

number (FMCSA–2023–0040) in the keyword box, and click “Search.” Next, choose the only notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, 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 Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov. As described in the system of records notice DOT/ALL 14 (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>, the comments are searchable by the name of the submitter.

II. Background

FMCSA received applications from 26 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 26 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 26 applicants do not meet the minimum time requirement for being seizure-free, either on or off of anti-seizure medication:

Daniel Ashley (MD)
Joseph Bodle (CA)
Milverton Burton (FL)
Joe Celedonia (MD)
Cannon Fowler (AL)
Brian Hagen (MN)
Tomrone Harris (PA)
Andre Hartig (ME)
Dylan Hill (KS)
Jacob Johnstone (WI)
Regan Keller (NH)
Richard Kelley (IL)
Jeramie Kozlowski (PA)
Adam Martin (IN)
Dawn McGann (WA)
Jaysen Meidell (IL)
Douglas Pelton (OH)
Kevin Pustelak (PA)
Nicholas Quairola (FL)
Jesus Reyna (IL)
Jennifer Roberts (NM)
Quac’era Schaffer (NC)
Paritpal Singh (CA)
Kristina Walters (IN)
Trevor Ward (CO)
Penny Witteman (OH)

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0304; FMCSA–2019–0048; FMCSA–2019–0128]

California and Washington Meal and Rest Break Rules; Petitions for Waiver of Preemption Determinations

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

ACTION: Notice of petitions for waiver of preemption determinations; request for comments.

SUMMARY: FMCSA requests comments on petitions requesting waivers of the Agency’s December 21, 2018 and January 13, 2020 decisions preempting the State of California’s Meal and Rest Break (MRB) rules for certain drivers of property- and passenger-carrying commercial motor vehicles (CMVs) and its November 17, 2020 decision preempting the State of Washington’s MRB rules for certain drivers of property-carrying CMVs. Waiver petitions were filed by the International Brotherhood of Teamsters; the Truck Safety Coalition, Citizens for Reliable and Safe Highways and Parents Against Tired Truckers; William B. Trescott; and the State of California.

DATES: Comments must be received on or before February 26, 2024.

ADDRESSES: You may submit comments to the Federal Docket Management System Docket No. FMCSA–2018–0304, Docket No. FMCSA–2019–0048, and/or Docket FMCSA–2019–0128 using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov, insert the docket number, FMCSA–2018–0304, docket number FMCSA–2019–0048, or docket FMCSA–2019–0128 in the keyword box, and click “Search.” Follow the online instructions for submitting a comment.

- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Dockets Operations, West Building, Ground Floor, 1200 New Jersey Avenue SE, Washington, DC, 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 Dockets Operations.

- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods.

Privacy Act: DOT solicits comments from the public to better inform its decisions regarding preemption of State laws. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.transportation.gov/privacy.

FOR FURTHER INFORMATION CONTACT: Tracy M. White, Enforcement and Litigation Division; FMCSA Office of Chief Counsel; 1200 New Jersey Avenue SE, Washington, DC 20590; (202) 493-0349; Tracy.White@dot.gov. If you have questions on viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9317 or (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Background

On December 21, 2018, FMCSA granted petitions filed by the American Trucking Associations and the Specialized Carriers and Rigging Association, and determined that California's MRB rules, as applied to property-carrying CMV drivers subject to FMCSA's hours of service (HOS) regulations, are preempted under 49 United States Code (U.S.C.) 31141 (Docket No. FMCSA-2018-0304; 83 FR 67470 (Dec. 28, 2018)). On January 13, 2020, FMCSA granted a petition filed by the American Bus Association and determined that California's MRB rules, as applied to passenger-carrying CMV drivers subject to FMCSA's HOS regulations, are also preempted under 49 U.S.C. 31141 (Docket No. FMCSA-2019-0048; 85 FR 3469 (Jan. 21, 2020)). On November 27, 2020, FMCSA granted a petition filed by the Washington Trucking Associations and determined that Washington's MRB rules, as applied to property-carrying CMV drivers subject to FMCSA's HOS regulations, are preempted under 49 U.S.C. 31141 (Docket No. FMCSA-2019-0128, 85 FR 73335 (Nov. 17, 2020)). In each decision, FMCSA determined that the MRB rules are laws on CMV safety, that they are more stringent than the Federal regulations, and that they meet each of the three potential criteria for preemption under 49 U.S.C. 31141(c)(4) and (5) (see 83 FR 67470, 85 FR 3469; 85 FR 7333). On January 15, 2021, the U.S. Court of Appeals for the Ninth Circuit denied petitions for review challenging the first preemption decision. *Int'l Bhd. of Teamsters, Local 2785 v. FMCSA*, 986 F.3d 841 (9th Cir. 2021), cert. denied sub nom. *Trescott v. Fed. Motor Carrier*, No. 20-1662, 142 S. Ct. 93 (Oct. 4, 2021). The State of

California filed a petition for review in the Ninth Circuit in March 2020 challenging the second preemption decision, and the court has held that case in abeyance. *People of the State of Cal. ex rel. Bonta v. FMCSA*, No. 20-70706 (9th Cir.). The State of Washington filed a petition for review in the Ninth Circuit challenging the third preemption decision but voluntarily dismissed the case in August 2022. *State of Washington v. FMCSA*, No. 20-73730 (9th Cir.).

II. Applicable Law

A. California's MRB Rules

Under section 512 of the California Labor Code, employers must provide non-exempt employees a 30-minute meal break if they work more than 5 hours in a day, and employees who work a shift of 10 hours or more are entitled to a second 30-minute meal break. Under the California Code of Regulations (CCR) section 11090(12), employers are required to provide rest periods for non-exempt employees who work 3½ or more hours in a day. Employees are entitled to a 10-minute rest period for each 4 hours, or a substantial fraction thereof, that they work in a day. To the extent possible, these breaks are to be taken in the middle of each 4-hour period (8 CCR section 11090(12)); California Industrial Welfare Commission Order No. 9-2001. California law provides that an employer shall not require an employee to work during a mandated meal or rest break and provides for additional pay as a remedy for violating that prohibition (Cal. Labor Code 226.7(b) and (c)).

B. Washington's MRB Rules

Under the Washington Department of Labor and Industries' regulations in section 296-126-092 of Washington's Administrative Code (WAC), employers must provide employees a meal period of at least 30 minutes that commences after the second hour and before the fifth hour after the shift commences (WAC 296-126-092(1) and (2)). In addition, Washington's MRB rules provide for a 10-minute rest period "for each four hours of working time" and must occur no later than the end of the third working hour (WAC 296-126-092(4)). The rest period must be scheduled as near as possible to the midpoint of the 4 hours of working time, and no employee may be required to work more than 3 consecutive hours without a rest period.¹

¹ Department of Labor and Industries, Administrative Policy ES.C.6.1, paragraph 11, https://lni.wa.gov/workers-rights/_docs/esc6.1.pdf.

C. Federal Preemption Under the Motor Carrier Safety Act of 1984

Section 31141 of title 49, U.S.C., prohibits States from enforcing a law or regulation on CMV safety that the Secretary of Transportation (Secretary) has determined to be preempted. To determine whether a State law or regulation is preempted, the Secretary must decide whether a State law or regulation: (1) has the same effect as a regulation prescribed under 49 U.S.C. 31136, which is the authority for much of the Federal Motor Carrier Safety Regulations; (2) is less stringent than such a regulation; or (3) is additional to or more stringent than such a regulation (49 U.S.C. 31141(c)(1)).

If the Secretary decides that a State law or regulation is additional to or more stringent than a regulation prescribed by the Secretary under 49 U.S.C. 31136, the State law or regulation may be enforced unless the Secretary decides that the State law or regulation (1) has no safety benefit; (2) is incompatible with the regulation prescribed by the Secretary; or (3) would cause an unreasonable burden on interstate commerce (Id. 31141(c)(4)). In deciding whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the cumulative effect that the State's law or regulation and all similar laws and regulations of other States will have on interstate commerce (Id. 31141(c)(5)). The Secretary's authority under 49 U.S.C. 31141 is delegated to the FMCSA Administrator by 49 U.S.C. 113(f) and 49 CFR 1.87(f).

Pursuant to 49 U.S.C. 31141(d), FMCSA may grant a waiver of an FMCSA preemption decision. Under this provision, "[a] person (including a State) may petition the Secretary for a waiver of a decision of the Secretary that a State law or regulation may not be enforced under this section." Further, "[t]he Secretary shall grant the waiver, as expeditiously as possible, if the person demonstrates to the satisfaction of the Secretary that the waiver is consistent with the public interest and the safe operation of commercial motor vehicles" (Id. § 31141(d)(1)).

III. Request for Comment on Petitions for Waiver of California and Washington Meal and Rest Break Preemption Determinations

The International Brotherhood of Teamsters; the Truck Safety Coalition, Citizens for Reliable and Safe Highways, and Parents Against Tired Truckers; and William B. Trescott have submitted

petitions requesting the FMCSA waive all three determinations preempting California's MRB rules for drivers of property- and passenger-carrying CMVs subject to FMCSA's HOS rules and Washington's MRB rules for property-carrying CMVs subject to FMCSA's HOS rules.

The State of California has petitioned for waiver of the decisions preempting California's MRB rules. FMCSA has placed each petition for waiver in the "Documents" section of the appropriate docket.² Although waiver of a preemption determination under 49 U.S.C. 31141(d) is a legal determination reserved to the judgment of the Agency, FMCSA seeks comments on any issues raised in the above referenced petitions for waiver or otherwise relevant. In addition, FMCSA requests that commenters address the following issues:

1. Whether and to what extent enforcement of a State's meal and rest break laws with respect to intrastate property-carrying and passenger-carrying CMV drivers has impacted the health and safety of drivers.
2. Whether enforcement of State meal and rest break laws as applied to interstate property-carrying or passenger-carrying CMV drivers will exacerbate the existing truck parking shortages and result in more trucks parking on the side of the road and whether any such effect will burden interstate commerce or create additional dangers to drivers and the public; and
3. Whether enforcement of a State's meal and rest break laws as applied to interstate property-carrying or passenger-carrying CMV drivers will dissuade carriers from operating in that State; and
4. Whether enforcement of a State's meal and rest break laws as applied to interstate property-carrying or passenger-carrying CMV drivers will weaken or otherwise impact the resiliency of the national supply chain.

Robin Hutcheson,
Administrator.

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² FMCSA also received a submission from Teamsters Locals 70, 87, 150, 386, 439, 948 and 2785 requesting that FMCSA reverse its preemption decisions, as well as a comment from the Owner-Operator Independent Drivers Association. These documents may be viewed in the "Comments" section of the appropriate docket.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2023-0267]

RIN 2126-AB56

FMCSA Registration System Modernization

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

ACTION: Notice of public meeting.

SUMMARY: FMCSA announces a public meeting to engage stakeholders, which includes motor carriers, brokers, freight forwarders, insurance companies, financial institutions, process agents, blanket companies, and third-party service providers; to get their perspective on improving the registration experience with FMCSA.

DATES: The meeting will be held on January 17, 2024, from 8 a.m. to 4 p.m. A copy of the agenda, will be available in advance of the meeting at <https://www.fmcsa.dot.gov/registration/fmcsa-registration-modernization-stakeholder-day>.

ADDRESSES: The meeting will be held at the DOT Headquarters Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001. Those interested in attending this public meeting must register at <https://www.fmcsa.dot.gov/registration/fmcsa-registration-modernization-stakeholder-day> by 11:59 p.m. eastern standard time (EST), on January 8, 2024. Attendance is limited to 90 people. Attendees should arrive by 8:00 a.m. to allow sufficient time to clear security. A virtual attendance option is not available for this meeting however, FMCSA will be affording additional engagement opportunities in the future which may include virtual attendance options.

FOR FURTHER INFORMATION CONTACT:

Alex Vanjani, Director, Office of the Chief Technology Officer (CTO), FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001; (202) 510-7826; Alex.Vanjani@dot.gov.

Supreet Kaur, Project Manager, Office of the CTO, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001; (202) 748-1204; Supreet.Kaur@dot.gov.

Services for individuals with disabilities: For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Alex Vanjani or Supreet Kaur using one of the above means by 11:59 p.m. EST, on January 8, 2024.

SUPPLEMENTARY INFORMATION:

Background

FMCSA is developing a new online registration system, to improve the transparency and efficiency of FMCSA's registration procedures as well as implement statutory requirements related to the registration program. FMCSA seeks user perspectives on improving the registration experience when engaging with FMCSA's registration system. During this meeting, FMCSA will invite attendees to participate in breakout sessions that will align with different groups of users the Agency expects will use the new online registration system. FMCSA moderators will facilitate discussions on what potential users would like to see, as well as what would not be helpful from a user experience perspective. The day will end with a general listening session, where FMCSA representatives will receive comments and concerns about a new online registration system.

Meeting Information

This meeting is intended for current and potential users of a new online registration system. Breakout sessions will focus on the following categories of registration IT system users:

- Motor carriers;
- Brokers and freight forwarders;
- Insurance companies/financial institutions and process agents/blanket companies; and
- Third party service providers.

The full meeting agenda will be available on the registration site (see **ADDRESSES** above for instructions on meeting registration) in advance of the meeting.

Robin Hutcheson,
Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2023-0039]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 12 individuals for an exemption from the prohibition in the