



DEPARTMENT OF TRANSPORTATION

[4910-EX-P]

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2017-0016]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 10 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

DATES: Comments must be received on or before [Insert date 30 days after date of publication in the FEDERAL REGISTER]. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2017-0016 using any of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- Mail: Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- Hand Delivery: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, S.E., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- Fax: 1-202-493-2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time 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. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 USC 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 www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

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, SE, Room W64-113,

Washington, DC 20590-0001. Office hours are 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. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” FMCSA can renew exemptions at the end of each 2-year period. The 10 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Russel R. Dixon

Mr. Dixon, 50, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2017, his ophthalmologist stated, "I certify that Mr. Dixon has sufficient vision to perform the driving tasks required for operating a commercial vehicle." Mr. Dixon reported that he has driven straight trucks for 35 years, accumulating 1.85 million miles, and tractor-trailer combinations for 26 years, accumulating 416,000 miles. He holds a Class A CDL from Virginia. His driving record for the last 3 years shows no crashes and

one conviction for a moving violation in a CMV; he was cited for failure to pay full-time attention.

Robert A. Fasset

Mr. Fasset, 51, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/25, and in his left eye, 20/200. Following an examination in 2016, his optometrist stated, "In my medical opinion, Mr. Fasset has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Fasset reported that he has driven straight trucks for 5 years, accumulating 125,000 miles. He holds a Class CB CDL from Michigan. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

William M. Hanes

Mr. Hanes, 56, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/800. Following an examination in 2017, his optometrist stated, "I do believe Mr. Hanes has sufficient vision to perform the essential tasks for operating a commercial vehicle." Mr. Hanes reported that he has driven straight trucks for 37 years, accumulating 2.2 million miles, and tractor-trailer combinations for 3 years, accumulating 150,000 miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Ryan P. Lambert

Mr. Lambert, 37, has had complete loss of vision in his right eye due to glaucoma in childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/15. Following an examination in 2016, his optometrist stated, "Ryan Lambert has

sufficient vision to perform the driving tests required to operate a commercial vehicle.”

Mr. Lambert reported that he has driven straight trucks for 19 years, accumulating 950,000 miles. He holds an operator’s license from Utah. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Richard D. Patterson

Mr. Patterson, 60, has had glaucoma in his right eye since 2005. The visual acuity in his right eye is 20/40, and in his left eye, 20/20. Following an examination in 2016, his ophthalmologist stated, "In my opinion, Mr. Patterson has sufficient vision in his left eye to perform the driving tasks required to operate a commercial vehicle."

Mr. Robinson reported that he has driven straight trucks for 32 years, accumulating 4 million miles. He holds a Class A CDL from Tennessee. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jonathan W. Pryor

Mr. Pryor, 34, has an enucleation of his right eye due to a fungal infection in childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2017, his ophthalmologist stated, "In my medical opinion, Mr. Pryor has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Pryor reported that he has driven straight trucks for 14 years, accumulating 60,000 miles. He holds an operator’s license from Oklahoma. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Ernesto Silva

Mr. Silva, 50, has a prosthetic in his left eye due to a traumatic incident in

childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2016, his optometrist stated, "Patient was blinded by trauma in this eye at age 10. He is well adapted, and should be considered to be save [sic] to drive commercially, as he has for many years." Mr. Silva reported that he has driven straight trucks for 10 years, accumulating 8,000 miles. He holds a Class A CDL from New Mexico. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Dennis L. Spence

Mr. Spence, 72, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, "Mr. Spence has normal visual acuity in his left eye and has lived with low vision in his right eye his entire life...It seems reasonable that he should be able to operate a commercial vehicle as long as his current level of physical and mental health does not decline." Mr. Spence reported that he has driven straight trucks for 52 years, accumulating 780,000 miles, and tractor-trailer combinations for 52 years, accumulating 2.6 million miles. He holds an enhanced driver's license from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gordon R. Ulm

Mr. Ulm, 72, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2017, his ophthalmologist stated, "Mr. Ulm has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Ulm reported that he has driven straight

trucks for 30 years, accumulating 90,000 miles. He holds an operator's license from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gary L. Warner

Mr. Warner, 61, has had a prosthetic left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2017, his optometrist stated, "Mr. Warner had been driving commercial vehicles for almost 40 years, he is completely adapted to his eye injury many years ago and I have no visual concerns regarding his safe operation of a commercial vehicle." Mr. Warner reported that he has driven tractor-trailer combinations for 17 years, accumulating 467,500 miles. He holds a Class AM CDL from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

III. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so the Agency can

contact you if it has questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and put the docket number FMCSA-2017-0016 in the “Keyword” box, and click “Search. When the new screen appears, click on “Comment Now!” button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> and insert the docket number FMCSA-2017-0016 in the “Keyword” box and click “Search.” Next, click “Open Docket

Folder” button and choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: April 17, 2017.

Larry W. Minor
Associate Administrator for Policy

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