

Loren D. Chapman (MN)  
 Dana L. Colberg (OR)  
 Walter F. Crean, III (CT)  
 William T. Cummins (KY)  
 James T. Curtis (NM)  
 Jim L. Davis (NM)  
 Clifford W. Doran, Jr. (NC)  
 Jason P. Dostal (IN)  
 John C. Duncan (FL)  
 James W. Ellis, 4th (NJ)  
 Spencer L. Goard (KY)  
 Danny R. Gray (OK)  
 Glenn C. Grimm (NJ)  
 Hugo N. Gutierrez (IN)  
 Keith J. Haaf (VA)  
 Ethan A. Hale (KY)  
 Thomas R. Hedden (IL)  
 Trevor M. Hilton (IL)  
 Neil W. Jennings (MO)  
 Robert E. Johnston, Jr. (WA)  
 William J. Kanaris (NY)  
 James D. Kessler (SD)  
 Matthew J. Konecki (MT)  
 Richard R. Krafczynski (PA)  
 Jeffrey T. Landry (NC)  
 Robert G. Lanning (VA)  
 Gary D. Larson (NE)  
 Paul K. Leger (NH)  
 Earl E. Martin (VA)  
 Herman Martinez (NM)  
 Martin L. Mayes (GA)  
 Trent C. McCain (KS)  
 David M. McCarty (OR)  
 Dale A. McCoy (ME)  
 Cole W. McLaughlin (SD)  
 Rodney J. McMorrin (IA)  
 Daniel A. McNabb, Jr. (KS)  
 Daniel I. Miller (PA)  
 Darin P. Milton (TN)  
 Robert Mollicone (FL)  
 Russell L. Moyers, Sr. (WV)  
 Robert L. Murray (IL)  
 Millard F. Neace II (WV)  
 Michael Nichols (GA)  
 Harold D. Pressley (TX)  
 Erik M. Rice (TX)  
 Douglas L. Riddell (CA)  
 John M. Riley (AL)  
 Gilbert M. Rosas (AZ)  
 Donald P. Ruckinger (PA)  
 Michael B. Sauseda (IL)  
 Tatum R. Schmidt (IA)  
 Harry J. Scholl (PA)  
 Kim A. Shaffer (PA)  
 Jeffery A. Sheets (AR)  
 Colby T. Smith (UT)  
 Aaron S. Taylor (WI)  
 Michael A. Terry (IN)  
 Glenn R. Theis (MN)  
 Hany A. Wagieh (NJ)  
 Eddie Walker (NC)  
 Norman J. Watson (NC)  
 Charles T. Whitehead (NC)  
 Ronald D. Wilson (KY)  
 Elmer F. Winters (NC)  
 Trent Wipf (SD)  
 Kevin Young (NJ)

The drivers were included in docket numbers FMCSA–1999–6480; FMCSA–

2002–11714; FMCSA–2002–12844; FMCSA–2003–16564; FMCSA–2005–22727; FMCSA–2005–23238; FMCSA–2007–27897; FMCSA–2008–0021; FMCSA–2009–0011; FMCSA–2009–0291; FMCSA–2011–0275; FMCSA–2011–0324; FMCSA–2011–0366; FMCSA–2011–0378; FMCSA–2011–0379; FMCSA–2011–0380; FMCSA–2013–0167; FMCSA–2013–0169; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2015–0070; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0345; FMCSA–2015–0347; FMCSA–2015–0350; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2017–0026; FMCSA–2017–0028; FMCSA–2018–0007; FMCSA–2018–0008; FMCSA–2018–0010; FMCSA–2018–0012; and FMCSA–2020–0006. Their exemptions are applicable as of March 22, 2022 and will expire on March 22, 2024.

#### V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified medical examiner (ME), as defined by § 390.5, who attests that the driver 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 of his/her driver's qualification if he/her 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 upon its evaluation of the 224 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in § 391.41(b)(10), subject to the requirements cited above. 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.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–04286 Filed 2–28–22; 8:45 am]

BILLING CODE 4910–EX–P

#### DEPARTMENT OF TRANSPORTATION

##### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–5748; FMCSA–2000–7165; FMCSA–2001–10578; FMCSA–2003–15892; FMCSA–2005–20560; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2006–26653; FMCSA–2007–27897; FMCSA–2008–0021; FMCSA–2009–0154; FMCSA–2009–0206; FMCSA–2009–0303; FMCSA–2010–0354; FMCSA–2010–0372; FMCSA–2010–0385; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2011–0092; FMCSA–2011–0275; FMCSA–2011–0299; FMCSA–2011–0325; FMCSA–2011–0380; FMCSA–2013–0025; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0300; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2015–0048; FMCSA–2015–0055; FMCSA–2015–0056; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0345; FMCSA–2015–0347; FMCSA–2016–0208; FMCSA–2016–0212; FMCSA–2016–0377; FMCSA–2017–0017; FMCSA–2017–0018; FMCSA–2017–0022; FMCSA–2017–0023; FMCSA–2017–0026; FMCSA–2018–0014; FMCSA–2019–0005; FMCSA–2019–0009; FMCSA–2019–0011; FMCSA–2019–0013; FMCSA–2019–0014; FMCSA–2019–0015; FMCSA–2020–0018]

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

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 91 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

**DATES:** Each group of renewed exemptions were applicable on the

dates stated in the discussions below and will expire on the dates provided below.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov), FMCSA, DOT, 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 Dockets Operations, (202) 366-9826.

**SUPPLEMENTARY INFORMATION:**

**I. Public Participation**

*A. Viewing Comments*

To view comments go to [www.regulations.gov](http://www.regulations.gov), insert the docket number, FMCSA-1999-5748, FMCSA-2000-7165, FMCSA-2001-10578, FMCSA-2003-15892, FMCSA-2005-20560, FMCSA-2005-21711, FMCSA-2005-22194, FMCSA-2005-22727, FMCSA-2006-26653, FMCSA-2007-27897, FMCSA-2008-0021, FMCSA-2009-0154, FMCSA-2009-0206, FMCSA-2009-0303, FMCSA-2010-0354, FMCSA-2010-0372, FMCSA-2010-0385, FMCSA-2011-0010, FMCSA-2011-0024, FMCSA-2011-0092, FMCSA-2011-0275, FMCSA-2011-0299, FMCSA-2011-0325, FMCSA-2011-0380, FMCSA-2013-0025, FMCSA-2013-0029, FMCSA-2013-0165, FMCSA-2013-0166, FMCSA-2013-0168, FMCSA-2013-0169, FMCSA-2013-0170, FMCSA-2013-0174, FMCSA-2014-0300, FMCSA-2014-0302, FMCSA-2014-0304, FMCSA-2015-0048, FMCSA-2015-0055, FMCSA-2015-0056, FMCSA-2015-0071, FMCSA-2015-0072, FMCSA-2015-0344, FMCSA-2015-0345, FMCSA-2015-0347, FMCSA-2016-0208, FMCSA-2016-0212, FMCSA-2016-0377, FMCSA-2017-0017, FMCSA-2017-0018, FMCSA-2017-0022, FMCSA-2017-0023, FMCSA-2017-0026, FMCSA-2018-0014, FMCSA-2019-0005, FMCSA-2019-0009, FMCSA-2019-0011, FMCSA-2019-0013, FMCSA-2019-0014, FMCSA-2019-0015, or FMCSA-2020-0018 in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, 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 Dockets Operations.

*B. Privacy Act*

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. 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**

On January 10, 2022, FMCSA published a notice announcing its decision to renew exemptions for 91 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (87 FR 1250). The public comment period ended on February 9, 2022, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation § 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. Conclusion**

Based on its evaluation of the 91 renewal exemption applications and comments received, FMCSA confirms its decision to exempt the following drivers from the vision requirement in § 391.41(b)(10).

As of February 9, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 85 individuals have satisfied the renewal conditions for obtaining an exemption from the vision

requirement in the FMCSRs for interstate CMV drivers (64 FR 40404; 64 FR 66962; 65 FR 33406; 65 FR 57234; 66 FR 53826; 66 FR 63289; 66 FR 66966; 68 FR 13360; 68 FR 52811; 68 FR 61860; 68 FR 64944; 68 FR 69434; 70 FR 12265; 70 FR 17504; 70 FR 30997; 70 FR 48797; 70 FR 53412; 70 FR 57353; 70 FR 61165; 70 FR 61493; 70 FR 67776; 70 FR 71884; 70 FR 72689; 70 FR 74102; 71 FR 4632; 72 FR 8417; 72 FR 27624; 72 FR 36099; 72 FR 39879; 72 FR 40362; 72 FR 52419; 72 FR 62897; 72 FR 64273; 73 FR 5259; 73 FR 15567; 73 FR 27015; 74 FR 19270; 74 FR 34394; 74 FR 37295; 74 FR 41971; 74 FR 43217; 74 FR 48343; 74 FR 49069; 74 FR 53581; 74 FR 57551; 74 FR 60021; 74 FR 60022; 74 FR 62632; 75 FR 1451; 75 FR 4623; 75 FR 19674; 75 FR 72863; 75 FR 77492; 76 FR 2190; 76 FR 5425; 76 FR 7894; 76 FR 9856; 76 FR 17481; 76 FR 20076; 76 FR 20078; 76 FR 25762; 76 FR 25766; 76 FR 2812576 FR 37885; 76 FR 53708; 76 FR 54530; 76 FR 62143; 76 FR 64164; 76 FR 64171; 76 FR 66123; 76 FR 70210; 76 FR 70215; 76 FR 73769; 76 FR 75940; 76 FR 75942; 77 FR 545; 77 FR 3547; 77 FR 3554; 77 FR 17109; 77 FR 23797; 77 FR 27845; 77 FR 74273; 78 FR 800; 78 FR 12813; 78 FR 16762; 78 FR 20376; 78 FR 24300; 78 FR 34141; 78 FR 34143; 78 FR 37270; 78 FR 47818; 78 FR 52602; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 64274; 78 FR 64280; 78 FR 66099; 78 FR 67452; 78 FR 67454; 78 FR 67460; 78 FR 68137; 78 FR 76395; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78475; 78 FR 78477; 79 FR 2247; 79 FR 2248; 79 FR 3919; 79 FR 4803; 79 FR 23797; 79 FR 53708; 79 FR 73687; 80 FR 2473; 80 FR 3723; 80 FR 12248; 80 FR 14223; 80 FR 15863; 80 FR 18693; 80 FR 18696; 80 FR 26139; 80 FR 29149; 80 FR 29152; 80 FR 31635; 80 FR 31640; 80 FR 33011; 80 FR 37718; 80 FR 44188; 80 FR 48402; 80 FR 48409; 80 FR 49302; 80 FR 59225; 80 FR 59230; 80 FR 62161; 80 FR 63869; 80 FR 67472; 80 FR 67481; 80 FR 70060; 80 FR 76345; 80 FR 79414; 80 FR 80443; 81 FR 1284; 81 FR 11642; 81 FR 15401; 81 FR 16265; 81 FR 20435; 81 FR 44680; 81 FR 60117; 81 FR 70253; 81 FR 81230; 81 FR 86063; 81 FR 96165; 81 FR 96180; 81 FR 96191; 82 FR 12683; 82 FR 13045; 82 FR 13048; 82 FR 15277; 82 FR 18949; 82 FR 18956; 82 FR 20962; 82 FR 22379; 82 FR 24430; 82 FR 32919; 82 FR 33542; 82 FR 35050; 82 FR 37499; 82 FR 37504; 82 FR 43647; 82 FR 47309; 82 FR 47312; 83 FR 2289; 83 FR 2306; 83 FR 3861; 83 FR 4537; 83 FR 6922; 83 FR 6925; 83 FR 28325; 83 FR 33292; 83 FR 53724; 83 FR 54644; 84 FR 2326; 84 FR 10389; 84 FR 12665; 84 FR 16320; 84 FR 21393; 84 FR 21397; 84 FR 21401; 84 FR 23629; 84 FR 33801; 84 FR 46088; 84 FR 47045; 84 FR 47047; 84 FR 47050; 84 FR 47057; 84 FR 52160; 84 FR 52166;

84 FR 58437; 84 FR 58448; 84 FR 58450;  
84 FR 58453; 84 FR 66442; 84 FR 66444;  
84 FR 68288; 84 FR 69814; 85 FR 4764;  
85 FR 4769; 85 FR 8334):

Dakota A. Albrecht (MN)  
Cesar Avila (PA)  
Ernest J. Bachman (PA)  
Alex T. Balk (AZ)  
Wayne Barker (OK)  
Herbert R. Benner (ME)  
Gary L. Best (MI)  
Therron K. Billings (VA)  
Kenneth L. Bowers, Jr. (MN)  
Charles W. Bradley (SC)  
Jerry D. Bridges (TX)  
Brian E. Burrows (TX)  
Michael D. Champion (VT)  
Charles C. Chapman (NC)  
Shawn T. Cobbs (MD)  
William J. Corder (NC)  
Aubrey R. Cordrey, Jr. (DE)  
George R. Cornell (OH)  
Roderick Croft (FL)  
James W. Day (VA)  
Sean J. Dornin (PA)  
Cecil A. Evey (ID)  
Elhadji M. Faye (CA)  
Dan J. Feik (IL)  
Mark A. Ferris (IA)  
James E. Fix (SC)  
Richard L. Gandee (OH)  
Willie George (NY)  
Jayme L. Gilbert (NY)  
Mark T. Gileau (CT)  
Jeffrey J. Graham (MI)  
Christopher L. Granby (MI)  
Britt A. Green (ND)  
James A. Green (IL)  
Donald A. Hall (NC)  
Johnnie L. Hall (MD)  
Keith N. Hall (UT)  
Vashion E. Hammond (FL)  
Louis M. Hankins (IL)  
Robert D. Hattabaugh (AR)  
Carl E. Hess (PA)  
Frank E. Johnson, Jr. (FL)  
David J. Kibble (PA)  
John E. Kimmet, Jr. (WA)  
Mark L. LeBlanc (MN)  
David F. LeClerc (MN)  
Ronnie R. Lockamy (NC)  
John T. Mabry (FL)  
Timothy R. McCullough (FL)  
Cameron S. McMillen (NM)  
Mark Meacham (NC)  
David L. Menken (NY)  
Molu H. Mohamed (OH)  
Kenneth H. Morris (NC)  
James Muldoon (NY)  
James R. Murphy (NY)  
Robert M. Murphy (NJ)  
Al V. Nowviock (IL)  
Robert M. Pickett II (MI)  
Thomas Pizzurro (NY)  
Christopher W. Proeschel (OH)  
Andres Regalado (CA)  
Kevin C. Rich (NC)  
Thenon D. Ridley (TX)

Chris A. Ritenour (MI)  
Steven L. Roberts (AR)  
Berry A. Rodrigue (LA)  
Angelo D. Rogers (AL)  
Leo D. Roy (NH)  
Ronald L. Roy (IL)  
Ricky J. Sanderson (UT)  
Bobby Sawyers (PA)  
Jerry L. Schroder (IL)  
Brandon L. Siebe (KY)  
David A. Simpson (OH)  
Roye T. Skelton (MS)  
John B. Stiltner (KY)  
Greg W. Story (NC)  
Kolby W. Strickland (WA)  
Scott C. Teich (MN)  
Kendle F. Waggle, Jr. (IN)  
Andrew L. Walker (MN)  
James J. Walsh (NH)  
Dennis E. White (PA)  
Willie R. White (NV)

The drivers were included in docket numbers FMCSA-1999-5748; FMCSA-2000-7165; FMCSA-2001-10578; FMCSA-2003-15892; FMCSA-2005-20560; FMCSA-2005-21711; FMCSA-2005-22194; FMCSA-2005-22727; FMCSA-2006-26653; FMCSA-2007-27897; FMCSA-2008-0021; FMCSA-2009-0154; FMCSA-2009-0206; FMCSA-2009-0303; FMCSA-2010-0354; FMCSA-2010-0372; FMCSA-2010-0385; FMCSA-2011-0010; FMCSA-2011-0024; FMCSA-2011-0092; FMCSA-2011-0275; FMCSA-2011-0299; FMCSA-2011-0380; FMCSA-2013-0025; FMCSA-2013-0029; FMCSA-2013-0165; FMCSA-2013-0166; FMCSA-2013-0168; FMCSA-2013-0169; FMCSA-2013-0170; FMCSA-2014-0300; FMCSA-2014-0302; FMCSA-2014-0304; FMCSA-2015-0048; FMCSA-2015-0055; FMCSA-2015-0056; FMCSA-2015-0071; FMCSA-2015-0072; FMCSA-2015-0344; FMCSA-2015-0345; FMCSA-2016-0208; FMCSA-2016-0212; FMCSA-2016-0377; FMCSA-2017-0017; FMCSA-2017-0018; FMCSA-2017-0022; FMCSA-2017-0023; FMCSA-2018-0014; FMCSA-2019-0005; FMCSA-2019-0009; FMCSA-2019-0011; FMCSA-2019-0013; FMCSA-2019-0014; FMCSA-2019-0015; FMCSA-2020-0018. Their exemptions were applicable as of February 9, 2022 and will expire on February 9, 2024.

As of February 12, 2022, 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 vision requirement in the FMCSRs for interstate CMV drivers (81 FR 1474; 81 FR 48493; 83 FR 6925; 85 FR 4769):

Aaron D. Tillman (DE)

The driver was included in docket number FMCSA-2015-0347. The

exemption was applicable as of February 12, 2022 and will expire on February 12, 2024.

As of February 16, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (83 FR 2311; 83 FR 18648; 85 FR 4769):

Ryan J. Plank (PA); Aaron R. Rupe (IL); and Juan D. Zertuche (TX)

The drivers were included in docket number FMCSA-2017-0026. Their exemptions were applicable as of February 16, 2022 and will expire on February 16, 2024.

As of February 22, 2022, 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 vision requirement in the FMCSRs for interstate CMV drivers (77 FR 539; 77 FR 10608; 79 FR 6993; 81 FR 15401; 83 FR 6925; 85 FR 4769):

Brian K. Cline (NC)

The driver was included in docket number FMCSA-2011-0325. The exemption was applicable as of February 22, 2022 and will expire on February 22, 2024.

As of February 27, 2022, 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 vision requirement in the FMCSRs for interstate CMV drivers (79 FR 1908; 79 FR 14333; 81 FR 15401; 83 FR 6925; 85 FR 4769):

Danielle Wilkins (CA)

The driver was included in docket number FMCSA-2013-0174. The exemption is applicable as of February 27, 2022 and will expire on February 27, 2024.

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.

[FR Doc. 2022-04285 Filed 2-28-22; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2021-0172]

#### Commercial Driver's License Skills Testing: Application for Exemption; American Association of Motor Vehicle Administrators (AAMVA)

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

**ACTION:** Notice of final disposition; grant of application for exemption.

**SUMMARY:** FMCSA announces its decision to grant the exemption request of the American Association of Motor Vehicle Administrators (AAMVA). AAMVA requested a multi-year exemption on behalf of the State Driver Licensing Agencies (SDLAs) in Maryland, New Hampshire, and Virginia to allow the three States to continue using revised Commercial Driver's License (CDL) pre-trip vehicle inspection and revised control skills test procedures following the completion of field tests conducted under a waiver granted by the Federal Motor Carrier Safety Administration (FMCSA). AAMVA believes that the requested exemption would enable these States to continue operating under the pilot model without the burden of reverting to the current CDL test model generating costs and delays associated with the re-configuration of testing locations and retraining of CDL test examiners. FMCSA has analyzed the exemption application and the public comments and has determined that the exemption, subject to the terms and conditions imposed, will achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

**DATES:** The exemption is effective February 22, 2022, and expires on February 22, 2027.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202-366-2722. 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

###### Viewing Comments and Documents

To view comments, go to [www.regulations.gov](http://www.regulations.gov), insert the docket number "FMCSA-2021-0172" in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, click "Browse Comments."

To view documents mentioned in this notice as being available in the docket, go to [www.regulations.gov](http://www.regulations.gov), insert the docket number "FMCSA-2021-0172" in the keyword box, click "Search," and chose the document to review.

If you do not have access to the internet, you may view the docket online by visiting Dockets 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 Dockets Operations.

##### II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) 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.

FMCSA reviews safety analyses and public comments submitted to the Agency 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 Agency's decision 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 (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

### III. Background

#### Current Regulatory Requirements

The CDL requirements in 49 CFR part 383, subpart G, Required Knowledge and Skills, specifically section 49 CFR 383.133(c)(1) and (2), require the following: *Test methods:* (1) A State must develop, administer and score the skills tests based solely on the information and standards contained in the driver and examiner manuals referred to in § 383.131(a) and (b); and (2) a State must use the standardized scores and instructions for administering the tests contained in the examiner manual referred to in § 383.131(b).

#### Applicant's Request

On October 25, 2021, the American Association of Motor Vehicle Administrators (AAMVA) requested that FMCSA consider granting SDLAs in Maryland, New Hampshire, and Virginia (the pilot States) a multi-year exemption to allow these States to continue using revised CDL vehicle inspection and revised control skills procedures they had previously evaluated during field tests covered by a waiver from FMCSA. The requested exemption would permit these States to continue CDL testing without the burden of reverting back to the older CDL test model which would generate costs and delays associated with re-configuration of testing locations and retraining of CDL test examiners.

Previously, AAMVA requested a 90-day waiver from 49 CFR 383.133 to enable the pilot States to complete field tests of the new CDL skills test procedures. FMCSA determined that the waiver achieved an equivalent level of safety to the current regulations and therefore granted the request for the period of June 1, 2021, through September 1, 2021, for the first round of field tests; the Agency granted a separate waiver to cover additional field tests through December 1, 2021. FMCSA subsequently granted another waiver, effective through February 22, 2022, to avoid requiring the three States to revert to the current skills test procedures while the Agency considered the multi-year exemption.

In its current request, AAMVA is seeking a multi-year exemption to allow Maryland, New Hampshire, and Virginia to continue using the revised CDL vehicle inspection and revised control skills procedures once the field test waiver period has concluded. According to AAMVA, this exemption would permit the pilot States to continue CDL testing without the burden of reverting back to the older