



## AMERICAN TRUCKING ASSOCIATIONS

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September 22, 2021

*Via Regulations.gov*

Christine A. Hydock  
Chief, Medical Programs Division  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue SE  
Washington, DC 20590

**Re: Docket No. FMCSA-2019-0049: Medical Review Board Task 21-1 Report: FMCSA Proposed Alternative Vision Standard**

Dear Ms. Hydock,

Understanding that the medical qualifications of drivers directly impact the safe operation of commercial motor vehicles (CMVs), the American Trucking Associations (ATA)<sup>1</sup> thanks the leadership of the Federal Motor Carrier Safety Administration (FMCSA) for this opportunity to provide comments on the Medical Review Board's (MRB) report and recommendations to the proposed Alternative Vision Standard. As the national trade association representing the trucking industry, ATA is vitally interested in supporting regulations that maintain or improve the current level of highway safety, are based on sound data and analysis, are supported by the medical community, uniform with few exceptions, and cost-beneficial.

ATA recognizes that drivers rely overwhelmingly on their ability to process visual stimuli such as changing road, weather, and traffic conditions to operate CMVs safely. Consequently, ATA has consistently opposed efforts to erode the CMV operator physical qualification standards for vision that would not guarantee an equivalent or greater level of safety.

In light of the release of the MRB report and a potentially imminent rulemaking to finalize the alternative vision standard, we would like to comment on the MRB recommendations relating to a required adjustment time for drivers with a new vision deficiency and the two-step certification process. ATA has previously commented on, and reiterates here, our concerns related to components of the proposed alternative standard such as the required three years of intrastate driving experience, carrier conducted road test, and insufficient data on the safety of drivers with a vision deficiency.

### **Medical Component of Standard**

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<sup>1</sup> ATA is a united federation of motor carriers, state trucking associations, and national trucking conferences created to promote and protect the interests of the trucking industry. Directly and through its affiliated organizations, ATA represents more than 30,000 motor carriers in the United States, Canada, and Mexico encompassing every type and class of motor carrier operation.

In comments to the proposed alternative standard, healthcare provider Concentra<sup>2</sup> and board-certified ophthalmologist Dr. Robert Morris<sup>3</sup> supported the requirement than an individual must have a 120-degree field of vision (FOV) instead of the proposed 70-degree FOV. Furthermore, the proposed alternative standard requires an individual to be evaluated by their optometrist or ophthalmologist who is subsequently directed to use their best medical judgement to determine if an individual has adequately compensated for their vision deficiency. ATA supports efforts to maintain a stringent vision standard for commercial drivers and believes that the MRB recommendation to increase the required FOV and the required evaluation from a vision specialist accomplishes this goal. ATA reserves further comment on the medical component of the alternative standard to medical professionals with the expertise and experience to determine the standards that would result in the appropriate level of highway safety.

### **Sufficient Time to Adjust to Vision Deficiency**

In their report, the MRB did not suggest a specific interval of time necessary for a driver to adapt to a new vision deficiency. Instead, the MRB asserts that the assessment from an optometrist or ophthalmologist would be sufficient to determine if a driver has adjusted and compensated for their deficiency to operate a CMV safely. ATA understands that there is not sufficient data on this matter and that each individual's vision deficiency is different, making it difficult to establish a standardized waiting period for adjustment. Nevertheless, ATA is concerned that without any guidance, there will be an inconsistency in the certification of a driver depending on the judgement of his or her optometrist, ophthalmologist, or medical examiner. The Agency should seek to gather more data and establish clearer guidance on when a medical examiner can assure that a driver has sufficiently adapted to their vision deficiency.

### **Two-Step Certification Process**

The MRB report also suggests that the Agency “deemphasize that the alternative vision standard begins with the vision evaluation.” The MRB explains that an individual might first be evaluated by a medical examiner before being referred to a vision specialist. While ATA agrees that this is possible in some circumstances, we caution that deemphasizing the two-step process might result in additional burdens for a driver who would need to make multiple visits to a medical examiner. We believe it can be reasonably assumed that if an individual is seeking qualification under the proposed alternative standard that this individual is aware of his or her vision deficiency. Accordingly, such individuals *should* see a vision specialist who is able to complete the required assessments and documentation to determine if their vision deficiency will not interfere with the safe operation of a CMV. The complete documentation is to be presented to a medical examiner who may then certify that the individual meets the standard and all other physical requirements to be a CMV driver. If, as the MRB suggests, a driver first is evaluated by a medical examiner and is subsequently referred to a vision specialist, that driver will have to return to the medical examiner again after receiving the appropriate documentation from their optometrist or ophthalmologist. Additionally, due to significant ongoing delays in securing appointments with DOT medical examiners, this burden will be even greater for a driver who must visit a medical examiner more than once.

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<sup>2</sup>Anne-Marie Puricelli, MD, JD, “Re: Qualifications of Drivers: Vision Standard,” *Concentra*, (March 2021), <https://www.regulations.gov/comment/FMCSA-2019-0049-0107>.

<sup>3</sup>Robert Morris, MD, “Re: Qualifications of Drivers: Vision Standard,” (March 2021), <https://www.regulations.gov/comment/FMCSA-2019-0049-0087>.



If the Agency moves forward with deemphasizing the two-step examination process, ATA is concerned that some drivers with a vision deficiency will be wrongly issued a medical certification. DOT medical examiners are not necessarily vision specialists with expertise to determine if individuals have sufficiently adapted to their vision deficiency. It follows, therefore, that a driver seeking certification under the proposed alternative standard should visit his or her optometrist or ophthalmologist prior to the medical examiner to expertly assess whether the deficiency is suitably addressed.

### **Three Years Driving Experience**

The MRB report does not comment on the proposed alternative standard's replacement of the three years of intrastate driving experience requirement with a carrier conducted road test. The three years driving experience requirement is a component of FMCSA's current vision exemption program that acts as a safeguard to ensure that drivers qualified under the exemption will exhibit an equivalent or greater level of safety compared to other CMV drivers on the road. ATA understands that there is not sufficient evidence to mandate a standardized period for an individual to adjust to their vision deficiency. However, we point out that there *is* sufficient data showing that, regardless of age, more experienced drivers are safer, as measured by lower rates of crashes, crash involvements, and moving violations.<sup>4</sup> Therefore, ATA cautions that removing this requirement as suggested in the proposed alternative standard, without instituting other safeguards, could have a negative impact on safety.

While ATA is primarily concerned with maintaining an appropriate level of safety among drivers qualified under the alternative vision standard, we recognize that the three years of intrastate driving experience requirement acts as a barrier to employment. In practice, many states might not issue vision waivers to allow individuals to operate intrastate with a stable vision deficiency. As such, many individuals will be prohibited altogether from entering the industry. It is also worth noting that limiting drivers to intrastate operations only does not necessarily reduce the number of miles they are permitted to travel. Given this, restricting a driver from merely crossing a state border is not an effective way of ensuring safety. In light of these limitations, the Agency might consider replacing the three-year intrastate driving requirement with other safeguards that are proven to enhance safety. In this way, FMCSA can better ensure that the drivers qualified under the alternative vision standard will exhibit an appropriate level of safety without arbitrarily requiring them to have three years of experience driving intrastate.

### **Carrier Conducted Road Test**

The MRB did not comment on the provision of the proposed alternative standard requiring carriers to conduct road tests to drivers that have been newly qualified under the alternative vision standard. ATA has noted in previous comments and reiterates that this requirement shifts responsibility to qualify a driver with a vision deficiency from the medical

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<sup>4</sup> National Surface Transportation Safety Center for Excellence, Commercial Motor Vehicle Driver Risk Based on Age and Driving Experience Naomi Dunn, Susan Soccolich, Jeffrey Hickman Submitted: April 17, 2020  
[https://vtechworks.lib.vt.edu/bitstream/handle/10919/97727/NSTSCE\\_DriverAgeExperience\\_Final.pdf?sequence=1&isAllowed=y](https://vtechworks.lib.vt.edu/bitstream/handle/10919/97727/NSTSCE_DriverAgeExperience_Final.pdf?sequence=1&isAllowed=y)

examiner and vision specialists to a motor carrier who likely lacks the specific expertise to determine how a vision impairment affects an individual's driving ability. In addition to this undue burden and liability being placed on motor carriers, road tests are an inconsistent tool to assess a driver's ability to operate a CMV in all conditions. Motor carriers differ significantly in how they conduct road tests. For example, testing in a rural area with fewer unpredictable traffic interactions may present more favorable results for a visually borderline test-taker compared to evaluations conducted in more urban or suburban settings or during nighttime traffic conditions. Especially as it relates to an individual with a vision deficiency, their driving capability can be significantly altered due to changes in lighting, weather, road, and traffic conditions, which a brief road test cannot account for. For these reasons, ATA continues to oppose replacing the three years driving experience requirement with a carrier conducted road test.

### **Insufficient Data**

FMCSA leans on the vision exemption program and the subsequent data collected over the past thirty years as a justification for the alternative vision standard. However, ATA would like to point out that the vision exemption program included a requirement that drivers have three years of intrastate driving experience with a stable vision deficiency and those exempted drivers meet strict driving record requirements.<sup>5</sup> These safeguards ensured that any driver qualified under the exemption would exhibit the highest level of safety. Accordingly, the data collected under the exemption program does not accurately indicate the level of safety that can be expected from all drivers qualified under the proposed alternative standard should the new standard remove these safeguards. ATA urges the agency to collect more data on the safety of drivers with a vision deficiency prior to adopting the alternative standard as introduced. Additionally, ATA suggests further research on the time it takes for drivers to adjust to a vision deficiency to provide better guidance to vision specialists and medical examiners tasked with determining if an individual with a vision deficiency can safely operate a CMV.

### **Conclusion**

It is of the utmost importance that any final standard achieve an equivalent or greater level of highway safety while minimizing costs, regulatory burdens, and barriers to employment in the trucking industry. ATA appreciates the opportunity to comment on this notice and would welcome further discussion on this matter. If you have any questions, please do not hesitate to reach out to me at 703-838-1857 or via email: [lspector@trucking.org](mailto:lspector@trucking.org).

Sincerely,



Laura Spector  
Safety Policy Specialist  
American Trucking Associations

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<sup>5</sup> Under FMCSA's General Vision Exemption Program an applicant's driving record for the last three years must contain: A.) No suspensions or revocations of a driver's license for the operation of any motor vehicle; B.) No involvement in an accident in which the driver contributed or received a citation for a moving traffic violation; C.) No convictions for a disqualifying offense, as defined in 49 CFR 383.51(b)(2); D.) No more than one serious traffic violation, as defined in 49 CFR 383.5, while driving a CMV during the 3-year period, which disqualified or should have disqualified in accordance with the driver disqualification provisions of 49 CFR 383.51.; and E.) No more than two convictions for any other moving traffic violations in a CMV.  
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