

companies, should be granted exemptions when strong supporting materials and criteria are presented that demonstrate that 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). . . .”

NAW said much the same: “. . . . Allowing for greater flexibility on HOS rules, specifically allowing for the required 30-minute rest break to be completed through on duty, non-driving, tasks will improve driver efficiency and be beneficial to Transco, Inc., Transco’s drivers and commuters alike. Further, by granting this exemption FMCSA could produce additional safety benefits in the form of fewer trips and less driving exposure.”

The International Brotherhood of Teamsters (IBT) and two other respondents opposed the requested exemption. IBT commented that “Transco has not sufficiently met the test that granting the exemption requested 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).”

VI. FMCSA Decision

FMCSA has evaluated Transco’s application and the public comments and decided to grant the exemption. Although the company made arguments that were unjustified—like claiming that its compliance with the 14-hour rule applicable to all CMV drivers in interstate commerce was a reason to grant the exemption—FMCSA believes that Transco’s drivers in its grocery and food service divisions who are engaged in making wholesale deliveries to grocery and convenience stores will likely achieve a level of safety that is equivalent to or greater than, the level of safety achieved without the exemptions [49 CFR 381.305(a)]. A number of factors reduce the safety risk of Transco operations, compared to those of most motor carriers: (1) On average, each Transco driver drives only about 23.8 miles between each delivery stop and a total of about 180.5 miles total per trip; (2) Transco drivers operate largely on low-speed roads at low speeds; (3) Transco’s drivers generally are assigned to specific schedules and routes and return home at the end of every trip; (4) Transco’s drivers take frequent breaks from driving to unload trucks; (5) Transco drivers average 15.2 driving legs per trip with each leg averaging just 36 minutes; and (6) Transco’s drivers most often operate in teams of two and share driving duties. The granted exemption will allow Transco’s drivers in the grocery division

to comply with the 30-minute rest break requirement while performing on-duty, not driving tasks.

VII. Terms and Conditions for the Exemption

- Drivers must have a copy of this notice or signed FMCSA exemption document in their possession while operating under the terms of the exemptions. The exemption document must be presented to Federal or State enforcement officials upon request.

- Drivers operating under this exemption must maintain a route manifest document that identifies the route being served and the locations of all delivery points for each daily trip.

- The exemption applies to all Transco drivers in its grocery division who make wholesale deliveries to grocery and convenience stores.

- The exemption is limited to team driver operations with sleeper-berth equipped truck tractors.

- Drivers must return to their point of origin at the end of their trip.

- Drivers cannot drive if more than 8 hours have passed since the end of the driver’s last off duty period, sleeper-berth period, or 30 consecutive minute break period.

- Drivers operating under this exemption must use electronic logging devices (ELDs) to document their hours of service.

- The vehicles used by drivers operating under this exemption must be equipped with safety performance monitoring systems which include video monitoring and which capture information such as impacts, hard braking, and other abrupt vehicle motions.

- Drivers operating under the exemption must utilize FMCSA’s North American Fatigue Management Training Program.

Notification to FMCSA

Exempt motor carriers must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of its CMVs operating under the terms of the exemption. The notification must include the following information:

- Name of the exemption: “Transco”
- Name of the operating motor carrier,
- Date of the accident,
- City or town, and State, in which the accident occurred, or closest to the accident scene,
- Driver’s name and license number,
- Vehicle number and State license number,
- Number of individuals suffering physical injury,
- Number of fatalities,

- The police-reported cause of the accident,
- Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations, and
- The driver’s total driving time and total on-duty time period prior to the accident.

Reports filed under this provision shall be emailed to MCPSD@DOT.GOV.

Preemption

In accordance with 49 U.S.C. 31315(d), during the period this 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 firm or person operating under the exemption.

Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record. Interested parties or organizations possessing information that would otherwise show that any or all of these motor carriers are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any information submitted and, if safety is being compromised or if the continuation of the exemption is inconsistent with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA will immediately take steps to revoke the exemption of the company and drivers in question.

Issued on: August 13, 2019.

Raymond P. Martinez,

Administrator.

[FR Doc. 2019–18568 Filed 8–27–19; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0383; FMCSA–2014–0102]

Qualification of Drivers; Exemption Applications; Hearing

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for eleven individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf

individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before September 27, 2019.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0383 or FMCSA–2014–0102 (as applicable) 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, 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., 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–2014–0383 or FMCSA–2014–0102), 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–2014–0383 or FMCSA–2014–0102, 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–2014–0383 or FMCSA–2014–0102, 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, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

II. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years 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 physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

49 CFR 391.41(b)(11) was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

The eleven individuals listed in this notice have requested renewal of their exemptions from the hearing standard in 49 CFR 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315, each of the eleven applicants has satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The twelve drivers in this notice remain in good standing with the Agency. In addition, for Commercial Driver’s License (CDL) holders, the Commercial Driver’s License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the

State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of May 8, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Herbert Crowe (IN)
 Jessica Crowe (MO)
 Mark Dickson (TX)
 Jason Gensler (OH)
 David Grady (CO)
 Frankye Helbig (FL)
 Thomas Lipyanic (FL)
 Donald Malley (MO)
 David Shores (NC)
 Richard Whittaker (IN)

The drivers were included in docket number FMCSA–2014–0383. Their exemptions are applicable as of May 8, 2019, and will expire May 8, 2021.

As of May 21, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individual has satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate drivers:

Timothy Gallagher (PA)

The driver was included in docket number FMCSA–2014–0102. The exemption was applicable as of May 21, 2019, and will expire May 21, 2021.

Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must report any crashes or accidents as defined in 49 CFR 390.5; and (2) report all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391 to FMCSA; and (3) each driver prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements. Each exemption will be valid for two years unless rescinded earlier by FMCSA.

The exemption will be rescinded if: (1) The person fails 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 and 31315.

V. Preemption

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

VI. Conclusion

Based upon its evaluation of the eleven exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the hearing requirement in 49 CFR 391.41 (b)(11). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: August 16, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–18572 Filed 8–27–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–26367]

Motor Carrier Safety Advisory Committee (MCSAC); Public Meeting

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

ACTION: Notice of advisory committee meeting.

SUMMARY: FMCSA announces a meeting of the MCSAC.

DATES: The meeting will be held Monday, September 30 and Tuesday, October 1, 2019, from 9:15 a.m. to 4:30 p.m., Eastern Daylight Time (EDT).

ADDRESSES: This meeting will be held at the U.S. Department of Transportation, Oklahoma City Rooms A, B, and C, 1200 New Jersey Avenue SE, Washington, DC 20590. Copies of the MCSAC Task Statements and an agenda for the entire meeting will be made available in advance of the meeting at <https://www.fmcsa.dot.gov/mcsac>.

FOR FURTHER INFORMATION CONTACT: Ms. Shannon L. Watson, Senior Advisor to the Associate Administrator for Policy, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, at (202) 385–2395, or via email at mcsac@dot.gov.

Services for Individuals with Disabilities: For information on facilities

or services for individuals with disabilities or to request special assistance at the meeting, contact Ms. Watson by Friday, September 6, 2019.

SUPPLEMENTARY INFORMATION:

I. Background

Purpose of the Committee

MCSAC was established to provide FMCSA with advice and recommendations on motor carrier safety programs and motor carrier safety regulations. MCSAC is composed of up to 20 voting representatives from safety advocacy, safety enforcement, labor, and industry stakeholders of motor carrier safety. The diversity of the Committee ensures the requisite range of views and expertise necessary to discharge its responsibilities. The Committee operates as a discretionary committee under the authority of the U.S. Department of Transportation (DOT), established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. See FMCSA's MCSAC website for additional information about the committee's activities at <https://www.fmcsa.dot.gov/mcsac>.

Meeting Agenda

The MCSAC will return to the topic of Automated Driving Systems (ADS) for commercial vehicles, for which it made preliminary recommendations at its last meeting in July 2018. Given the Department's publication of its ADS 3.0 document subsequent to that meeting and other developments in the Agency's ADS efforts, the Agency tasks the MCSAC with providing specific recommendations on regulatory provisions the Agency should revise, workforce issues, and other concerns the Agency should consider and address in a potential rulemaking. A complete agenda for the meeting will be posted in advance at www.fmcsa.dot.gov/mcsac.

II. Meeting Participation

The meeting will be open to the public for its entirety. Oral comments from the public will be heard throughout the meeting, at the discretion of the MCSAC chairman and designated federal officer. Members of the public may submit written comments on the topics to be considered during the meeting by Friday, September 6, 2019, to Federal Docket Management System (FDMS) Docket Number FMCSA–2006–26367 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.