



DEPARTMENT OF TRANSPORTATION

[4910-EX-P]

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1999-5748; FMCSA-1999-6156; FMCSA-2001-11426; FMCSA-2003-16564; FMCSA-2005-22194; FMCSA-2005-23099; FMCSA-2006-23773; FMCSA-2006-24015; FMCSA-2006-24783; FMCSA-2007-0017; FMCSA-2007-0071; FMCSA-2007-29010; FMCSA-2008-0021; FMCSA-2009-0011; FMCSA-2009-0291; FMCSA-2010-0050; FMCSA-2010-0082; FMCSA-2011-0379; FMCSA-2012-0040; FMCSA-2012-0104; FMCSA-2012-0106; FMCSA-2013-0166; FMCSA-2013-0174; FMCSA-2014-0002; FMCSA-2014-0003; FMCSA-2014-0004; FMCSA-2014-0005; FMCSA-2014-0006]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 88 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, fmcsamedical@dot.gov, FMCSA,

Department of Transportation, 1200 New Jersey Avenue, S.E., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, S.E., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

On December 29, 2016, FMCSA published a notice announcing its decision to renew exemptions for 88 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from

the public (81 FR 96196). The public comment period ended on January 30, 2017, and two comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person:

Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received two comments in this preceding. Amy Schindler stated that she believes granting these exemptions are potentially unsafe. As discussed in section II of this notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10). Whitney-Rose Levis is in favor of granting the exemptions, but states that the Federal Motor Carrier Safety Regulations should be updated to allow monocular drivers to operate without having to renew an exemption.

VI. Conclusion

As of July 8, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 40 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (64 FR 40404; 64 FR 66962; 66 FR 63289; 67 FR 10471; 67 FR 19798; 68 FR 64944; 69 FR 19611; 70 FR 57353; 70 FR 67776; 70 FR 72689; 71 FR 26602; 72 FR 58362; 72 FR 64273; 72 FR 67340; 72 FR 67344; 73 FR 1395; 73 FR 6242; 73 FR 15254; 73 FR 15567; 73 FR 16950; 73 FR 27015; 73 FR 27017; 74 FR 62632; 74 FR 65842; 74 FR 65845; 75 FR 9477; 75 FR 9482; 75 FR 14656; 75 FR 19674; 75 FR 20881; 75 FR 27621; 75 FR 28684; 76 FR 70215; 77 FR 7233; 77 FR 10606; 77 FR 13689; 77 FR 17115; 77 FR 23799; 77 FR 23800; 77 FR 27847; 77 FR 27849; 77 FR 33558; 77 FR 38386; 78 FR 62935; 78 FR 64280; 78 FR 76395; 79 FR 1908; 79 FR 10606; 79 FR 14328; 79 FR 14331; 79 FR 14333; 79 FR 14571; 79 FR 17641; 79 FR 18390; 79 FR 18392; 79 FR 22000; 79 FR 22003; 79 FR 23797; 79 FR 27365; 79 FR 27681; 79 FR 28588; 79 FR 29495; 79 FR 29498; 79 FR 38649):

Guy M. Alloway (OR)	Roger E. Anderson (TX)	Alan A. Andrews (NE)
William C. Christy (FL)	David F. Cialdea (MA)	Gerard J. Cormier (MA)
Travis C. Denzler (MN)	Barent H. Eliason (MO)	Sean O. Feeny (FL)
Paul W. Fettig (SD)	Hector O. Flores (MD)	Brian R. Gallagher (TX)
Todd C. Grider (IN)	Jimmy G. Hall (NC)	Taras G. Hamilton (TX)
Donald W. Holt (MA)	William D. Jackson (MN)	Darryl J. Johnson (MN)
Gregory R. Johnson (SC)	Glenn K. Johnson, Jr. (NC)	John Lucas (NC)
Albert E. Malley (MN)	Steven Martin (IL)	Charles E. Meis (TX)

Carlos A. Mendez-Castellon (VA)	Michael R. Moore (MD)	Charles R. Morris, Jr. (OH)
Hassan Ourahou (KY)	James M. Nohl (MN)	Enoc Ramos III (TX)
Jamey D. Reed (OK)	Christopher A. Reineck (OH)	James T. Rohr (MN)
Joe Sanchez (TX)	James S. Seeno (NV)	Steven S. Smith, Jr. (PA)
Thomas L. Tveit (SD)	Kevin R. White (NC)	Richard W. Wylie (CT)
Steven E. Young (MO)		

The drivers were included in one of the following docket Nos: FMCSA-1999-5748; FMCSA-2001-11426; FMCSA-2005-22194; FMCSA-2007-0017; FMCSA-2007-0071; FMCSA-2007-29019; FMCSA-2008-0021; FMCSA-2009-0291; FMCSA-2010-0050; FMCSA-2012-0040; FMCSA-2012-0104; FMCSA-2013-0166; FMCSA-2013-0174; FMCSA-2014-0002; FMCSA-2014-0003; FMCSA-2014-0004; FMCSA-2014-0005. Their exemptions are effective as of July 8, 2016, and will expire on July 8, 2018.

As of July 12, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 7 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (71 FR 4194; 71 FR 13450; 73 FR 15255; 75 FR 9481; 75 FR 20882; 75 FR 22178; 75 FR 25917; 75 FR 25918; 75 FR 39729; 77 FR 15184; 77 FR 27847; 77 FR 27850; 77 FR 36338; 77 FR 38386; 79 FR 35220):

Walter M. Brown (SC)	Chadwick S. Chambers (AL)	William C. Dempsey, Jr. (MA)
Miguel H. Espinoza (CA)	Ricky P. Hastings (TX)	Leland B. Moss (VT)
Markus Perkins (LA)		

The drivers were included in one of the following docket Nos: FMCSA-2005-23099; FMCSA-2009-0011; FMCSA-2010-0082; FMCSA-2011-0379; FMCSA-2012-0104. Their exemptions are effective as of July 12, 2016, and will expire on July 12, 2018.

As of July 20, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 17 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (64 FR 5948; 65 FR 159; 67 FR 10471; 67 FR 10475; 67 FR 19798; 68 FR 74699; 69 FR 8260; 69 FR 10503; 69 FR 19611; 70 FR 57353; 70 FR 72689; 71 FR 6824; 71 FR 6828; 71 FR 6829; 71 FR 14567; 71 FR 19604; 71 FR 26602; 71 FR 30229; 71 FR 32183; 71 FR 41310; 73 FR 11989; 73 FR 15567; 73 FR 27017; 73 FR 27018; 73 FR 28187; 73 FR 36955; 75 FR 36778; 75 FR 36779; 77 FR 38384; 79 FR 35212; 79 FR 35218; 79 FR 47175):

Delmas C. Bergdoll (WV)	Kenneth J. Bernard (LA)	Harvis P. Cosby (MD)
Daniel R. Franks (OH)	Walter D. Hague, Jr. (VA)	William G. Hix (AR)
Timothy B. Hummel (KY)	Clarence H. Jacobsma (IN)	Charles E. Johnston (MO)
Aaron C. Lougher (OR)	William F. Mack (WA)	Patrick E. Martin (WA)
Leland K. McAlhaney (IN)	Ronald M. Price (MD)	Scott D. Russell (WI)
Alton M. Rutherford (FL)	Sandra J. Sperling (WA)	

The drivers were included in one of the following docket Nos: FMCSA-1999-6156; FMCSA-2001-11426; FMCSA-2003-16564; FMCSA-2005-22194; FMCSA-2006-23773; FMCSA-2006-24015; FMCSA-2006-24783; FMCSA-2008-0021; FMCSA-2014-0006. Their exemptions are effective as of July 20, 2016, and will expire on July 20,

2018. As of July 22, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 15 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (79 FR 35212; 79 FR 47175):

Abdulahi Abukar (KY)	Gregory K. Banister (SC)	Amanuel W. Behon (WA)
Kenneth W. Bos (MN)	Brian L. Elliot (MO)	Bradley C. Hansell (OR)
Samuel L. Klaphake (MN)	Timothy L. Klose (PA)	Phillip E. Mason (MO)
Kenneth A. Orrino (WA)	Ruel W. Smith (SD)	Loren Smith (SD)
Seth D. Sweeten (ID)	Ronald L. Weiss (MN)	John T. White, Jr. (NC)

The drivers were included in docket No. FMCSA-2014-0006. Their exemptions are effective as of July 22, 2016, and will expire on July 22, 2018.

As of July 30, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 9 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (71 FR 32183; 71 FR 41310; 73 FR 36955; 75 FR 25917; 75 FR 36779; 75 FR 39729; 77 FR 33017; 77 FR 36338; 77 FR 38384; 77 FR 44708; 79 FR 37843; 79 FR 38661):

Dale W. Coblentz (MT)	Lester M. Ellingson, Jr.	Damon G. Gallardo (CA)
Daniel L. Grover (KS)	James E. Modaffari (OR)	Larry A. Nienhaus (MI)
Gregory A. Reinert (MN)	Scott J. Schlenker (WA)	Joseph B. Shaw, Jr. (VA)

The drivers were included in one of the following docket Nos: FMCSA-2006-24783; FMCSA-2010-0082; FMCSA-2012-0106. Their exemptions are effective as of July 30, 2016, and will expire on July 30, 2018.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years

from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: March 29, 2017

Larry W. Minor
Associate Administrator for Policy