sections 9 and 10

24. Title VI of the Civil Rights Act of 1964, as amended

25. Executive Order 12898, Federal Actions to Address Environmental Justice and Low-Income Populations (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139(J)(1).

Issued on: October 10th, 2014.

**Cesar Perez,**

*Senior Transportation Engineer, Federal Highway Administration, Sacramento, California.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2014-0019]

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

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA confirms its decision to exempt 56 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals to operate CMVs in interstate commerce.

**DATES:** The exemptions were effective on August 14, 2014. The exemptions expire on September 15, 2016.

**FOR FURTHER INFORMATION CONTACT:**

Elaine M. Papp, R.N., 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:**

#### I. 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).

#### II. Background

On August 14, 2014, FMCSA published a notice of receipt of Federal diabetes exemption applications from 56 individuals and requested comments from the public (79 FR 47702). The public comment period closed on September 15, 2014, and seven comments were received.

FMCSA has evaluated the eligibility of the 56 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).

#### III. 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 56 applicants have had ITDM over a range of 1 to 48 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 August 14, 2014, **Federal Register** notice and they will not be repeated in this notice.

#### IV. Discussion of Comments

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

E. Fajardo, Eman Saaidi, and three anonymous commenters are in favor of granting all drivers included in this notice an exemption from the diabetes standard.

Rayman Al-Omeri is in favor of granting Ahmed Ali an exemption from the diabetes standard.

Richard Woodall is in favor of granting Raymond Lucero an exemption from the diabetes standard.

#### V. 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.

#### VI. 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 hypoglycemia; (3) 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 (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.

#### VII. Conclusion

Based upon its evaluation of the 56 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above 949 CFR 391.64(b)):

Michael N. Bohn (MN)  
Jonathan Bona (NJ)  
Vincent M. Branch (VA)  
Perry C. Bullis (PA)  
Christopher J. Burkhart (MO)  
James E. Cantrell, Jr. (AL)  
Kristy S. R. Clark (VA)  
Royce N. Cordova (WA)  
Robert Curry (NY)  
Bradley C. Dunlap (IL)  
John C. Fisher III (PA)  
Kenneth W. Foster (IN)  
Andrew C. Frykholm (MA)  
Lyle O. Gahler (MN)  
John A. Gillingham (PA)  
Ronald L. Glade (IL)  
Brent C. Godshalk (IN)  
Robert L. Gordon (IL)  
Jeffrey R. Harnack (MN)  
Daniel E. Harris (IL)

Eleferios Hatzigeorgalis (MD)  
Drew J. Holtan (MN)  
Randy S. Holz (IA)  
Joseph C. House (AL)  
Kenneth B. Huff (PA)  
Henderson R. Hughes (NY)  
Levi N. Hutchinson (PA)  
Joseph T. Ingiosi (MI)  
Michael J. Javenkoski (MN)  
Katlin W. Johnson (LA)  
Don L. Jorgensen (WY)  
Steven T. Juhl (MN)  
Christopher D. Lacasse, Sr. (MA)  
Raymond S. Lucero (NM)  
Richard M. Mackey (TX)  
Kevin J. McGrath (MA)  
Jerry W. Murphy (MS)  
Christopher D. Murray (CA)  
Robert D. Noe (IL)  
Kyle W. Parker (CA)  
Eric D. Roberts (MI)  
Gary L. Roberts (CT)  
Tommy A. Rollins (GA)  
Janice M. Rowles (PA)  
William B. Rupert, Jr. (PA)  
Ahmed A. Saleh (MI)  
Robert M. Schmitz (IA)  
David C. Schultze (MN)  
Brian R. Schwint (IA)  
Dicky W. Shuttlesworth (TX)  
Bryce J. Smith (UT)  
David R. Sprenkel (PA)  
Jeffrey R. Stevens (PA)  
David W. Taggart (PA)  
Artilla M. Thomas (IL)  
William C. Tomlinson (GA)

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption is valid for two years unless revoked earlier by FMCSA. 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: October 10, 2014.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2014-0297]

### Qualification of Drivers; Exemption Applications; Vision

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