

trucks for 22 years, accumulating 200,200 miles. He holds a Class DM operator's license from Alabama. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Johnny T. Solorio*

Mr. Solorio, 47, is blind 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 2015, his optometrist stated, "It is my professional opinion that Mr. Solorio has sufficient vision to perform the tasks required to operate a commercial vehicle." Mr. Solorio reported that he has driven straight trucks for 9 years, accumulating 900,000 miles and tractor-trailer combinations for 9 years, accumulating 900,000 miles. He holds a Class AM1 CDL from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Richard R. Vonderohe*

Mr. Vonderohe, 52, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/40, and in his left eye, 20/150. Following an examination in 2015, his optometrist stated, "With correction, I believe Richard has sufficient vision to operate a commercial vehicle." Mr. Vonderohe reported that he has driven straight trucks for 31 years, accumulating 496,000. 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.

*William J. Watts*

Mr. Watts, 56, had a retinal detachment in his left in 1970. The visual acuity in his right eye is 20/20, and in his left eye, 20/70. Following an examination in 2015, his optometrist stated, "In my medical opinion, Mr. Watts has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Watts reported that he has driven straight trucks for 6 years, accumulating 60,000 miles, tractor-trailer combinations for 37 years, accumulating 4.44 million miles. He holds a Class A CDL from Montana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Russell Zelich*

Mr. Zelich, 49, has a central retinal scar in his right eye due to a traumatic incident in 1980. The visual acuity in his right eye is count fingers, and in his left eye, 20/20. Following an

examination in 2015, his optometrist stated, "Due to central retinal scarring his right eye is reduced to finger counting while the left eye uncorrected acuity is 20/25 correctable to 20/20 . . . He has had a commercial driving license for nearly 3 decades without a chargeable accident . . . In my opinion special allowances should be made in his case." Mr. Zelich reported that he has driven straight trucks for 24 years, accumulating 360,000 miles. He holds a Class B CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Frederick A. Zoeller, Jr.*

Mr. Zoeller, 53, has had refractive amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, "He is visually capable of performing the tasks required to operate a commercial vehicle." Mr. Zoeller reported that he has driven straight trucks for 37 years, accumulating 231,250 miles. He holds a Class MC operator's license from New Hampshire. 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-2015-0350 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. FMCSA may issue a final determination at any time after the close of the comment period.

*Viewing Comments and Documents*

To view comments, as well as documents mentioned in this preamble, go to <http://www.regulations.gov> and insert the docket number FMCSA-2015-0350 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 10, 2016.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2016-05903 Filed 3-15-16; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA-2016-0096]

#### Hours of Service of Drivers: Specialized Carriers & Rigging Association; 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 from the Specialized Carriers & Rigging Association (SC&RA) seeking exemption from two provisions of the Agency's hours-of-service (HOS) regulations for commercial motor vehicle (CMV) drivers. SC&RA asks that motor carriers and drivers operating mobile cranes with a rated lifting capacity of greater than 30 tons be exempted from the 30-minute break requirement and the 14-hour rule. SC&RA believes that these two HOS rules uniquely affect the operational efficiency of these crane operations and unnecessarily place the

driver and public at risk. FMCSA requests public comment on SC&RA's application for exemption.

**DATES:** Comments must be received on or before April 15, 2016.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA-2016-0096 by any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the online 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 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:** For information concerning this notice, contact Mr. Robert Schultz, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202-366-2718. 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-2016-0096), 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-2016-0096" 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 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 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)).

### III. Request for Exemption

On December 27, 2011 (76 FR 81133), FMCSA published a final rule amending its hours-of-service (HOS) regulations for drivers of property-carrying CMVs. The new rule included a provision requiring many drivers to take a rest break during the workday. Generally, if 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes, the driver may not operate a CMV until he or she takes at least 30 minutes off duty (49 CFR 395.3(a)(3)(ii)). FMCSA did not specify when drivers must take the 30-minute break. The HOS rules also limit drivers of property-carrying CMVs to a 14-hour driving window each duty day (49 CFR 395.3(a)(2)). The window begins when the driver comes on duty following at least 10 consecutive hours off duty. After the 14th consecutive hour from that point, the driver cannot operate a CMV until he or she obtains at least 10 consecutive hours off duty. The requirements of the HOS rules apply to drivers of CMVs in interstate commerce and to their motor carrier employers who direct the drivers to operate the CMVs.

On June 18, 2015 (80 FR 34957), FMCSA granted SC&RA an exemption from the 30-minute rest-break requirement for its members when transporting loads that exceed certain vehicle weight and size limits and therefore require a permit issued by a governmental authority. The Agency granted this exemption for the maximum period of two years permitted by the FMCSRs (§ 381.300(b)). Subsequently, section 5206(a)(3) of the "Fixing America's Surface Transportation Act" (FAST Act) [Pub. L. 114-94, 129 Stat. 1312], effective October 1, 2015, gave the Agency authority to grant HOS exemptions for up to 5 years. Section 5206(b)(2)(A) also provides that any exemption from 49 CFR part 395 that was in effect on the date of enactment of the FAST Act is valid for 5 years from the date of the original exemption. The 30-minute exemption granted on June 18, 2015, is therefore valid until June 18, 2020. SC&RA advises that the broader exemption now being requested is needed because mobile cranes do not always require oversize/overweight permits, but the drivers encounter HOS problems nevertheless.

SC&RA advises that there are approximately 85,000 trained and certified mobile crane operators in the United States, and, of these, approximately 65,000 operate cranes over 30 tons lifting capacity.

SC&RA seeks an exemption from the 14-hour rule and the requirement for a 30-minute break for drivers operating mobile cranes with a rated lifting capacity of greater than 30 tons. It asks that the exemptions be for a period of 5 years. SC&RA asserts that these two HOS rules frequently compel drivers of these cranes to stop driving and park the crane to avoid violating their terms. SC&RA states that complications arise at this point because the availability of parking for CMVs is very limited. SC&RA cites data indicating that there is a shortage of parking places for CMVs in the United States and notes ongoing Federal and State efforts to address this problem. Parking for cranes is even more limited because of the dimensions of these vehicles. SC&RA asserts that compliance with the two HOS rules often results in cranes being parked on the shoulder of public roads. SC&RA states the width of some cranes is such that they can only be parked partially on the shoulder and partially on a travel lane.

SC&RA describes the unpredictable nature of the typical workday when a crane is fixed in place for lifting at a worksite. The applicant lists a number of variables that can complicate the scheduling of crane operations, including delays waiting for the item to be lifted to arrive at the work site or to be rigged so that the crane can lift it. Unexpected inclement weather can also trigger delays. SC&RA asserts that the primary result is that the workday may be unexpectedly extended. Thus, timing a crane's movement from the worksite and onto public roads at the end of the day is highly problematic. SC&RA points out that State and local restrictions limit the hours of the day, and sometimes the days of the week, that cranes may move on public roads. In addition, movement of cranes may require a pilot car, the display of signs and lights, and even an escort vehicle provided by state or local police. Movement of cranes is normally at speeds much slower than the posted speed limit, and is highly susceptible to weather and traffic conditions. SC&RA asserts that the two HOS rules from which it seeks exemption—the 30-minute-break and 14-hour rules—become most burdensome at this point. However, SC&RA acknowledges that crane operators cross State lines on less than 5 percent of their trips.

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

SC&RA does not foresee any negative impact to safety from the requested exemption. It believes that granting the exemption would have a favorable impact on overall safety by reducing the frequency of cranes being parked along public roads. It points out that its members generally drive a crane less than 2 hours a day. SC&RA states that its crane drivers have a low crash rate, and it attached copies of its driver training and safety manuals to the application for exemption. Copies of these documents are available for review in the docket for this notice.

Issued on: March 10, 2016.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2016-05902 Filed 3-15-16; 8:45 am]

**BILLING CODE 4910-EX-P**

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#### DEPARTMENT OF TRANSPORTATION

##### Federal Motor Carrier Safety Administration

##### Inspection, Repair, and Maintenance; Periodic Inspection of Commercial Motor Vehicles; Acceptance of Mexico's NOM-068-SCT-2-2014 Inspection Program

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

**ACTION:** Notice on periodic inspection programs.

**SUMMARY:** The FMCSA announces its acceptance of the Norma Oficial Mexicana ((NOM) or Official Mexican Standard) concerning the periodic inspection (PI) of commercial motor vehicles (CMVs). The Agency has reviewed NOM-068-SCT-2-2014 (NOM 68) and determined that it should be added to the list of programs which are comparable to, or as effective as, the Federal PI requirements contained in the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA's acceptance of NOM 68 means that Mexico-domiciled motor carriers operating in the United States must ensure that their CMVs are inspected annually as required by the Secretaría de Comunicaciones y Transportes (SCT). The motor carrier must retain a copy of the inspection report and a sticker/decals must be affixed to the vehicle in order to satisfy the PI requirements in the United States. These motor carriers will no longer have the option of relying on their employees to conduct inspections of the CMVs the carrier controls, using commercial garages for such inspections, or passing

a roadside inspection based on criteria published by the Commercial Motor Vehicle Safety Alliance (CVSA) to comply with the periodic inspection requirements at 49 CFR part 396.

**DATES:** This action is effective March 16, 2016. NOM-68 inspection decals issued on or after October 1, 2015, will be accepted as proof of a periodic during roadside inspections and investigations conducted on or after March 16, 2016.

**FOR FURTHER INFORMATION CONTACT:** Mr. Marcelo Perez, North American Borders Division, MC-ESB, (512) 916-5440, Federal Motor Carrier Safety Administration, 903 San Jacinto Blvd., Suite 1100, Austin, TX 78701. Office hours are from 7:45 a.m. to 4:15 p.m., CDT, Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 210 of the Motor Carrier Safety Act of 1984 (49 U.S.C. 31142) (the Act) requires the Secretary of Transportation to prescribe standards for annual or more frequent inspection of CMVs unless the Secretary finds that another inspection system is as effective as an annual or more frequent inspection. On December 7, 1988, in response to the Act, the Federal Highway Administration (FHWA), the agency within the Department of Transportation responsible for motor carrier safety until 1999, published a final rule amending 49 CFR part 396 of the FMCSRs (53 FR 49402). The final rule required CMVs operated in interstate commerce to be inspected at least once a year. The inspection was to be based on Federal inspection standards, or a State inspection program determined by the FHWA, FMCSA's predecessor agency, to be comparable to, or as effective as, the Federal standards. Accordingly, if FHWA decided that a State's PI program was comparable to, or as effective as, the requirements of part 396, then the motor carrier had to ensure that all of its CMVs which are required by that State to be inspected through the State's inspection program were inspected. If a State did not have such a program, the motor carrier was responsible for ensuring its CMVs are inspected using one of the alternatives included in the final rule.

On March 16, 1989, the FHWA published a notice in the **Federal Register** that requested States and other interested parties to identify and provide information on the CMV inspection programs in their respective jurisdictions (54 FR 11020). Upon review of the information submitted, the FHWA published a list of State