

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

DOT solicits comments from the public to better inform its decisionmaking processes. 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.transportation.gov/privacy.

II. Background

On January 20, 2012, Allerton submitted a petition for determination that the Chicago Ground Transportation Tax (the Tax) registration emblem display requirement, which applies to interstate motor passenger carriers within FMCSA's jurisdiction, is preempted by 49 U.S.C. 14506(a). Section 14506(a) prohibits States from requiring interstate motor carriers to display in or on specified commercial motor vehicles (CMVs) any form of identification other than forms required by the Secretary of Transportation, with certain exceptions. On March 23, 2012, FMCSA published a Notice of Allerton's petition, requesting comment on whether the registration emblem display requirement is preempted by 49 U.S.C. 14506(a) or whether any exception set forth in section 14506(b) applies (77 FR 17105). On May 18, 2012, the City of Chicago (Chicago) submitted its response to Allerton's petition. Chicago opposed the petition, arguing that Allerton did not demonstrate a "live dispute" regarding the emblem display requirement and, further, that the emblem display requirement falls within the exceptions identified in 49 U.S.C. 14506(b)(2) and (3). The statutory exceptions cited by Chicago are, respectively, credentials required under the International Fuel Tax Agreement or applicable State law (49 U.S.C. 14506(b)(2)) and a State law regarding motor vehicle license plates "or other displays that the Secretary determines are appropriate" (49 U.S.C. 14506(b)(3)). Allerton's petition and Chicago's response are available in the docket for this Notice.

The Tax requires providers of passenger ground transportation within the City of Chicago to register their vehicles and pay a graduated fee that varies according to the seating capacity of each vehicle registered (Chicago Mun. Code ch. 3-46). The Tax applies to all for-hire vehicles used to pick up, drop

off, or both pick up and drop off passengers within the city (Chicago Mun. Code § 3-46-020(H)). The Tax applies regardless of whether the vehicle is registered or titled within the State of Illinois. *Id.*

Vehicles subject to the Tax must display an emblem on the windshield as evidence of registration and payment (Chicago Mun. Code § 3-46-073(A)). Vehicles failing to display the emblem are prohibited from operating within the city and are subject to seizure and impoundment at the vehicle owner's expense, as well as an administrative penalty of \$500. *Id.*

As noted above, Federal law, codified at 49 U.S.C. 14506(a), prohibits States from requiring interstate motor carriers to display in or on CMVs any form of identification other than forms required by the Secretary of Transportation. However, section 14506(b) states that a State may continue to require display of credentials required (1) under the International Registration Plan under section 31704; (2) under the International Fuel Tax Agreement (IFTA) or under an applicable State law if, on October 1, 2006, the State has a form of highway use taxation not subject to collection through IFTA; (3) under a State law regarding requiring motor vehicle license plates or other displays that the Secretary determines are appropriate; (4) in connection with Federal requirements for hazardous materials transportation under section 5103; or (5) in connection with Federal vehicle inspection standards under section 31136.

In accordance with a previous decision, FMCSA interprets all the exceptions in section 14506(b) to apply to political subdivisions of States, including municipalities. *See Identification of Interstate Motor Vehicles: New York City, Cook County, and New Jersey Identification Requirements; Petition for Determination*, 75 FR 64779 (Oct. 20, 2010). Authority granted to the Secretary under section 14506 has been delegated to the FMCSA Administrator by 49 CFR 1.87(a)(7).

On July 2, 2019, the American Bus Association (ABA) requested that the Agency re-publish the petition to allow an opportunity for any additional public comments on the matter, and that FMCSA issue a determination as soon as practicable thereafter. The ABA also noted that, although Allerton recently ceased operations, a number of ABA members currently operating in Chicago remain subject to the decal requirement

and the associated penalties for non-compliance.¹

III. Comments Requested

As explained above, considering the passage of time since the publication of the Notice, FMCSA is re-opening the comment period on Allerton's petition. The Agency specifically seeks comment on whether the City of Chicago's registration emblem display requirement is preempted by 49 U.S.C. 14506(a) or whether it qualifies under any of the five exceptions set forth in 49 U.S.C. 14506(b) and listed above. As stated in the March 23, 2012, Notice, FMCSA believes that section 14506(b)(3) is the only exception that could potentially apply to the Tax and therefore seeks comment specifically on whether the Agency should approve the registration emblem display requirement under that exception. The Agency requests that comments be limited to these issues, and encourages the submission of data or legal authorities supporting the commenter's position. Parties who commented in response to the Agency's March 23, 2012, Notice and have no further or updated information to add need not resubmit their comments. FMCSA may issue a determination on the petition at any time after the close of the comment period.

Issued on: August 27, 2019.

Raymond P. Martinez,
Administrator.

[FR Doc. 2019-18983 Filed 8-30-19; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2019-0029]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt six 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

¹ The July 2, 2019 letter from ABA to FMCSA Administrator Ray Martinez is available in Docket No. FMCSA-2012-0086, accessible through <https://www.regulations.gov>.

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 operate CMVs in interstate commerce.

DATES: The exemptions were applicable on June 18, 2019. The exemptions expire on June 18, 2021.

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, (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-2019-0029> 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.

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

II. Background

On May 9, 2019, FMCSA published a notice announcing receipt of applications from six individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (84 FR 20464.) The public comment period ended on June 10, 2019, and one comments was 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 § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 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 criteria¹ to 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 one comment in this proceeding. The commenter expressed his concerns that drivers with a history of seizure disorders may have additional episodes of loss of consciousness. In response to this comment, prior to deciding to grant these exemptions, FMCSA considered each driver's health history and driving records to determine that these drivers can operate a CMV at a level of safety that meets or exceeds that of other drivers.

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 May 9, 2019, **Federal Register** notice (84 FR 20464) and will not be repeated in this notice.

These six applicants have been seizure-free over a range of 15 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

¹ 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/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

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 six exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition, § 391.41(b)(8), subject to the requirements cited above:

Gary Bartels (SD)
Charles Davenport (TN)
Alan Finlayson (AL)
Gregory Long (CT)
John McFarland (VA)
Scott Schelske (SD)

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).

Issued on: August 21, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019-18964 Filed 8-30-19; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0013]

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 19 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 October 3, 2019.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-2019-0013 using any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov/docket?D=FMCSA-2019-0013>. 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:** (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, fmcamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are 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, (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-2019-0013), 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/>

[docket?D=FMCSA-2019-0013](http://www.regulations.gov/docket?D=FMCSA-2019-0013). 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/docket?D=FMCSA-2019-0013> 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.

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II. Background

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The 19 individuals listed in this notice have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10). Accordingly, the Agency