**Medical Review Board (MRB)**

**Task Statement 15 – 2**

**I. Task Title**

Recommendations to the Agency on potential regulatory actions concerning vision standards for interstate commercial motor vehicle (CMV) drivers.

**II. Background**

The MRB will identify factors the Agency should consider with regard to regulatory actions concerning vision standards for interstate commercial motor vehicle (CMV) drivers. The MRB discussions will precede the Agency's consideration of a rulemaking concerning the vision standard. The vision exemption criteria was adopted from a pilot program but was never published in the Federal Register.  The first and only time the criteria were published was on December 18, 2013, in a notice for comment entitled, “Physical Qualification of Drivers; Standards; Changes to Vision Exemption Program Criteria” (78 FR 76590).  The comments were received and docketed but the Agency did not publish a final notice on the vision exemption criteria.

FMCSA’s primary mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. Under the provisions of 49 U.S.C. 31136(a) and 31502(b), FMCSA is authorized to establish minimum qualification standards for drivers of CMVs operating

in interstate commerce. To ensure the medical fitness of CMV drivers for duty, the Agency established a number of physical qualifications for drivers under 49 CFR 391.41(b). Adequate visual function is necessary for safe driving. The current vision standard pertains to acuity (the ability to see at a distance), field of vision (the ability to see peripherally), and the ability to detect and distinguish colors. Specifically, 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV in interstate commerce if that person has:

(1) 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;

(2) Distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses;

(3) Field of vision of at least 70° in the horizontal meridian in each eye; and

(4) The ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may exempt a CMV driver from application of the vision standards 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 current Vision Exemption Program was established in

1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, 401 (June 9, 1998). Applications are now handled in

accordance with 49 CFR part 381 subpart C. Qualifying individuals may apply for an exemption for up to two years from specified provisions of the Federal Motor Carrier Safety Regulations, including physical qualification standards specified under

§ 391.41(b) (see 49 CFR 381.300(c)). Vision exemptions are considered under

the procedures established in 49 CFR part 381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of 49 CFR 391.41(b)(10).

**III. Task**

The Agency asks the MRB to recommend criteria and identify factors the Agency should consider with regard to making a decision about a potential future rulemaking on vision criteria.

**IV. Estimated Time to Complete Task**

The MRB should provide a letter report to the Administrator outlining its recommendations in advance of its September 2015 meeting.

**V. FMCSA Technical Representatives**

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