

examination in 2019, his ophthalmologist stated, "His vision is currently stable. Based on his examination I feel that he is capable of driving commercial vehicles." Mr. Figueroa reported that he has driven straight trucks for 12 years, accumulating 600,000 miles. He holds an operator's license from Illinois. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*Robert F. LaMark*

Mr. LaMark, 51, has an enucleated right eye due to a traumatic incident in 2015. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2019, his optometrist stated, "In my opinion, Robery [sic] has sufficient vision to perform his driving tasks to operate a commercial vehicle." Mr. LaMark reported that he has driven straight trucks for 32 years, accumulating 320,000 miles, and tractor-trailer combinations for 21 years, accumulating 21,000 miles. He holds a Class BM CDL from Pennsylvania. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*Con May*

Mr. May, 50, 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 2019, his optometrist stated, "In my opinion, he does have the visual skills needed to operate a commercial vehicle." Mr. May reported that he has driven straight trucks for four years, accumulating 240,000 miles. He holds a Class B CDL from Indiana. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*Justin E. Schwada*

Mr. Schwada, 40, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/30, and in his left eye, 20/100. Following an examination in 2018, his optometrist stated, "In my medical assessment, Mr. Justin Schwada has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle." Mr. Schwada reported that he has driven straight trucks for 24 years, accumulating 180,000 miles, tractor-trailer combinations for 19 years, accumulating 190,000 miles. He holds a Class A CDL from Missouri. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*Jeffrey A. Sherman*

Mr. Sherman, 64, has had macular ischemia in his right eye since 2013. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2018, his ophthalmologist stated, "In my opinion, Mr. Sherman has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Sherman reported that he has driven straight trucks for 22 years, accumulating 220,000 miles, and tractor-trailer combinations for 37 years, accumulating 888,000 miles. He holds a Class A CDL from Ohio. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*Chadwick L. St. John*

Mr. St. John, 35, has a retinal detachment in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, light perception. Following an examination in 2018, his ophthalmologist stated, "In my medical opinion, the patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. St. John reported that he has driven straight trucks for ten years, accumulating 600,000 miles. He holds an operator's license from Alabama. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

*Clinton A. Vandervoort*

Mr. Vandervoort, 63, has a subluxed lens in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2019, his ophthalmologist stated, "In my opinion, the vision is sufficient to perform driving tasks for a commercial vehicle." Mr. Vandervoort reported that he has driven straight trucks for 39 years, accumulating 374,400 miles. He holds a Class AM CDL from Texas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

**IV. 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. We will consider all comments and material received before the close of business on the closing date indicated in the dates section of the notice.

Issued on: June 7, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019-13009 Filed 6-18-19; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2019-0093]

**Hours of Service of Drivers: Turfgrass Producers International; Application for Exemption**

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

**ACTION:** Notice of application for exemption; request for comments.

**SUMMARY:** FMCSA has received an application from Turfgrass Producers International (TPI) asking the agency to extend the hours-of-service (HOS) exemption for agricultural operations to drivers transporting turfgrass sod for its business operations. FMCSA requests public comment on TPI's application for exemption.

**DATES:** Comments must be received on or before July 19, 2019.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA-2019-0093 by any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). See the *Public Participation and Request for Comments* section below for further information.
- *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:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.
- *Fax:* 1-202-493-2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to [www.regulations.gov](http://www.regulations.gov), including any personal information included in a comment. Please see the *Privacy Act* heading below.

*Docket:* For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at any time or visit 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., ET,

Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**FOR FURTHER INFORMATION CONTACT:** Ms. Pearlle Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: (202) 366-4325; Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov). If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:**

**I. Public Participation and Request for Comments**

FMCSA encourages you to participate by submitting comments and related materials.

*Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA-2019-0093), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. 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 the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to [www.regulations.gov](http://www.regulations.gov) and put the docket number, "FMCSA-2019-0093" in the "Keyword" box, and click "Search." When the new screen appears, click on "Comment Now!" button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. 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. FMCSA will consider all comments and material received during the comment period.

**II. Legal Basis**

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted and provide an opportunity for public comment on the request.

The Agency preforms a review of safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305). The Agency will publish its decision in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption and the regulatory provision from which the exemption is granted. The notice must specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

**III. Request for Exemption**

Turfgrass Producers International (TPI) represents natural grass seed and sod farmers throughout the United States and abroad. TPI has promoted the benefits of natural grass for 51 years and has members in over 46 States and 25 nations who produce natural grass seed and sod to service customers and consumers in the green industry. The natural grass product that farming members produce is delivered to urban and suburban areas where it is used for landscape services, home construction, and recreational industries, among others.

TPI requests that all transporters of turfgrass sod be eligible for the HOS exception for agricultural commodities provided in 49 CFR 395.1(k)(1). TPI asserts that sod producing members are concerned that sod is not included in the definition of an agricultural commodity in 49 CFR 395.2. TPI believes that the failure to define sod as an agricultural commodity is inconsistent with other Federal and State regulations and creates an unnecessary economic burden for sod farmers when transporting their product to market.

According to TPI's application, turfgrass sod is a perishable agricultural

commodity that is recognized by the U.S. Department of Agriculture and, like many other agricultural commodities, is planted and harvested annually. Sod is cultivated and managed with techniques and equipment similar to those used for other crops and is subject to the same impacts of weather, weed infestations, insect pests, and plant disease factors that impact other agricultural crops. Similarly, once harvested for sale it is also subject to perishing in transport. Specifically, sod often loses its color, moisture, and vigor due to transplant shock and can die if palleted too long. Sod's perishability depends on many of the same factors that impact the transportation of other agricultural commodities including temperature, desiccation, oxygen and light deprivation, increased respiration, carbon starvation, etc., all of which negatively impact the quality of turfgrass sod.

TPI asserts that the lack of an HOS exemption granted to other agricultural commodities by 49 CFR 395.1(k)(1) will impact sod haulers' business heavily. Their inability to deliver their perishable product to market in a timely manner will result in a decrease in the amount of product they can ship and an increase in the amount of product that either perishes in transport or is damaged in transport, resulting in customers who refuse delivery or are otherwise not satisfied with sod quality at delivery. If granted, TPI estimates that the exemption would cover between 2,400 drivers (400 farm baseline) and 10,428 drivers (1,738 farm maximum).

**IV. Method To Ensure an Equivalent or Greater Level of Safety**

TPI essentially argues that the exemption would achieve a level of safety equivalent to that of others transporting agricultural commodities within 150 air miles of the source of the agricultural commodity. TPI is requesting that the Agency exercise its statutory authority to extend to the transporters of turfgrass sod the same HOS relief provided by Congress to transporters of specified agricultural commodities. TPI states that it will work with natural grass sod haulers to ensure they understand existing safety regulations regarding the operation of commercial motor vehicles. TPI contends that nothing about weight, stacking configuration, etc., makes natural grass sod any less safe to haul than other agricultural commodities, as demonstrated by the proven track record that natural grass sod farmers have had for many years while hauling sod as an agricultural commodity.

A copy of TPI's application for exemption is available for review in the docket for this notice.

Issued on: June 12, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019-13016 Filed 6-18-19; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0139]

#### Entry-Level Driver Training: United Parcel Service, Inc. (UPS); Application for Exemption

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

**ACTION:** Notice of application for exemption; request for comments.

**SUMMARY:** FMCSA announces that it has received an application for exemption from United Parcel Service, Inc. (UPS) from two provisions in the entry-level driver training (ELDT) final rule published on December 8, 2016. These provisions are the following: (1) The requirement that a driver training instructor have two years' experience and have held a Commercial Driver's License (CDL) for two years as set forth in the definitions of behind-the-wheel (BTW) instructor and theory instructor; and (2) the requirement to register each training location for a unique Training Provider Registry (TPR) number. FMCSA requests public comment on the applicant's request for exemption.

**DATES:** Comments must be received on or before July 19, 2019.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA-2019-0139 by any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). See the *Public Participation and Request for Comments* section below for further information.

- *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:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.

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

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all

comments received without change to [www.regulations.gov](http://www.regulations.gov), including any personal information included in a comment. Please see the *Privacy Act* heading below.

**Docket:** For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at any time or visit 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., ET, Monday through Friday, except Federal holidays. The online FDMS is available 24 hours each day, 365 days each year.

**Privacy Act:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Clemente, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA, at 202-366-4325 or by email at [MCPSD@dot.gov](mailto:MCPSD@dot.gov). If you have questions on viewing or submitting material to the docket, contact Docket Services at (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

##### Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2019-0139), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. 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 the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to [www.regulations.gov](http://www.regulations.gov) and put the docket number, "FMCSA-2019-0139" in the "Keyword" box, and click "Search." When the new screen appears, click on "Comment Now!" button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an

individual or on behalf of a third party and then submit. 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. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

##### II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption and the regulatory provision from which the exemption is granted. The notice must specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

##### III. Request for Exemption

An exemption application has been submitted by United Parcel Service, Inc. (UPS). The applicant seeks an exemption from the following two provisions in the entry-level driver training (ELDT) final rule: (1) The requirement in 49 CFR 380.713 that a driver training instructor have two years' experience and have held a commercial driver's license (CDL) for two years as set forth in the definitions of behind-the-wheel (BTW) instructor and theory instructor in 49 CFR 380.605(b); and (2) the requirement in 49 CFR 380.703(a)(7) to register each training location for a unique Training Provider Registry (TPR) number.

According to UPS, it has a driver training school (DTS) that trains its