

trucks and buses have an elevated seating position that greatly improves the forward visual field of the driver, and any impairment of available sight lines would be minimal; and (3) the location within the top or bottom four inches of the area swept by the windshield wiper and out of the driver's normal sightline will be reasonable and enforceable at roadside. In addition, the Agency believes that the use of the Mobileye CAS by fleets is likely to improve the overall level of safety to the motoring public.

This action is consistent with previous Agency actions permitting the similar placement of video event recorders on CMVs, within the swept area of the windshield wipers. FMCSA has granted temporary exemptions to Greyhound Lines, Inc. and to DriveCam, Inc. regarding the use of the video event recorders to increase safety through (1) identification and remediation of risky driving behaviors such as distracted driving and drowsiness, (2) enhanced monitoring of passenger behavior on CMVs in passenger service, and (3) enhanced collision review and analysis. Both of these exemptions have been renewed for two additional 2-year periods, as FMCSA is not aware of any evidence showing that the installation of the devices in the upper area of the windshield has resulted in any degradation in safety. The Agency has not received any feedback from interested parties suggesting that use of safety devices/technology in the windshield area have had an adverse impact on safety.

This action is also consistent with previous Agency actions permitting the similar placement of lane departure warning system sensors on CMVs, within the swept area of the windshield wipers. FMCSA initially granted temporary exemptions to Con-way Freight, TK Holdings, Inc., and Iteris, Inc. regarding the use of lane departure warning systems to increase safety by alerting drivers who unintentionally drift out of their lane of travel. The Agency renewed the exemptions for an additional 2-year period, and while the original exemptions granted relief to motor carriers using only the Takata and Iteris lane departure warning systems, the Agency determined—given that it has not been made aware of any reduction in the level of safety associated with the use of those systems—that it was appropriate to extend the scope of the exemption to encompass motor carriers using any lane departure warning system, provided that such sensors (1) are the same size or smaller than the Takata and Iteris (now Bendix) sensors, and (2)

mounted in the windshield in accordance with the provisions of the original exemption.

FMCSA continues to believe that the potential safety gains from the use of video event recorders and lane departure warning systems to improve driver behavior and performance will improve the overall level of safety to the motoring public. The Agency believes the same is true regarding the use of the Mobileye CAS.

#### Terms and Conditions for the Exemption

The Agency hereby grants the exemption for a two-year period, beginning March 18, 2015 and ending March 20, 2017. During the temporary exemption period, motor carriers using the Mobileye CAS must ensure that the sensor is mounted not more than 100 mm (4 inches) below the upper edge, or above the lower edge, of the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals. The exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles fail 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(b).

Interested parties possessing information that would demonstrate that motor carriers using the Mobileye CAS are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

#### Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a person operating under the exemption.

Issued on: March 12, 2015.

**T.F. Scott Darling, III,**

*Acting Administrator.*

[FR Doc. 2015-06180 Filed 3-17-15; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2014-0304]

#### 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 28 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 April 17, 2015. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2014-0304 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:** 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:** Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, (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., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-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.” FMCSA can renew exemptions at the end of each 2-year period. The 28 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

##### **II. Qualifications of Applicants**

###### *Dakota A. Albrecht*

Mr. Albrecht, 27, has a retinal scar in his right eye due to a traumatic incident in 2010. The visual acuity in his right eye is 20/150, and in his left eye, 20/15. Following an examination in 2014, his optometrist stated, “It is our opinion

that he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Albrecht reported that he has driven tractor-trailer combinations for 7 years, accumulating 700,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *Joseph L. Beverly*

Mr. Beverly, 58, has had complete loss of vision in his right eye since 2011 due to a central retinal artery occlusion. The visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2014, his ophthalmologist stated, “It is my medical opinion as an ophthalmologist that Mr. Beverly has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Beverly reported that he has driven tractor-trailer combinations for 16 years, accumulating 960,000 miles. He holds an operator’s license from Florida. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he exceeded the speed limit by 21 miles per hour.

###### *Jaroslav Cigler*

Mr. Cigler, 64, has had a branch retinal vein occlusion in his right eye since 2011. The visual acuity in his right eye is 20/80, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, “Dr. Komyatte certifies that in her medical opinion, Mr. Cigler has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Cigler reported that he has driven tractor-trailer combinations for 20 years, accumulating 2.6 million miles. He holds an operator’s license from Indiana. His driving record for the last 3 years shows one crash, for which he was not cited and did not contribute, and two convictions for moving violations in a CMV; in one instance he disregarded a traffic signal, and in another he was cited for improper lane usage.

###### *David E. Crane*

Mr. Crane, 59, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/80, and in his left eye, 20/25. Following an examination in 2014, his optometrist stated, “I also certify that he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Crane reported that he has driven straight trucks for 28 years, accumulating 700,000 miles. He holds a Class A CDL from Ohio. His driving

record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he was operating a CMV in a no truck zone.

###### *Alan J. Daisey*

Mr. Daisey, 63, has complete loss of vision 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, no light perception. Following an examination in 2014, his optometrist stated, “Mr. Daisey’s vision is good enough to have a commercial license.” Mr. Daisey reported that he has driven straight trucks for 18 years, accumulating 18,000 miles. He holds a Class CB CDL from Delaware. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *Terry L. Daneau*

Mr. Daneau, 54, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/300. Following an examination in 2014, his optometrist stated, “I believe that Terry Daneau possesses sufficient vision to maintain a CDL as long as glasses are worn.” Mr. Daneau reported that he has driven straight trucks for 16 years, accumulating 800,000 miles. He holds a Class B MC CDL from New Hampshire. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *Ronald A. Doyle*

Mr. Doyle, 53, has had a corneal scar in his right eye since 1985. The visual acuity in his right eye is 20/60, and in his left eye, 20/25. Following an examination in 2014, his optometrist stated, “Upon examining patient I certify that in my medical opinion, has sufficient vision to perform the driving tasks required to operate a commercial vehicle with a license (non-CDL) as explained in #1 Proof of Commercial License.” Mr. Doyle reported that he has driven straight trucks for 14 years, accumulating 121,422 miles. He holds a Class D license from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

###### *Darin T. Eubank*

Mr. Eubank, 25, has had refractive amblyopia in his right eye since birth. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, “Darin has sufficient vision to drive a commercial vehicle.” Mr. Eubank reported that he has driven straight trucks for 9 years, accumulating

51,300 miles, and tractor-trailer combinations for 5 years, accumulating 17,500 miles. He holds a Class A CDL from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Dan J. Feik*

Mr. Feik, 53, has a prosthetic left eye due to a traumatic incident in 1989. The visual acuity in his right eye is 20/15, and in his left eye, no light perception. Following an examination in 2015, his ophthalmologist stated, "It is my opinion that Mr. Feik has excellent peripheral vision and visual acuity in the right eye to perform the tasks required of him to operate a commercial vehicle without reservations." Mr. Feik reported that he has driven straight trucks for 8 years, accumulating 380,000 miles. He holds a Class BM CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Phillip E. Fitzpatrick*

Mr. Fitzpatrick, 38, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/70. Following an examination in 2014, his optometrist stated, "Based on the longstanding nature of Phillip's amblyopia in the left eye and the fact he has had a CDL for a number of years I believe that Phillip can safely and effectively operate a vehicle that requires a CDL." Mr. Fitzpatrick reported that he has driven straight trucks for 18 years, accumulating 90,000 miles. He holds a Class B CDL from New Mexico. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*William H. Fleming*

Mr. Fleming, 68, has had a branch vein occlusion in his right eye since 2012. The visual acuity in his right eye is 20/60, and in his left eye, 20/25. Following an examination in 2014, his optometrist stated, "In my medical opinion,

William Fleming has sufficient vision to perform the driving task required to operate a commercial vehicle." Mr. Fleming reported that he has driven buses for 3 years, accumulating 78,000 miles. He holds a Class B CDL from Oregon. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Lucien W. Foote III*

Mr. Foote, 61, has had exotropia with amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/25, and in his left eye, 20/80. Following an examination in 2014, his optometrist stated, "In my medical opinion, he has sufficient vision to perform the necessary driving tasks for a commercial vehicle."

Mr. Foote reported that he has driven straight trucks for 29 years, accumulating 435,000 miles. He holds a Class A MC CDL from New Hampshire. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Jimmy F. Garrett*

Mr. Garrett, 61, has complete loss of vision in his right eye due to a traumatic incident in 1974. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, "Due to his driving record and excellent vision in his left eye I feel Jimmy can operate a commercial vehicle safely." Mr. Garrett reported that he has driven straight trucks for 6 years, accumulating 36,000 miles, and tractor-trailer combinations for 26 years, accumulating 2.34 million miles. He holds a Class A CDL from Arkansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Odus P. Gautney III*

Mr. Gautney, 61, has had glaucoma in his left eye since 1983. The visual acuity in his right eye is 20/30, and in his left eye, 20/400. Following an examination in 2014, his ophthalmologist stated, "The above named patient has had the diagnosis of glaucoma for over 30 years . . . The patient can perform all tasks required to maintain CDL certification." Mr. Gautney reported that he has driven tractor-trailer combinations for 18 years, accumulating 1.8 million miles. He holds a Class AM CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Dale R. Goodell*

Mr. Goodell, 73, has glaucoma in his left eye due to a traumatic incident in 1991. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2014, his optometrist stated, "Attn: Vision Program U.S. Dept of Transportation . . . Considering the fact this vision defect in the left eye is longstanding I would state Dale has over time adapted to the loss of vision and should continue to be able to operate a

motor vehicle safely." Mr. Goodell reported that he has driven straight trucks for 56 years, accumulating 5.6 million miles, and tractor-trailer combinations for 42 years, accumulating 1.05 million miles. He holds a Class A CDL from South Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Elmer Y. Mendoza*

Mr. Mendoza, 35, has had histoplasmosis in his right eye since childhood. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 201X, his optometrist stated, "I believe Mr. Mendoza does have sufficient vision required for CDL." Mr. Mendoza reported that he has driven tractor-trailer combinations for nine years, accumulating 954,000 miles. He holds a Class A CDL from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Andrew M. Miller*

Mr. Miller, 60, has retinal detachment in his right eye due to a traumatic incident in 1972. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, "He is able to perform the required visual tasks associated with commercial driving skills." Mr. Miller reported that he has driven straight trucks for 10 years, accumulating 110,000 miles. He holds an operator's license from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Richard N. Moyer, Jr.*

Mr. Moyer, 47, has had a retinal detachment in his left eye since 1990. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2015, his ophthalmologist stated, "Field is full od and doesn't compromise his ability to function as a commercial driver." Mr. Moyer reported that he has driven straight trucks for 29 years, accumulating 870,000 miles, and tractor-trailer combinations for 26 years, accumulating 260,000 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.

*Heath A. Pillig*

Mr. Pillig, 43, has had anisometropia with amblyopia in his left eye since childhood. The visual acuity in his right

eye is 20/20, and in his left eye, 20/100. Following an examination in 2014, his ophthalmologist stated, "Given his history and current visual acuity I feel he has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Pillig reported that he has driven straight trucks for 7.5 years, accumulating 881,250 miles, and tractor-trailer combinations for 13 years, accumulating 1.53 million miles. He holds a Class A CDL from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Alonzo K. Rawls*

Mr. Rawls, 46, 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 2015, his ophthalmologist stated, "Patient has a corneal scar from an accident OS in 1990. Vision has been poor since then. Patient obtained a commercial license in 2008 and 2010, but needs re-evaluation to see if he qualifies for an exemption for a CDL license. The patient, based upon his examination today, does not meet the requirements for a CDL. However, the patient has had a CDL in the past with no accidents on record. If appropriate, the patient would desire a road test to prove his ability to safely drive and quality [*sic*] for an exemption." Mr. Rawls reported that he has driven straight trucks for 3 years, accumulating 18,375 miles. He holds a Class A CDL from New Jersey. His driving record for the last 3 years shows one crash, for which he was not cited and to which he did not contribute, and no convictions for moving violations in a CMV.

*John R. Ropp*

Mr. Ropp, 72, has had histoplasmosis in his left eye since 1973. The visual acuity in his right eye is 20/20, and in his left eye, light perception. Following an examination in 2014, his optometrist stated, "In my opinion I believe with his record of 30 plus years without an accident or moving violation I don't feel his vision will be a concern in regards to driving a commercial vehicle." Mr. Ropp reported that he has driven straight trucks for 34 years, accumulating 68,000 miles, and tractor-trailer combinations for 34 years, accumulating 68,000 miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Timothy J. Slone*

Mr. Slone, 51, has a prosthetic right eye due to a traumatic incident in childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, "Mr. Slone has sufficient vision to operate a commercial vehicle under the following restrictions (a) spectacle RX (b) passenger mirror." Mr. Slone reported that he has driven straight trucks for 35 years, accumulating 1.75 million miles. He holds an operator's license from Kentucky. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*David L. Sorensen*

Mr. Sorensen, 57, has complete loss of vision in his right eye due to a traumatic incident at birth. The visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, "I would also state in my medical opinion Mr. Sorensen is able to safely operate a commercial vehicle. There is a longstanding history of loss of vision in the right eye associated with trauma resulting in loss of vision in the right eye." Mr. Sorensen reported that he has driven straight trucks for 20 years, accumulating 40,000 miles, and tractor-trailer combinations for 11 years, accumulating 33,000 miles. He holds a Class A CDL from Nebraska. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Nelson J. Stokke*

Mr. Stokke, 54, has complete loss of vision in his left eye due to a traumatic incident in 2005. The visual acuity in his right eye is 20/20, and in his left eye, light perception. Following an examination in 2014, his ophthalmologist stated, "In summary, this 53 year old commercial truck driver has adequate vision to continue driving a commercial vehicle in my opinion." Mr. Stokke reported that he has driven tractor-trailer combinations for 29 years, accumulating 1.37 million miles. He holds a Class A CDL from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Darwin L. Stuart*

Mr. Stuart, 55, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/350. Following an examination in 2014, his optometrist stated, "In my opinion Mr. Stuart has sufficient vision to perform [*sic*] driving

tasks required to operate a commercial vehicle." Mr. Stuart reported that he has driven straight trucks for 23 years, accumulating 115,000 miles, and tractor-trailer combinations for 8 years, accumulating 60,000 miles. He holds a Class AM CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Ivan Tlumach*

Mr. Tlumach, 45, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2014, his ophthalmologist stated, "At this time, from a medical standpoint, he has sufficient vision needed to continue to perform the driving tasks required to operate a commercial motor vehicle." Mr. Tlumach reported that he has driven straight trucks for 12 years, accumulating 144,000 miles. He holds an operator's license from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Clarence K. Watkins*

Mr. Watkins, 74, has/has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/25, and in his left eye, 20/400. Following an examination in 2014, his ophthalmologist stated, "Pt's [*sic*] vision is currently as good as it has ever been with 20/25 visual acuity in his right eye and 20/400 vision in his left eye. Pt's [*sic*] ability to drive commercial truck at this time would be no different than his ability has been over the past 5 decades." Mr. Watkins reported that he has driven straight trucks for 55 years, accumulating 550,000 miles, and tractor-trailer combinations for 56 years, accumulating 112,000 miles. He holds a Class A CDL from Tennessee. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Kevin D. Zaloudek*

Mr. Zaloudek, 43, has a damaged cornea and retina in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is counting fingers, and in his left eye, 20/15. Following an examination in 2014, his optometrist stated, "In my opinion Kevin Zaloudek's vision is sufficient for him to safely operate a commercial vehicle." Mr. Zaloudek reported that he has driven straight trucks for 15 years, accumulating 225,000 miles. He holds an operator's license from Vermont. His driving record for the last 3 years shows

no crashes and no convictions for moving violations in a CMV.

### III. 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, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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 <http://www.regulations.gov> and put the docket number FMCSA-2014-0304 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 change this notice based on your comments.

#### Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> and insert the docket number FMCSA-2014-0304 in the "Keyword" box and click "Search." Next, click "Open Docket Folder" button and choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility 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., e.t., Monday through Friday, except Federal holidays.

Issued on: March 12, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015-06179 Filed 3-17-15; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2013-0451]

#### Hours of Service of Drivers: Oregon Trucking Associations' Application for Exemption

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

**ACTION:** Notice of final determination; granting of exemption.

**SUMMARY:** FMCSA announces its decision to grant the application of the Oregon Trucking Associations (OTA) for a limited exemption from the Agency's hours-of-service (HOS) regulation requiring commercial motor vehicle (CMV) drivers to take 30-minute rest breaks at specified intervals in their duty day. This exemption is limited to CMV drivers engaged in transporting timber from Oregon forestlands, and further limited to periods of the year in which the Oregon Department of Forestry (ODF) has formally restricted logging operations to certain hours of the day due to an elevated risk of forest fire. FMCSA believes that the rest breaks during these periods of restricted operating hours may reduce the volume of timber that OTA drivers can deliver, affecting the economic viability of the Oregon lumber industry. The Agency grants this limited exemption on condition that these exempt drivers do not drive after the 12th hour of their duty day. The Agency finds that the CMV operations of OTA timber transporters under this limited exemption would likely achieve a level of safety equivalent to or greater than the level of safety that would be obtained in the absence of the exemption.

**DATES:** This limited exemption is effective March 18, 2015 subject to the Terms and Conditions stated herein, and expires March 20, 2017.

#### SUPPLEMENTARY INFORMATION:

##### Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the 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. The Agency must also 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 may grant an exemption subject to specified terms and conditions. The decision of the Agency must be published 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 also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

On December 27, 2011, FMCSA published a final rule establishing mandatory rest breaks for CMV drivers (76 FR 81133). Effective July 1, 2013, drivers may not operate a CMV if 8 hours or more have elapsed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes [49 CFR 395.3(a)(3)(ii)]. FMCSA did not otherwise specify when drivers must take the 30-minute break.

On August 2, 2013, the U.S. Court of Appeals for the District of Columbia Circuit issued a decision on petitions for review of the Agency's final HOS rule of December 27, 2011.<sup>1</sup> That rule imposed a requirement for a 30-minute rest break for interstate drivers of CMVs. The Court upheld the 2011 HOS rule in all respects, except that it vacated the break provision applicable to "short-haul" drivers. To qualify as a short-haul driver, CMV drivers must (1) limit their duty day to a maximum of 12 hours, (2) remain within a 100 air-mile radius of their point of origin throughout their duty day, and (3) return to their work reporting locations at the end of the duty day in (49 CFR 395.1(e)(1)). The Court also vacated the break provision applicable to short-haul drivers who do not need a commercial driver's license (CDL) [49 CFR 395.1(e)(2)], but since

<sup>1</sup> *American Trucking Associations, Inc. v. Federal Motor Carrier Safety Administration*, 724 F.3d 243 (D.C. Cir. Aug. 2, 2013). FMCSA published its response to the Court's opinion at 78 FR 64179 (October 28, 2013).