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DEPARTMENT OF MOTOR VEHICLES
LICENSING OPERATIONS DIVISION
P. O. BOX 932345 MS C-152
SACRAMENTO, CA 94232-3450

DEPT. OF TRANSPORTATION

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August 10, 2000

Docket Clerk
U.S. DOT Dockets, Room PL-401
400 Seventh Street, SW
Washington, D.C. 20590-0001

Re: Docket No. FMCSA-2000-7363 - 3

Dear Docket Clerk:

Our department has reviewed the request by Mr. Gordon Nathan, Mr. Aaron Pennington, and Mr. Fernando Aguilera for an exemption from the vision requirements in the Federal Motor Carrier Safety Regulations in order to operate interstate commerce.

California is opposed to granting the exemptions due to Federal Motor Carrier Safety Regulations (FMCSR) Section 381.600 which states that once a waiver, exemption, or pilot program is authorized it preempts any state law or regulation that conflicts with or is inconsistent with the waiver, exemption, or pilot program with respect to a person operating under the waiver or exemption or participating in the pilot program. For traffic safety, California restricts all CDL drivers who do not meet the medical requirements from operating buses, transporting any material that requires placards or markings, and interstate commerce.

California had not opposed the granting of exemptions in the past based upon information that California could continue to restrict, except for the interstate commerce, even when an exemption had been granted. Our Legal Branch reviewed the FMCSR and concluded that once an exemption or waiver is issued, or pilot program is established, it preempts our restrictions, except for equipment related restrictions (air brake, automatic transmission, etc.).

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California will oppose all requests for waivers and exemptions unless the waiver or exemption includes restricting the driver from operating buses and transporting any material that requires placards or markings.

If you have any questions, please call Bruce Allen of my staff at (916) 657-6550.

Sincerely,

A handwritten signature in cursive script that reads "Susan Larson". The signature is written in black ink and is positioned above the typed name.

SUSAN C. LARSON, Chief
Program and Policy Development Branch