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**ADVOCATES
FOR HIGHWAY
AND AUTO SAFETY**

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May 30, 2000

U.S. DOT Docket No. FMCSA-2000- 7006 a-- 4
Docket Clerk, U.S. DOT Dockets
Room PL-401
400 Seventh Street, S. W.
Washington, D. C. 20590-000 1

**Qualification of Drivers; Exemption Application; Vision
Notice of Petitions and Intent to Grant Applications for Exemption
65 Fed. Reg. 20245, April 14, 2000**

Advocates for Highway and Auto Safety (Advocates) files this supplemental comment in response to the Federal Motor Carrier Safety Administration's (FMCSA) preliminary determination to grant an exemption from the current vision standard to 61 commercial motor vehicle drivers who do not meet the federal standard for visual acuity. Advocates previously filed comments to this docket dated May 15, 2000, opposing the agency's policy regarding vision exemptions and raising other substantive and procedural issues related to the agency's process for making preliminary determinations. Advocates files this supplemental comment on the basis of information obtained since the closing date of the public comment period.

In the notice of intent to grant the petitions for exemption, the FMCSA recited on behalf of each applicant the total years of driving experience reported by the driver to the agency, along with either a cumulative total or annual total of commercial vehicle miles driven. In all cases, the total years of driving exceed three years, since that is one of the safety screening criteria applied by the agency as a minimal requirement or qualifying petitions. Most petitions, however, recite far longer years of experience, including some applicants who have been driving commercial vehicles for up to 40 and even 50 years. Following the statement of driving experience, which appears to be derived from driver-provided information that is not verified by the agency, the FMCSA provides accident and citation information for the past three years based on official state driving records. Because only the last three years of driving experience are cross-referenced for accidents and citations the public is left with the impression, whether intentional or not, that prior to the last three years each petitioner had a safe driving record with no accidents or citations. In part because many states do not maintain driving records beyond the most recent three year period, there is no verification of prior unsafe driving behavior.

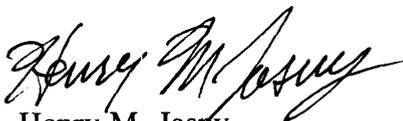


This impression of long safe driving experience is misleading in those cases where the petitioner has a history of accidents and citations that predate the three year official state record. For example, in one case the FMCSA reported the history of one petitioner as having

driven straight trucks for 48 years and 3.6 million miles and tractor-trailer combinations for 18 years and over 3.3 million miles. He holds a California [commercial drivers' license] CDL and has no accidents or convictions of moving violations in a [commercial motor vehicle] CMV on his driving record for the past 3 years.

65 Fed. Reg. 20245, 20250, April 14, 2000 (petitioner number 54). While this information appears to imply that the petitioner has a long, unblemished safe driving record, other information has been presented to raise issues regarding that impression. In response to this docket notice, the Department of Motor Vehicles (DMV) for the State of California filed a comment advising the FMCSA that it opposed the grant of a vision exemption to the applicant because of that his accident involvement and citation record in 1995 and 1996, four and five years prior to the petition for exemption. Since the incidents reported by the California DMV preceded the three-year state record rule applied by the agency for screening exemption petitions, the agency was either unaware of the applicant's involvement in those unsafe events or, if it was aware of those incidents, the agency chose not to consider them essential to disclose to the public or weigh them in making the required safety determination.

This situation raises serious concerns regarding the scrutiny the FMCSA uses in reviewing exemption requests and in its myopic approach to driving records. First, the FMCSA should avail itself of state collected driving information that is older than the three-year recent records kept by many states. The agency should, in reviewing exemption petitions, avail itself of all information relevant to the safety record of the applicants. The FMCSA should request driving histories with longer time intervals from states that retain driving records for five years or longer. Second, the agency should not blindly repeat self-reported information about driving records without authenticating the information and providing some verified information about accidents and citations. At the very least, petitioners should also be required to provide sworn statements regarding their prior history of accidents, citations and suspensions along with the self-reported information on driving experience and mileage. The FMCSA should make every effort to assure the public that it is granting exemptions to drivers who do not meet the vision standard only where it has been verified by the driving history that the applicant has a safe record over the past five to ten years, not just the past three years.


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