

assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

### III. Discussion of Comments

FMCSA received no comments in this proceeding.

### IV. Basis for Exemption Determination

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 Agency's decision regarding these exemption applications is based on the 2007 recommendations of the Agency's Medical Expert Panel (MEP). The Agency conducted an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA). A summary of each applicant's seizure history was discussed in the April 7, 2020, **Federal Register** notice (85 FR 19568) and will not be repeated in this notice.

These seven applicants have been seizure-free over a range of 11 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last 2 years. In each case, the applicant's treating physician verified his or her seizure

history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in § 391.41(b)(8) is likely to achieve a level of safety equal to that existing without the exemption.

### V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (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.

### 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 upon its evaluation of the seven exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition, § 391.41(b)(8), subject to the requirements cited above:

Jason Allie (CA)  
Jay Asack (MA)  
David Bigler (MN)  
Barry Dull (OH)  
Jeffrey Kuper (IL)  
John Mieyr (MT)  
Harold Seaton (KY)

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The

exemption will be revoked if the following occurs: (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 prior to being 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).

**Larry W. Minor,**

*Associate Administrator for Policy.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2020-0006]

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

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt eight individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

**DATES:** The exemptions were applicable on May 7, 2020. The exemptions expire on May 7, 2022.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcamedical@dot.gov](mailto:fmcamedical@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. 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/docket?D=FMCSA-2020-0006> 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 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. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Docket Operations.

#### *B. 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.transportation.gov/privacy](http://www.transportation.gov/privacy).

## II. Background

On April 6, 2020, FMCSA published a notice announcing receipt of applications from eight individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (85 FR 19924). The public comment period ended on May 6, 2020, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in § 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 a 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 red, green, and amber.

## III. Discussion of Comments

FMCSA received no comments in this proceeding.

## IV. Basis for Exemption Determination

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 Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision, as well as their driving records and experience driving with the vision deficiency. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the April 6, 2020, **Federal Register** notice (85 FR 19924) and will not be repeated here.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The eight exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, macular scar, optic nerve atrophy, prosthesis, retinal detachment, and retinal dysplasia. In most cases, their eye conditions did not develop recently. Seven of the applicants were either born with their vision impairments or have had them since childhood. The individual who developed his vision condition as an adult has had it for 6 years. Although each applicant has one eye that does not meet the vision requirement in § 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and, in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV.

Doctors' opinions are supported by the applicants' possession of a valid license to operate a CMV. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to

traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for 3 to 47 years. In the past 3 years, no drivers were involved in crashes, and one driver was convicted of a moving violation in a CMV. All the applicants achieved a record of safety while driving with their vision impairment that demonstrates the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

Consequently, FMCSA finds that in each case exempting these applicants from the vision requirement in § 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption.

## V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in § 391.41(b)(10) and (b) by a certified medical examiner (ME) who attests that the individual is otherwise physically qualified under § 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the ME at the time of the annual medical examination; and (3) 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 in 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.

## 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 upon its evaluation of the eight exemption applications, FMCSA exempts the following drivers from the

vision requirement, § 391.41(b)(10), subject to the requirements cited above:  
 Terry M. Baldwin (PA)  
 Samuel L. Eakman (PA)  
 Raymond C. King (OH)  
 Robert G. Lanning (VA)  
 Gary D. Larson (NE)  
 Larry Owen (TX)  
 John C. Perrone (PA)  
 Ronald D. Wilson (KY)

In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (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 prior to being 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).

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Solicitation of Proposals for the National Aging and Disability Transportation Center

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of funding opportunity.

**SUMMARY:** The Federal Transit Administration (FTA) is soliciting proposals under FTA's Technical Assistance and Workforce Development Program, to select an entity to administer the National Aging and Disability Transportation Center (NADTC). The NADTC will carry out activities to promote the availability and accessibility of transportation options that serve the needs of people with disabilities, seniors, and their caregivers, with a focus on effectively leveraging the program funds of the Enhanced Mobility of Seniors and Individuals with Disabilities Formula grants and other transit investments. The NADTC provides effective solutions that improve mobility for seniors and individuals with disabilities throughout the country by helping systems remove barriers to transportation services and expanding community transportation mobility options. The FTA intends to fund the NADTC up to \$1,900,000, for the first year, subject to availability of funds. The FTA may extend funding for

this center for up to five (5) years; however, subsequent funding will depend upon: (1) Future authorizations and appropriations; (2) decisions and program priorities established by the Secretary of Transportation related to the implementation of provisions set forth in 49 U.S.C. 5314; and (3) annual performance reviews.

**DATES:** Complete proposals for funding opportunity FTA-2020-009-NADTC must be submitted electronically through *GRANTS.GOV*. All applications must be received by 11:59 p.m. Eastern time on July 2, 2020.

**FOR FURTHER INFORMATION CONTACT:** Elan Flippin, FTA Office of Program Management, (202) 366-3800 or *Elan.flippin@dot.gov*.

#### SUPPLEMENTARY INFORMATION:

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##### A. Program Description

The FTA is soliciting proposals to administer the National Aging and Disability Transportation Center (NADTC). The mission of the NADTC is to promote the availability and accessibility of transportation options for older adults, people with disabilities, caregivers and communities. The need for accessible transportation that supports independent community living is growing in the United States. The U.S. Census Bureau American Community Survey in 2018 estimated that 12.6 percent of the U.S. population (40.6 million) living in the community has a disability. The population age 65 and over was 52 million in 2018, 16 percent of the population. Employment and poverty rates disproportionately negatively affect people with disabilities and older adults. Investment in accessible public transportation, including the over \$280 million in funding provided annually through the Enhanced Mobility of Seniors and People with Disabilities Program (Section 5310), is an important enabler of the American dream for many people. The NADTC makes a significant difference in helping communities enhance the benefits of public transportation, including high impact Section 5310 projects that improve mobility for people with disabilities and older adults.

The work of the NADTC builds upon the work of the Coordinating Council on Access and Mobility (CCAM), promoting coordination to ensure older adults, people with disabilities, people of low income, and disadvantaged communities benefit from coordinated planning activities and the resulting projects. The NADTC carries out activities that demonstrate impact and achieve the following goals:

- Promoting the essential role of accessible transportation in furthering the economic inclusion, access to healthcare, links to education, connections to recreation/leisure activities, and independent living of people with disabilities and older adults;
- Increasing the effectiveness, efficiency and quality of coordinated human service transportation activities;
- Ensuring that the planning of transportation services for people with disabilities, older adults and caregivers is done in conjunction with broader planning activities at all levels;
- Highlighting and assisting in the development of promising practices, including the use of technology, to solve transportation challenges for people with disabilities and older adults and maximizing the effectiveness of Federal investments in specialized transportation services. For more information on the various programs and services currently provided by the NADTC, visit the NADTC website at: <https://www.nadtc.org/>.

##### B. Federal Award Information

FTA intends to fund the NADTC through a cooperative agreement at up to \$1,900,000 for the first year with the option to extend for up to four (4) additional years. FTA's decision to exercise these options is subject to: (1) Decisions and program priorities established by the Secretary of Transportation related to the implementation of the Technical Assistance and Workforce Development program (49 U.S.C. 5314); (2) future authorizations and appropriations; and (3) annual reviews of the NADTC's performance.

##### C. Eligibility Information

###### 1. Eligible Applicants

Eligible applicants are non-profit organizations with experience in the delivery of programs and services that seek to serve the targeted population of older adults and people with disabilities; experience in public transportation-related technical assistance; and the organizational capacity to administer a national technical assistance center program.