DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

One Hundred and First RTCA 159 Plenary

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: One Hundred and First RTCA 159 Plenary.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of One Hundred and First RTCA 159 Plenary.

DATES: The meeting will be held May 03, 2018 10:00 a.m.–12:00 p.m. EDT.

ADDRESSES: The meeting will be held at: Virtual: https://rtcawebex.rtcawebex.com/rtcawebex/jp?MTID=m8980a2c3d92273b790b1989196dd35. Meeting number (access code): 639 753 422, Meeting password: Sc-159!1.


SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of the One Hundred and First RTCA 159 Plenary. The agenda will include the following:

1. INTRODUCTORY REMARKS: DFO, RTCA AND CO-CHAIRS
2. APPROVAL OF SUMMARIES OF PREVIOUS MEETING: ONE HUNDREDTH MEETING HELD MARCH 16, 2018 (RTCA PAPER NO. 075–18/SC159–1071)
3. REVIEW OF GNSS L1/L5 ANTENNA MOPS FINAL REVIEW AND COMMENT (FRAC) ACTIVITIES
4. DECISION TO APPROVE RELEASE OF GNSS L1/L5 ANTENNA MOPS FOR PRESENTATION TO PROGRAM MANAGEMENT COMMITTEE FOR PUBLICATION
5. GPS/INTERFERENCE (WG–6): UPDATE REGARDING TAKING DRAFT DO–292 REVISION INTO FINAL REVIEW AND COMMENT (FRAC)
6. DISCUSSION OF TERMS OF REFERENCE UPDATES
7. ACTION ITEM REVIEW
8. ASSIGNMENT/REVIEW OF FUTURE WORK
9. OTHER BUSINESS
10. DATE AND PLACE OF NEXT MEETING
11. ADJOURN

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the FOR FURTHER INFORMATION CONTACT section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC on March 19, 2018.

Michelle Swearingen,
Systems and Equipment Standards Branch, AIR–600, Federal Aviation Administration.

FMCSA announces its decision to exempt 46 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on February 19, 2018. The exemptions expire on February 19, 2020.

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., e.t., 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 http://www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at http://www.dot.gov/privacy.

II. Background

On January 16, 2018, FMCSA published a notice announcing receipt of applications from 46 individuals requesting an exemption from the hearing requirement in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (83 FR 2314). The public comment period ended on February 15, 2018, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these
individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(11).

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).

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 hearing standard in 49 CFR 391.41(b)(11) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

The Agency’s decision regarding these exemption applications is based on current medical information and literature, and the 2008 Evidence Report, “Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety.” The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) No studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver’s license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant’s driving record found in the Commercial Driver’s License Information System (CDLIS), for commercial driver’s license (CDL) holders, and inspections recorded in the Motor Carrier Management Information System (MCMIS). For non-CDL holders, the Agency reviewed the driving records from the State Driver’s Licensing Agency (SDLA). Each applicant’s record demonstrated a safe driving history. Based on an individual assessment of each applicant that focused on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce, the Agency believes the drivers granted this exemption have demonstrated that they do not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the hearing standard in 49 CFR 391.41(b)(11) 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 report any crashes or accidents as defined in 49 CFR 390.5; (2) each driver must report all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391 to FMCSA; and (3) each driver is 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.

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 46 exemption applications, FMCSA exempts the following drivers from the hearing standard, 49 CFR 391.41(b)(11), subject to the requirements cited above:

- David Alaniz (WO)
- Marion Bennett (MD)
- Gordon R. Boerner (ME)
- Tom M. Booe (NE)
- Roy E. Bowers (GA)
- Richard M. Davis (OH)
- Rivera De Jesus (TX)
- Christian DeKnight (FL)
- Richard Doi (AZ)
- Trey Duncan (TX)
- Jean D. Dutes (FL)
- Edward Eikerson (WO)
- Stephan Eveland (FL)
- Richard L. Frueke (IL)
- Edison M. Garcia (MD)
- Adam M. Hayes (CA)
- Sean Hunt (TX)
- Charles W. Jones (FL)
- James T. Laughrey (KS)
- Jerry L. Lewis (NC)
- Michael Lidster (IL)
- Stavros Likouris (OH)
- Adrian Lopez (TX)
- Derrick J. Marceaux (LA)
- John E. Mayhew (KS)
- JeMichael McCot (LA)
- Magdalene McLaughlin (MD)
- Pablo Muniz (FL)
- Dario Novoa (FL)
- Hugo Paniagua (CA)
- Calvin Payne (MD)
- Joseph R. Piros (CA)
- Michael Quinonez (TX)
- Kohn Saysanam (TX)
- Jeffrey W. Schulkers (KY)
- Stephan W. Stotts (OH)
- Teddy Rosevelt Tice (NY)
- William Tassel (OH)
- Daniel R. Taylor (AL)
- Jason C. Thomas (TX)
- Roderick B. Thomas (GA)
- Joshua Tinley (AZ)
- Carlos Torres (OH)
- Allen Whitener (TX)
- Kerri M. Wright (OK)

In accordance with 49 U.S.C. 31315, each exemption will be valid for two 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 and 31315.

Issued on: March 16, 2018.

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2018–05862 Filed 3–21–18; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Doct No. FMCSA–2018–0050]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

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