

interpretation excluded regular-route passenger carrier CMV drivers from having to record a location entry on the driver's record of duty status (RODS) for non-driving periods of less than 10 minutes. The RODS simply showed the stop as driving time. In March 2011, New York State officials began enforcing a literal interpretation of the rule, requiring that a change in duty status be entered on the log any time the driver leaves the operating controls of the CMV. Trailways is concerned that the violations will have a negative effect on the companies' and the drivers' Compliance Safety Accountability ratings, as well as schedules and passenger service because of the delays needed to make the entries.

Instead of complying with the provisions in 49 CFR 395.8(c), Trailways requests that their drivers with regularly scheduled routes be exempted from changing their duty status from "driving" to "on-duty not driving" when making stops of less than 10 minutes.

Trailways notes that the 1996 rule interpretation reduces the amount of total time a driver can drive in a duty period. Without the 1996 interpretation, the times drivers spend at stops to load passengers, freight, etc. would be logged as on-duty/not driving, increasing the driving time available, but creating an additional administrative distraction every time the driver leaves the controls regardless of the reason or the limited amount of time away from the vehicle controls. Trailways further advises that their carriers provide flag stops and that having to update the log at each flag stop increases the amount of time that the motorcoach may be delaying traffic while waiting for the pick-up and/or discharge of passengers and luggage, and then waiting for the driver to update the log before continuing the route. According to Trailways, in many instances the large number of brief stops will not fit on the log if the driver makes all of the required entries.

Trailways notes that the maximum possible driving time would be reduced and that traffic congestion could be reduced. FMCSA believes this would ensure that operations under the exemption would be at least as safe as operations that comply with the requirements on change of duty status.

FMCSA is extending Trailways' request to be on behalf of all regular-route for-hire passenger-carrier drivers because the same need for the exemption likely applies to them as well as Trailways. Including all regular-route for-hire passenger carrier drivers in the exemption will preclude the need for other carriers to file identical exemption

requests, and will provide for consistent enforcement because the same provisions would be applied to all similar scenarios involving brief stops by drivers of these carriers during their regular-route operations.

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

#### Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b)(4), FMCSA requests public comment on the Trailways application for an exemption from certain provisions of the driver's record of duty status rules in 49 CFR part 395. The Agency will consider all comments received by close of business on October 31, 2012. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will consider to the extent practicable comments received in the public docket after the closing date of the comment period.

Issued on: September 21, 2012.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2008-0362]

#### Medical Review Board Public Meeting

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

**ACTION:** Notice of Medical Review Board (MRB) public meeting.

**SUMMARY:** The FMCSA announces that the Agency's MRB will hold a committee meeting on October 19, 2012, in accordance with the Federal Advisory Committee Act (FACA). The meeting will provide the public an opportunity to observe and participate in MRB deliberations and recommendations for updating the field-of-vision (FOV) requirements in the Federal Motor Carrier Safety Regulation (FMCSR) medical standards.

**DATES:** *Meeting Date:* The MRB meeting will be held from 1 p.m. to 5 p.m. on October 19, 2012. For specific information, please note the preliminary agenda for this meeting in the **SUPPLEMENTARY INFORMATION** section of this Notice.

*Written Comment Dates:* You may submit written comments to the Federal

Docket Management System (FDMS) on this topic beginning Friday, October 5, 2012, through Friday, October 12, 2012.

**ADDRESSES:** The meeting will take place at the Hilton-Alexandria Old Town, 1767 King Street, Alexandria, VA 22314. You may submit written comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-2008-0362 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, Room W12-140, Washington, DC 20003-3302.

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

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

*Instructions:* Each submission must include the Agency name and FDMS Docket ID for this Notice. Note that DOT posts all comments without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below for further information.

*Docket:* For access to the docket to read background documents or comments received, 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. ET, 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 the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477). This information is also available at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Angela Ward, Nurse Consultant, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov). Office

hours are from 8 a.m. to 4:30 p.m. ET, Monday through Friday, except Federal holidays.

#### *Information on Services for Individuals With Disabilities*

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Angela Ward on (202) 366-4001 or at [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov).

**SUPPLEMENTARY INFORMATION:** The preliminary agenda for the meeting includes:

- 1:00 p.m.–1:15 p.m. Call to Order, Introduction and Agenda Review
- 1:15 p.m.–1:45 p.m. Field of Vision Updated Evidence Report
- 1:45 p.m.–2:00 p.m. Break
- 2:00 p.m.–3:45 p.m. MRB Deliberation on Field of Vision
- 3:45 p.m.–4:45 p.m. Public Comment Period
- 4:45 p.m.–5:00 p.m. Call to Adjourn

The agenda and breaks may be adjusted according to schedule changes and other meeting requirements.

#### **Background**

The MRB is comprised of five medical experts who serve staggered, 2-year terms. The U.S. Secretary of Transportation announced those currently serving on the MRB on November 2, 2010, and June 13, 2012. Section 4116 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), [Pub. L. 109-59, 119 Stat. 1144, Aug. 10, 2005] requires the Secretary of Transportation, with the advice of the MRB and the chief medical examiner, to establish, review, and revise “medical standards for operators of commercial motor vehicles that will ensure that the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely.”

The MRB operates in accordance with the Federal Advisory Committee Act (FACA) as announced in the **Federal Register** (70 FR 57642, October 3, 2005). The MRB is charged initially with the review of all current FMCSA medical standards (49 CFR 391.41), as well as proposing new science-based standards and guidelines to ensure that drivers operating commercial motor vehicles (CMVs) in interstate commerce, as defined in 49 CFR 390.5, are physically capable of doing so.

#### **Visual Field Loss in CMV Drivers**

Federal safety standards at 49 CFR 391.41(b)(10) state in part, that a person is medically qualified to drive a CMV if the person, “has a field of vision of at

least 70° in the horizontal meridian in each eye.” The Agency updated the evidence report released in 2008 on visual field loss and CMV driver safety<sup>1</sup> and the MRB will use the updated report in deliberations during the October 19, 2012 meeting. The updated evidence report, titled “Visual Field Loss and Commercial Motor Vehicle Driver Safety,” was released in 2012 and is available on the MRB Web site at <http://mrb.fmcsa.dot.gov> and in the docket for this Notice.

#### **Meeting Participation**

Attendance is open to the interested public, including medical examiners, motor carriers, drivers, and representatives of medical and scientific associations. Oral comments on the topic from the public will be heard during the last hour (3:45 p.m. to 4:45 p.m.) of the meeting. Oral comments may be limited depending on how many persons wish to comment, and will be accepted on a first come, first serve basis as requestors register at the meeting.

Issued on: September 24, 2012.

**Larry W. Minor,**

*Associate Administrator of Policy.*

[FR Doc. 2012-24146 Filed 9-28-12; 8:45 am]

**BILLING CODE 4910-EX-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

**[Docket No. FMCSA-2012-0279]**

#### **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 15 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 October 31, 2012.

<sup>1</sup> “*Vision and Commercial Motor Vehicle Safety*,” Volume 1: Evidence Report, June 6, 2008.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2012-0279 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 FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf>.

#### **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