



U.S. Department  
of Transportation

Administrator

1200 New Jersey Avenue, SE  
Washington, DC 20590

**Federal Motor Carrier  
Safety Administration**

November 7, 2013

**ACTION MEMORANDUM TO THE SECRETARY**

**From:**

  
Anne S. Ferro  
Administrator  
x30052

**Thru:**

Larry W. Minor  
Associate Administrator for Policy  
x62551

**Prepared by:**

Shannon L. Watson  
Senior Policy Advisor  
x52395

**Subject:**

Renewal of the Charter of the Medical Review Board as a Statutory Advisory  
Committee under the Federal Advisory Committee Act

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**ACTION REQUIRED**

I request that you approve the renewal of the attached charter for the Federal Motor Carrier Safety Administration's (FMCSA) Medical Review Board (MRB). The current charter expired on November 2, 2013.

**BACKGROUND**

Section 4116 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, requires the establishment of a MRB to provide FMCSA with medical advice and recommendations on medical standards and guidelines for the physical qualifications of operators of commercial motor vehicles, medical examiner education, and medical research. The MRB is codified at 49 U.S.C. § 31149. The MRB's current charter was last renewed by Secretary LaHood on November 2, 2011, and expired on November 2, 2013. Although the charter has expired, the General Services Administration treats brief lapses such as this as renewals rather than requiring a committee to be reestablished.

The MRB comprises 5 physicians appointed by the Secretary of Transportation based on recommendations from the FMCSA Administrator. The members are selected from medical institutions and private practice and serve as special government employees of FMCSA. The membership shall reflect expertise in a variety of medical specialties relevant to FMCSA's driver fitness requirements. Most recently, the MRB has deliberated on issues such as motorcoach driver hours of service and Schedule II drugs and their impact on driver qualification.

A new charter has been prepared for your review and approval. Changes to the charter include clarifying the duties of MRB members and revising the cost and staffing estimates based on FMCSA's experience over the last 2 years. The charter has been reviewed by the GSA and the Department's FACA Committee Management Officer.

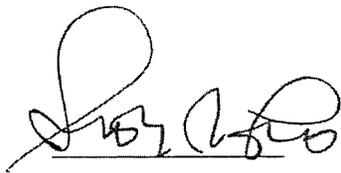
**RECOMMENDATION**

I recommend that you approve this charter, renewing the MRB for 2 years, effective the date the charter is filed.

Attachment

The Secretary

APPROVED:

A handwritten signature in black ink, appearing to be "S. J. [unclear]", written over a horizontal line.

DISAPPROVED:

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COMMENTS:

\_\_\_\_\_

DATE:

11-25-13

## **MEDICAL REVIEW BOARD ADVISORY COMMITTEE CHARTER**

1. **COMMITTEE'S OFFICIAL DESIGNATION:** The Committee shall be known as the Medical Review Board Advisory Committee (MRB).
2. **AUTHORITY:** Section 4116 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59 (codified as amended at 49 U.S.C. § 31149) and U.S. Department of Transportation Order 1120.3B. This charter renews MRB and provides for its operation in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, as amended.
3. **OBJECTIVES AND SCOPE OF ACTIVITIES:** The MRB shall provide the U.S. Secretary of Transportation and the Administrator of the Federal Motor Carrier Safety Administration (FMCSA) with medical advice and recommendations on matters relating to all aspects of development and implementation of science-based physical qualification standards and guidelines for operators of commercial motor vehicles (CMVs), medical examiner education, and medical research.
4. **DESCRIPTION OF DUTIES:** The MRB members shall:
  - a. Attend MRB meetings;
  - b. Gather information as necessary to discuss issues presented by the Designated Federal Officer (DFO);
  - c. Provide FMCSA with advice and recommendations on medical standards and guidelines for the physical qualification of operators of CMVs, medical examiner education, and medical research; and
  - d. Provide written consensus advice to FMCSA.
5. **AGENCY/OFFICIAL TO WHOM THE COMMITTEE REPORTS:** The MRB shall report to the Secretary of Transportation through the FMCSA Administrator. The Administrator is the MRB's sponsor and accepts or rejects recommendations produced by the MRB.
6. **SUPPORT:** The FMCSA's Office of Policy will provide necessary funding, logistics, and administrative support for the MRB.

7. ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS: The annual operating costs associated with the Committee's functions are estimated to be \$150,000 including all direct and indirect expenses. The Agency estimates that 1.50 full time equivalent positions will be required to support the committee.

8. DESIGNATED FEDERAL OFFICER AND SPONSOR: The DFO for MRB is FMCSA's Associate Administrator for Policy or his or her designee. The DFO will approve or call all of the meetings, prepare and approve all meeting agendas, attend all MRB meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the FMCSA Administrator.

9. ESTIMATED NUMBER AND FREQUENCY OF MEETINGS:

- a. Committee meetings will be held approximately three times each year. As necessary, special meetings may be called by the DFO. As used in this charter, the word "meeting" does not include gatherings of MRB members for the purpose of preparatory or administrative work as provided under 41 CFR § 102-3.160.
- b. Notice of each meeting shall be published in the Federal Register at least 15 calendar days prior to the date of the meeting. The meeting agenda and all relevant meeting information will be posted in advance of each meeting at the website ([mrb.fmcsa.dot.gov](http://mrb.fmcsa.dot.gov)).
- c. Meetings shall be open to the general public, except as provided under section 10(d) of FACA (as implemented by 41 CFR§ 102-3.155, the Government in the Sunshine Act (5 U.S.C § 522b(c)), and DOT Order 1120.3B.
- d. Detailed minutes of each meeting shall be certified by the DFO or his or her designee and maintained by the sponsor. The minutes, as certified, shall be available for public inspection and copying at the website ([mrb.fmcsa.dot.gov](http://mrb.fmcsa.dot.gov)).

10. DURATION: The Committee is continuing, subject to renewal every 2 years.

11. TERMINATION: This charter shall terminate 2 years from its filing date unless renewed in accordance with FACA.

12. MEMBERSHIP AND DESIGNATION:

- a. The MRB shall comprise five members appointed by the Secretary of Transportation for terms of up to 2 years.
- b. Members serve at the pleasure of the Secretary.
- c. Members may be reappointed and serve up to a maximum of 5 consecutive years.

- d. Members will be selected from among individuals from medical institutions and private practice who are not employees of FMCSA. MRB members shall serve as Special Government Employees under the authority of 5 U.S.C. § 3109.
- e. The membership shall reflect expertise in a variety of medical specialties relevant to the driver fitness requirements of the FMCSA.
- f. To ensure the recommendations of the MRB have taken into account the needs of diverse groups served by the Department, membership shall include, to the extent practicable, individuals and/or organizations representing minorities, women, and persons with disabilities.
- g. Members may continue to serve until their replacements have been appointed.
- h. The Administrator, through the Associate Administrator for Policy, shall designate a chairman and vice chairman from among members of the committee. They will serve 2-year nonrenewable terms. The vice chairman will succeed the chairman at the end of the term.

13. RECORDKEEPING: The records of the MRB and formally and informally established subgroups of the MRB shall be handled in accordance with General Records Schedule 26, Item 2, and other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, as amended, 5 U.S.C. § 552.

14. FILING DATE: The filing date of this charter is November 25, 2013. The MRB will remain in existence for 2 years after this date unless sooner terminated or renewed.