

vehicle safely in intrastate commerce 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 <https://www.regulations.gov/docket?D=FMCSA-1998-3637>.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrated the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively.<sup>1</sup> 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 Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day 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.

### III. Qualifications of Applicants

#### *Thomas M. Bakeberg*

Mr. Bakeberg, 30, has had a retinal detachment in his left eye since 2015. The visual acuity in his right eye is 20/20, and in his left eye, 20/80. Following an examination in 2020, his optometrist stated, "In my medical opinion, Mr. Bakeberg has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Bakeberg reported that he has driven straight trucks for 12 years, accumulating 120,000 miles, and tractor-trailer combinations for 12 years, accumulating 120,000 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.

#### *Jacob T. Johnson*

Mr. Johnson, 28, has a retinal detachment in his right eye due to a traumatic incident in 2012. The visual acuity in his right eye is 20/70, and in his left eye, 20/20. Following an examination in 2019, his optometrist stated, "Jacob has sufficient [sic] vision to operate a commercial vehicle." Mr. Johnson reported that he has driven straight trucks for 5 years, accumulating 50,000 miles, and tractor-trailer combinations for 5 years, accumulating 200,000 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.

#### *Michael E. McClain, Jr.*

Mr. McClain, Jr., has had a coloboma in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye has no light perception. Following an examination in 2019, his optometrist stated, "In my medical opinion, Michael has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. McClain reported that he has driven straight trucks for 8 years, accumulating 128,000 miles, and tractor-trailer combinations for 8 years, accumulating 64,000 miles. He holds a class AM CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

#### *Cory A. Rand*

Mr. Rand, 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, 20/150. Following an examination in 2019, his optometrist

stated, "In my opinion, Cory Rand has sufficient and adequate vision to operate a commercial motor vehicle." Mr. Rand reported that he has driven straight trucks for 20 years, accumulating 800,000 miles. He holds a Class C CDL from New Hampshire. His driving record for the last 3 years shows no crashes and one conviction for moving violations in a CMV; following too closely.

#### *Paul L. Simmons*

Mr. Simmons, 40, has complete loss of vision in his left eye due to a sarcoidosis infection in 2011. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2019, his optometrist stated, "His right eye is normal, and he has demonstrated that he has sufficient vision to operate a commercial motor vehicle safely over the past ten years while having no vision in his left eye." Mr. Simmons reported that he has driven straight trucks for 5 years, accumulating 375,000 miles, and tractor-trailer combinations for 6 years, accumulating 1.2 million miles. He holds an operator's license from North Carolina. His driving record for the last 3 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(b), 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 under the **DATES** section of the notice.

#### **Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2020-0048]

#### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

**ACTION:** Notice of denials.

**SUMMARY:** FMCSA announces its decision to deny applications from 21 individuals who requested an exemption from the Federal Motor

<sup>1</sup> A thorough discussion of this issue may be found in a FHWA final rule published in the **Federal Register** on March 26, 1996 and available on the internet at <https://www.govinfo.gov/content/pkg/FR-1996-03-26/pdf/96-7226.pdf>.

Carrier Safety Regulations (FMCSRs) prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle (CMV) from operating CMVs in interstate commerce.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, 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., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing material in the docket, contact Docket Operations, (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

### I. Public Participation

#### A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov/docket?D=FMCSA-2020-0048> and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Docket Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Docket Operations.

#### B. 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.transportation.gov/privacy](http://www.transportation.gov/privacy).

### II. Background

FMCSA received applications from 21 individuals who requested an exemption from the FMCSRs prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a CMV from operating CMVs in interstate commerce.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not

provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(8).

### III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-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 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification. The Agency's decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant's medical information provided by the applicant.

### IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(8). Therefore, the 21 applicants in this notice have been denied exemptions from the physical qualification standards in § 391.41(b)(8).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 21 applicants do not meet the minimum time requirement for being seizure-free, either on or off of anti-seizure medication:

Christopher Bowey (WY)  
Randal Clawson (CO)  
Mario Cuellar-Gutierrez (CO)  
Eric DeVos (IA)  
John Ellinghausen (OH)  
Vitorio Garcia (CA)  
Stephen Grigson (IN)  
Richard Jeromchek (WA)  
Vang Kie (MN)  
Michael Koroll (MN)  
Paul LaHue (IN)  
Matthew Lee (CT)

Jonathan Nass (ID)  
Daniel O'Neill (CT)  
Gary Oliver (NC)  
Richard Parsons (KS)  
Daniel Ricker (OR)  
Theresa Shannon (IL)  
Mark Shurtz (WA)  
Peter Stevens (NC)  
Ron Vargo (NJ)

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2020-0027-N-9]

### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) abstracted below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified below.

**DATES:** Interested persons are invited to submit comments on or before July 28, 2020.

**ADDRESSES:** Submit written comments on the ICR activities by mail to either: Ms. Qiana Swayne, Information Collection Clearance Officer, Office of Railroad Policy and Development, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; or Ms. Kim Toone, Information Collection Clearance Officer, Office of Administration, Office of Information Technology, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB Control Number 2130-0615," and should also include the title of the ICR. Alternatively, comments may be faxed to (202) 493-6216 or (202) 493-6497, or emailed to Ms. Swayne at [Qiana.Swayne@dot.gov](mailto:Qiana.Swayne@dot.gov), or Ms. Toone at [Kim.Toone@dot.gov](mailto:Kim.Toone@dot.gov). Please refer to the assigned OMB control number in any