**Meeting Minutes**

**October 24-25, 2016**

The Federal Motor Carrier Safety Administration’s (FMCSA) Motor Carrier Safety Advisory Committee (MCSAC) and the Medical Review Board (MRB) met on October 24, 2016 and October 25, 2016, in Washington, DC. In accordance with the provisions of Public Law 92-463, the meeting was open to the public. Col. Scott Hernandez, MCSAC Chairman, called the joint meeting to order at 9:30 a.m, October 24, 2016.

The following individuals attended the meeting:

**MCSAC COMMITTEE MEMBERS**

Scott Hernandez, Chairman; Lieutenant Colonel, Colorado State Patrol

LaMont Byrd, Director of Health and Safety, International Brotherhood of Teamsters

Gary Catapano, Senior Vice President of Safety, First Group American, Inc.

Bill Dofflemyer, Captain, Maryland State Police, CVED

Jennifer Hall, Executive Vice President Legal Affairs, American Trucking Associations

Bruce Hamilton, Vice President, Amalgamated Transit Union

Henry Jansy, General Counsel, Advocates for Highway and Auto Safety

John Lannen, Vice Chairman; Executive Director, Truck Safety Coalition

Jane Mathis, Parents Against Tired Truckers

Robert Mills, Police Officer, Fort Worth, TX, Police Department

Janice Mulanix, Chief, Valley Division, California Highway Patrol

Stephen Owings, President, Road Safe America

Peter Pantuso, President and CEO, American Bus Association

David Parker, Senior Legal Counsel, Great West Casualty Company

Danny Schnautz, Operations Manager, Clark Freight Lines, Inc.

Todd Spencer, Executive Vice President, Owner-Operator Independent Drivers Association

Calvin Studivant, Motorcoach Operator, Community Coach

Jennifer Tierney, Board Member, Citizens for Reliable and Safe Highways *(voting alternate)*

Tami Friedrich Trakh, Citizens for Reliable and Safe Highways

**MRB COMMITTEE MEMBERS**

Gina C. Pervall, M.D., C.I.M.E., Chairman

Christine M. Cisneros, M.D., M.P.H., Ph.D.

Michael T. Kelley, M.D., M.P.H.

Brian T. Morris, M.D., J.D., M.B.A., M.P.H.

Albert James Osbahr III, M.D., M.S.

**FMCSA AND OTHER GOVERNMENTAL REPRESENTATIVES**

Larry Minor, Associate Administrator for Policy, FMCSA, and Designated Federal Officer (DFO), MRB

Shannon Watson, Senior Policy Advisor and Deputy DFO, FMCSA

Angie Byrne, M.P.H., M.C.H.E.S., C.P.H., USDOT, Volpe Center

Julie Crom, FMCSA

Martin Erb, FMCSA

Christine Hydock, Chief, Medical Programs Division, Office of Policy, FMCSA

Mark Patterson, Federal Railroad Administration

Eran Segev, United States Department of Transportation, Volpe Center

Michael Twery, U.S. Department of Health and Human Services, National Heart, Lung, and Blood Institute

Frederic Wood, FMCSA

**OTHER ATTENDEES**

Larry Baird, Fusion Health

Brandon Buchanan, American Bus Association

Megan Bush, American Trucking Associations

Keith Charles, National Motor Freight Traffic Association

Matthew Erim, National Motor Freight Traffic Association

Jeff Evans, National Sleep Foundation

Benjamin Gerson, National Sleep Foundation

Jay Grimes, Owner-Operator Independent Drivers Association

David Heller, Train Collectors Association

Alan Lankford, SleepSafe Drivers

Eric Miller, Transport Topics

Morgan Nash, iBiz

Nina Perlman, ICF

Al Smith, Greyhound Lines, Inc.

Ronna Weber, National School Transportation Association

Andrea Wohleber, Transportation Trades Department

Ivanna Yang, Commercial Vehicle Safety Alliance

**REMARKS AND COMMITTEE ACTION**

The joint meeting was called to order at 9:30 a.m.

**1. Driver Health and Wellness Update and Discussion, MRB and MCSAC Joint Task 15-3, Joint Subcommittee on Wellness Members: Martin Erb, FMCSA**

Martin Erb, FMCSA, presented a new website (CMVDriverWellness.org) that focuses on health and wellness for CMV drivers.

Discussion Points

* Generating user interest in the website, and marketing the website to its intended audience.
* Personalizing the website for user experience and allowing user to create personal health and wellness goals.
* Concern on whether to add driver sign-in option due to fear of being tracked.
* Focusing on the lifestyle of a CMV driver when developing content.
  + Focus groups including drivers and their families will be used to generate ideas.
* Differentiating the website from thousands of other similar existing programs.
  + Drivers hear what they need to do directly from the Agency.
* **Action Item:** The committee will consider the above discussion items and come back to the group with an update.

**2. Presentation and Discussion of Revised Recommendations on Obstructive Sleep Apnea (OSA) – MRB Task 16-1**

Gina Pervall, M.D., review the Medical Review Board (MRB) and the Motor Carrier Safety Advisory Committee’s (MCSAC) 2012 recommendations to the Agency’s and the Federal Railroad Administration’s (FRA) Advance Notice of Proposed Rulemaking (ANPRM) on safety-sensitive rail and commercial motor vehicle (CMV) drivers with moderate to severe obstructive sleep apnea (OSA). The committees reviewed their previous report on OSA from 2012 to ensure that it addressed the most current medical standards.

Discussion Points

* Conditions that disqualify a driver immediately and require referral for OSA diagnostic testing.
* Body mass index (BMI) and other risk factors.
* Gary Catapano, “I motion to change the standard in Section III Item B from 3 to 4” conditions.
* Brian Morris, M.D. seconds the motion.
* Results: For -7, Against -15 (motion rejected).
* Medical perspective vs. palatability perspective.
* Albert Osbahr III, M.D. “I motion to accept report as edited for final passage of the document.”
* Christine Cisneros, M.D. seconds the motion,
* Results: For - 16, Against – 4 (motion adopted)
  + - OOIDA wants to comment as part of report.

**Action Item:** In making a determination to move forward with regulations on OSA treatment, FMCSA shall evaluate the impacts of these regulations on driver health, wellness and safety.

Public Comments:

* [Andrea Wohleber, Transportation Trades Department] If the driver is being forced to go through a medical exam, they should be able to review the video or complaints forcing them to do so.
* [Alan Lankford, SleepSafe Drivers] Improved technology for safe sleep testing allows for testing in sleeper cabs. We have done it many times and gotten reliable, accurate data.
* [Alan Lankford, SleepSafe Drivers] Question for clarification: For Section V under letter C, number 1: The driver must document PAP use for a time period of no less than 30 consecutive days. What does that mean for how long it will be before a driver can get behind the wheel?
* [Alan Lankford, SleepSafe Drivers] Data was presented that 24 hours after PAP use, the driver would be fine. There is short-term compliance and long-term. The adaptation period can change depending on many things. Long-term compliance then kicks in, assuming the initial issues have been resolved. The sooner people can get safely back behind the wheel, the more there would be support from people in the field.
  + Michael Kelley, M.D.: Drivers don’t have to be off work, they just need to document for 30 days that they are on PAP. It was never that they would have to be off work at all.
* [Alan Lankford, SleepSafe Drivers] Regarding Section V letter D, In terms of the technology available, most CPAPs available these days measure hours of use, effective pressure leaks, etc. If someone says that they have an old CPAP unit, the effective life of a unit is usually 5 years.
* [Andrea Wohleber, Transportation Trades Department] When talking about people’s livelihoods we need to be very specific in this document. The purpose of Section II, letter A, number 1 is unclear. Drivers would be cautious in admitting sleepiness, because that means they could lose their job for at least two weeks to get into testing.
* [Alan Lankford, SleepSafe Drivers] Suggests adding wording in Section V, letter C, number 2 that says “for one year on month-by-month or quarterly basis” so that we can make sure things are proceeding as intended. Suggests that during that one-year review, there is a notion to look at it on a month-by-month or quarter-by-quarter basis.

**3. Discussion of MCSAC Task 16-2, Implementation of OSA Recommendations and Potential Impact on Future Populations of Drivers**

The MRB and MCSAC discussed recommendations made by MRB in 2012 on OSA and how they may impact current and future populations of drivers if they become a rule.

Discussion Points

* Impact on driver shortage.
* The cost of additional sleep studies.
* Safety benefits to the driver population.
* Ancillary benefits in reducing comorbidities and the costs of treating them (e.g., medication for hypertension, diabetes).
* Support from peer-reviewed studies that higher BMI is associated with higher crash risk in the general driving population.

Public Comments

* [Andrea Wohleber, Transportation Trades Department] There needs to be consideration of drivers that have CDLs and little interaction with public (school bus drivers, railway workers). We’ve been told that even if union workers have good insurance coverage, they pay a large chunk of medical costs out of pocket. If a driver is out of work, they might not have the insurance to cover the screening required for getting back to work.

**4. Conclude MCSAC Task 16-2 Discussion and Finalize Report**

Recommendations

* FMCSA should look at the impact of the regulations on driver shortage and the safety of the driver population.
* FMCSA should prove the benefits of the rule.
* FMCSA should consider the impact of the regulations on current and future drivers in relation to cost, health, wellness, and career.
* After letters go out to the Agency from MCSAC, the Agency can come back to MCSAC to create a subcommittee for additional assistance.

**ADJOURNMENT:** The joint meeting was adjourned at 4:43 p.m. on October 24, and at 12:00pm on October 25.

We hereby certify that, to the best of our knowledge, the foregoing minutes are accurate and complete.

***\_\_//***Signed***//\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***

Scott Hernandez

Chairman, MCSAC

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Gina C. Pervall, MD

Chairman, MRB

***\_//***Signed***//\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***

Larry W. Minor

Designated Federal Officer, MCSAC