

prepare a Tier 1 EIS to evaluate the proposed improvements.

**FOR FURTHER INFORMATION CONTACT:** Ian Chidister, Environmental Program Manager, Federal Highway Administration, 525 Junction Road, Suite 8000, Madison, WI 53717, telephone: (608) 829-7503, email: [ian.chidister@dot.gov](mailto:ian.chidister@dot.gov); Bryan Lipke, P.E., Planning Project Manager, Wisconsin Department of Transportation, Northeast Region, 944 Vanderperren Way, Green Bay, WI 54304, telephone: (920) 492-5703, email: [Bryan.Lipke@dot.wi.gov](mailto:Bryan.Lipke@dot.wi.gov); Cole Runge, Principal Planner/MPO Director, Brown County Planning Commission/Green Bay MPO, 305 E. Walnut Street Room 320, PO Box 23600, Green Bay, WI 54305, telephone (920) 448-6480, email: [Cole.Runge@browncountywi.gov](mailto:Cole.Runge@browncountywi.gov).

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Wisconsin Department of Transportation (WisDOT) and Brown County (the Lead Agencies), will prepare a Tier 1 EIS in accordance with 23 Code of Federal Regulations (CFR) 771.111(g) and 40 CFR 1502.20. The Lead Agencies previously issued a Notice of Intent on March 11, 2008, advising agencies and the public that an EIS would be prepared to study proposed transportation improvements to address existing and future transportation demand in the southern portion of the Green Bay metropolitan area.

Since the previous Notice of Intent was issued, the Lead Agencies developed a Draft Coordination Plan, Draft Impact Assessment Methodologies, draft purpose and need, and a preliminary range of alternatives. The Lead Agencies also convened two meetings with a Project Stakeholder Committee, held three public scoping/involvement meetings, and held meetings with participating and cooperating agencies to obtain concurrence for the purpose and need and the alternatives retained for detailed study. The Lead Agencies will coordinate with stakeholders, agencies, and the public to revisit and update documentation and decisions from previous EIS development efforts.

The proposed project will identify the most appropriate transportation improvements for addressing existing transportation demand and demand generated by the planned development in the southern part of the Green Bay metropolitan area. The study area includes the City of De Pere, the Villages of Allouez, Bellevue, Hobart, and Ashwaubenon, and the Towns of Glenmore, Ledgewood, Rockland, and

Lawrence. The development that is planned to occur is projected to generate traffic which will strain the capacity of the area's existing transportation infrastructure. The project will study the traffic operations, capacity, and safety of the transportation infrastructure along with existing and planned development in the study area, system linkages, and local planning efforts.

A Tier 1 Draft EIS is anticipated for completion in summer 2020 with a combined Final EIS and Record of Decision (ROD) in fall 2020. Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State, and local agencies, and Native American Tribes. An agency scoping meeting and a public involvement meeting were held on December 11, 2019 with the appropriate agencies and the general public.

Public involvement is a critical component of the National Environmental Policy Act (NEPA) process, and it will be integrated with the process to develop the Tier 1 EIS. All environmental documents will be made available for review by federal and state resource agencies and the public. Specific efforts will be made to encourage involvement by, and solicit comments from minority and low-income populations in the project study area, with public involvement meetings held throughout the NEPA process. Public notice will be given regarding the time and place of public involvement meetings. A public hearing will be held after the completion of the Tier 1 Draft EIS. Project information will be posted on the Brown County website (<https://www.browncountywi.gov/departments/planning-and-land-services/planning/transportation/>). Inquiries about the project may be sent to the contacts listed above. To ensure the full range of issues related to the proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties.

Projects receiving Federal funds must comply with Title VI of the Civil Rights Act and Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." Federal law prohibits discrimination on the basis of race, color, age, sex, or country of national origin in the implementation of this project. It is also Federal policy to identify and address any disproportionately high and adverse effects of Federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 CFR 771.123

Dated: December 20, 2019.

**Ian Chidister,**

*Environmental Program Manager, FHWA, Madison, Wisconsin.*

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**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-25854; FMCSA-2013-0108; FMCSA-2014-0382; FMCSA-2015-0115; FMCSA-2015-0116; FMCSA-2015-0119; FMCSA-2017-0252]

#### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

**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 11 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have "no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV." The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication 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 January 29, 2020.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-2006-25854, Docket No. FMCSA-2013-0108, Docket No. FMCSA-2014-0382, Docket No. FMCSA-2015-0115, Docket No. FMCSA-2015-0116, Docket No. FMCSA-2015-0119, or Docket No. FMCSA-2017-0252 using any of the following methods:

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

- *Mail*: Docket Operations; 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*: (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 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 Operations, (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-2006-25854; FMCSA-2013-0108; FMCSA-2014-0382; FMCSA-2015-0115; FMCSA-2015-0116; FMCSA-2015-0119; FMCSA-2017-0252), 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-2006-25854; FMCSA-2013-0108; FMCSA-2014-0382; FMCSA-2015-0115; FMCSA-2015-0116; FMCSA-2015-0119; FMCSA-2017-0252, 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-2006-25854; FMCSA-2013-0108; FMCSA-2014-0382; FMCSA-2015-0115; FMCSA-2015-0116; FMCSA-2015-0119; FMCSA-2017-0252, 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 Docket Operations 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(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-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 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver’s medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria<sup>1</sup> to assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

The 11 individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), 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 2-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(e) and 31315(b), 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(b), each of the 11 applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The 11 drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, for Commercial Driver’s License (CDL) holders, the Commercial Driver’s License Information System and the Motor Carrier Management Information System are searched for crash and violation

<sup>1</sup> These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy*; § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at <https://www.gpo.gov/jdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency. 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 renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of December and are discussed below.

As of December 16, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following five individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

William Brown (NC)  
Robert J. Forney (WI)  
Curtis Alan Hartman (MD)  
Wendell F. Headley (MO)  
Marion Legg (MD)

The drivers were included in docket numbers FMCSA-2015-0115, FMCSA-2015-0116, and FMCSA-2015-0119. Their exemptions are applicable as of December 16, 2019, and will expire on December 16, 2021.

As of December 23, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following five individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Gary Freeman (WI)  
Aaron Gillette (SD)  
David Kestner (VA)  
Chad Smith (MA)  
Trevor Williams (MN)

The drivers were included in docket number FMCSA-2006-25854, FMCSA-2013-0108, and FMCSA-2014-0382. Their exemptions are applicable as of December 23, 2019, and will expire on December 23, 2021.

As of December 28, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following individual has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers: David Pamperin (WI).

This driver was included in docket number FMCSA-2017-0252. His exemption is applicable as of December 28, 2019, and will expire on December 28, 2021.

## V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the 2-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified ME, as defined by § 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. 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(e) and 31315(b).

## VI. 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.

## VII. Conclusion

Based on its evaluation of the 11 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Issued on: December 20, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0019]

### 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 11 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 January 29, 2020.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-2019-0019 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/docket?D=FMCSA-2019-0019>. Follow the online instructions for submitting comments.

- *Mail:* Docket Operations; 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:* (202) 493-2251.

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## SUPPLEMENTARY INFORMATION:

### I. Public Participation

#### A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2019-0019), 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