

doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must specify the effective period of the exemption (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

#### Laydon Application for Exemption

Laydon, on behalf of motor carriers utilizing its OptiTail™ aerodynamic devices, applied for an exemption from 49 CFR 393.11 to allow rear identification lamps and rear clearance lamps to be mounted lower than currently permitted by the Agency's regulations. A copy of the application is included in the docket referenced at the beginning of this notice.

Table 1 of § 393.11, "Required lamps and reflectors on commercial motor vehicles," specifies the requirements for lamps, reflective devices and associated equipment by the type of CMV. All CMVs manufactured on or after December 25, 1968, must, at a minimum, meet the applicable requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, "Lamps, reflective devices, and associated equipment," in effect at the time of manufacture of the vehicle. Rear identification lamps must be mounted as close as practicable to the top of the vehicle. One lamp must be as close as practicable to the vertical centerline and one on each side of the center lamp with the lamp centers spaced not less than 6 inches or more than 12 inches apart, and all on the same level. One rear clearance lamp must be located on each side of the vertical centerline of the vehicle to indicate overall width, both of which must be on the same level and as high as practicable.

Laydon is wholly owned by WABCO Europe BVBA, with headquarters in Brussels, Belgium. Laydon and WABCO have developed a trailer collapsible boat tail technology which improves the overall tractor trailer aerodynamic efficiency. The OptiTail™ systems, both the fully auto and manual versions, are currently installed to the rear doors of a CMV trailer such that the upper panels are below the trailer's identification and clearance lamps. Laydon notes that installing the upper panels below the identification lights—about 1.25 to 3 inches below the trailer roof—is not the ideal aerodynamic condition, and that the upper panels could yield better aerodynamic flow characteristics if they were mounted flush with the trailer roof. However,

mounting the upper panel of the OptiTail™ system flush with the roof will block the full view of the trailer identification and clearance lights, in violation of section 393.11 of the FMCSRs.

Laydon is requesting the exemption to allow trailers using its OptiTail™ system to have the required identification and clearance lights mounted lower than currently permitted, and at the same required location for flatbed trailers and intermodal chassis. Laydon states that while it has conducted (1) computer simulation analysis, (2) scaled wind tunnel testing, and (3) full scale environmental testing of the flush roof mounted configuration, the temporary exemption is necessary to complete actual performance testing in full environmental conditions by various fleet operators located in multiple areas of the U.S. and with different standard travel routes.

In its application, Laydon states:

The safety impact of the proposed 49 CFR 393.11 exemption would be similar to existing CMVs already in operation, provided the relocation or addition of lower level identification and clearance lamps are installed on the CMV. Assuming additional lamps are installed lower on the trailer and just not relocated, the improved OptiTail™, auto version (AutoTail), would still have the existing centerline identification lamp and both clearance lamps visible when the trailer is traveling at slow speeds. Our AutoTail is self-deploying and self-retracting. The AutoTail will remain retracted until the tractor reaches a speed of approximately 40 mph and remain open until the tractor reduces speed to approximately 6 mph. The AutoTail will continue to remain closed as long as the trailer does not exceed 40 mph. As a result the current centerline identification and clearance lights would be visible when the tractor trailer is stopped at a traffic light or other slow speed road condition. We are not advocating that this is sufficient to allow the exemption without additional clearance and identification lamps installed lower on the trailer. All CMV trailers have conspicuity materials installed across the width of the trailer. These reflex reflectors will still be visible with the OptiTail™ deployed or retracted. Both the two clearance and three identification lights should be relocated or additionally added to the approximate horizontal plane with other rear lamps. These are generally regarded as the brake and running lamps. This location is the same as found on some CMVs, such as flatbed trailers, with or without "curtain sides" and intermodal chassis trailers. Now is the time for all good men to come to the aid of their country.

Laydon states that without the exemption, it will be unable to establish and verify the maximum fuel economy and environmental impacts of the OptiTail™ system, which could have

long term impacts on meeting future greenhouse gas or California Air Resources Board fuel economy requirements.

#### Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on Laydon's application for an exemption from 49 CFR 393.11. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice.

Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: March 20, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019-05946 Filed 3-27-19; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0006]

#### Qualification of Drivers; Exemption Applications; Vision

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

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

**SUMMARY:** FMCSA announces receipt of applications from nine individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions will enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

**DATES:** Comments must be received on or before April 29, 2019.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-2019-0006 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <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:* 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.

To avoid duplication, please use only one of these four methods. See the "Public Participation" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**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 8:30 a.m. to 5 p.m., ET, 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. Public Participation**

#### *A. Submitting Comments*

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2019-0006), 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 that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, put the docket number, FMCSA-2019-0006, in the keyword box, and click "Search." When the new screen appears, click on the "Comment Now!" button and type your comment into the text box on 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.

#### *B. 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>. Insert the docket number, FMCSA-2019-0006, in the keyword box, and click "Search." Next, click the "Open Docket Folder" button and choose the document 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., ET, Monday through Friday, except Federal holidays.

#### *C. 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).

### **II. Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-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 five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The nine individuals listed in this notice have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10). 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.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye

without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

In July 1992, the Agency first published the criteria for the Vision Waiver Program, which listed the conditions and reporting standards that CMV drivers approved for participation would need to meet (Qualification of Drivers; Vision Waivers, 57 FR 31458, July 16, 1992). The current Vision Exemption Program was established in 1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178, 112 Stat. 107, 401 (June 9, 1998). Vision exemptions are considered under the procedures established in 49 CFR part 381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of 49 CFR 391.41(b)(10).

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past three 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 Docket Number 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 (See 61 FR 13338, 13345, March 26, 1996). 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 three consecutive years of data, comparing the experiences of drivers in the first two years with their experiences in the final year.

### III. Qualifications of Applicants

#### *Clay A. Applegarth*

Mr. Applegarth, 49, had an enucleation of his left eye due to ocular melanoma in 1994. The visual acuity in his right eye is 20/20 and in his left eye, no light perception. Following an examination in 2018, his optometrist stated, “It is my medical opinion that Clay has safely operated commercial vehicles with this condition for many years and that his vision is sufficient to perform the driving tasks required to operate a commercial vehicle.” Mr. Applegarth reported that he has driven tractor-trailer combinations for 25 years, accumulating 3.75 million miles. He holds a Class A CDL from Colorado. His driving record for the last three years shows no crashes and one conviction for a moving violation in a CMV; drove a defective/unsafe vehicle.

#### *Anthony J. Cesternino*

Mr. Cesternino, 72, had an enucleation of 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 2019, his optometrist stated, “I certify that in my medical opinion, Mr. Cesternino has

sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Cesternino reported that he has driven tractor-trailer combinations for 47 years, accumulating 5.4 million miles. He holds a Class A CDL from Virginia. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Steven S. Criss*

Mr. Criss, 38, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/80. Following an examination in 2018, his optometrist stated, “In my opinion, the reduced visual acuity in Steven’s left eye does not prohibit him from operating a commercial vehicle . . . I would anticipate no further functional problems due to this condition and have no reservations about recommending that he be granted the privilege to operate a commercial vehicle.” Mr. Criss reported that he has driven straight trucks for ten years, accumulating 350,000 miles. He holds an operator’s license from Florida. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Terrence H. Flick II*

Mr. Flick, 34, has had a macular scar in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, light perception. Following an examination in 2018, his optometrist stated, “Mr. Flick does have sufficient vision to drive and operate a commercial vehicle safely.” Mr. Flick reported that he has driven straight trucks for 15 years, accumulating 150,000 miles. He holds an operator’s license from Illinois. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Ismael Gonzalez*

Mr. Gonzalez, 59, 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 2018, his ophthalmologist stated, “In my medical opinion, Ismael Gonzalez has sufficient vision to perform driving tasks required to operate a commercial vehicle.” Mr. Gonzalez reported that he has driven straight trucks for 25 years, accumulating 650,000 miles. He holds a Class B CDL from New Jersey. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Philip E. Henderson*

Mr. Henderson, 78, had a retinal detachment in his right eye in 2008. The visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2018, his ophthalmologist stated, “In my medical opinion, Mr. Philip Henderson has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Henderson reported that he has driven straight trucks for six years, accumulating 36,000 miles, and tractor-trailer combinations for 49 years, accumulating 4.4 million miles. He holds a Class A CDL from Missouri. His driving record for the last three years shows one crash and one conviction for a moving violation in a CMV; improper backing of CMV.

#### *Brian S. Metheny*

Mr. Metheny, 44, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2018, his ophthalmologist stated, “In my opinion [sic] he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Metheny reported that he has driven straight trucks for three years, accumulating 180,000 miles. He holds a Class A CDL from Pennsylvania. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Roger L. Ridder*

Mr. Ridder, 56, has complete loss of vision in his right eye due to a retinal detachment in 2015. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, “In my professional opinion, Mr. Roger Ridder has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Ridder reported that he has driven straight trucks for 35 years, accumulating 105,000 miles, and tractor-trailer combinations for 30 years, accumulating 60,000 miles. He holds an operator’s license from Kansas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Cody R.E. Zeigler*

Mr. Zeigler, 26, has had optic neuropathy in his right eye since 2015. The visual acuity in his right eye is 20/100, and in his left eye, 20/25. Following an examination in 2018, his optometrist stated, “I certify in my medical opinion you [sic] have sufficient vision in your left eye to

perform the driving tasks required to operate a commercial vehicle as stated in the FMCSA visual standards." Mr. Zeigler reported that he has driven straight trucks for six years, accumulating 120,000 miles. He holds an operator's license from Pennsylvania. His driving record for the last three 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, 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 in the dates section of the notice.

Issued on: March 20, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019-05950 Filed 3-27-19; 8:45 am]

**BILLING CODE 4910-EX-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0069]

#### Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Charles Machine Works Inc.

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

**ACTION:** Notice of application for exemption; request for comments.

**SUMMARY:** The Federal Motor Carrier Safety Administration (FMCSA) requests public comment on Charles Machine Works, Inc.'s (CMW) application for an exemption from the Agency's prohibition against the use of gravity or syphon-fed fuel systems for auxiliary equipment installed on or used in connection with commercial motor vehicles (CMVs). CMW believes that the use of gravity or syphon-fed fuel systems for auxiliary equipment that operates only when the CMV is parked would maintain a level of safety that is equivalent to, or greater than, the level that it would achieve without the requested exemption.

**DATES:** Comments must be received on or before April 29, 2019.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-

2019-0069 using any of the following methods:

- **Website:** <http://www.regulations.gov>

Follow the instructions for submitting comments on the Federal electronic docket site.

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

- **Mail:** Docket Management Facility, U.S. Department of Transportation, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

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

**Instructions:** All submissions must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the "Public Participation" heading below. 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 for further information.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or to Room W12-140, DOT Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**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).

**Public participation:** The <http://www.regulations.gov> website is generally available 24 hours each day, 365 days each year. You may find electronic submission and retrieval help and guidelines under the "help" section of the <http://www.regulations.gov> website as well as the DOT's <http://docketsinfo.dot.gov> website. If you would like notification that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments online.

**FOR FURTHER INFORMATION CONTACT:** Mr. Luke W. Loy, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC-PSV, (202) 366-0676, [Luke.Loy@dot.gov](mailto:Luke.Loy@dot.gov),

Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant exemptions from the FMCSRs. Pursuant to the implementing 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 with 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 the safety analyses and the public comments 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)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must specify the effective period of the exemption (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

##### CMW's Application for Exemption

CMW has applied for an exemption from 49 CFR 393.65(d) to allow the use of gravity or syphon fed fuel systems for auxiliary equipment installed on or used in connection with CMVs that operate only when the CMV is not operating on the highway. A copy of the application is included in the docket referenced at the beginning of this notice.

Section 393.65 of the FMCSRs prescribes certain requirements that are applicable to all CMV fuel systems. The requirements in this section apply to systems for containing and supplying fuel for the operation of (1) motor vehicles or (2) auxiliary equipment installed on, or used in connection with, motor vehicles. Section 393.65(d) prohibits a fuel system from supplying fuel by gravity or syphon feed directly to the carburetor or injector.

CMW is a family of companies focused on the installation,