



DEPARTMENT OF TRANSPORTATION

[4910-EX-P]

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2000-7006; FMCSA-2001-9258; FMCSA-2001-9561; FMCSA-2002-11714; FMCSA-2002-13411; FMCSA-2003-14504; FMCSA-2003-15268; FMCSA-2004-17984; FMCSA-2005-20560; FMCSA-2005-21254; FMCSA-2006-26653; FMCSA-2007-2663; FMCSA-2007-27897; FMCSA-2008-0266; FMCSA-2009-0086; FMCSA-2009-0121; FMCSA-2010-0354; FMCSA-2010-0372; FMCSA-2010-0385; FMCSA-2011-0010; FMCSA-2011-0024; FMCSA-2011-0057; FMCSA-2011-0092; FMCSA-2011-0102; FMCSA-2011-0140; FMCSA-2011-0141; FMCSA-2013-0021; FMCSA-2013-0025; FMCSA-2013-0027; FMCSA-2013-0028; FMCSA-2013-0029; FMCSA-2014-0002; FMCSA-2014-0010; FMCSA-2014-0302; FMCSA-2014-0305; FMCSA-2015-0048; FMCSA-2015-0049; FMCSA-2015-0052; FMCSA-2015-0053; FMCSA-2015-0055]

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 125 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 were applicable 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 July 18, 2017, FMCSA published a notice announcing its decision to renew exemptions for 125 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 (82 FR 32919). The public comment period ended on August 17, 2017 and no 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 no comments in this preceding.

VI. Conclusion

Based upon its evaluation of the 125 renewal exemption applications and comments received, FMCSA confirms its' decision to exempt the following drivers from the vision requirement in 49 CFR 391.41 (b)(10):

As of August 8, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 49 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (65 FR 20245; 65 FR 57230; 66 FR 30502; 66 FR 33990; 66 FR 41654; 67 FR 15662; 67 FR 37907; 67 FR 57266; 67 FR 76439; 68 FR 10298; 68 FR 19598; 68 FR 33570; 68 FR 44837; 69 FR 26206; 69 FR 33997;

69 FR 52741; 69 FR 61292; 70 FR 7545; 70 FR 17504; 70 FR 25878; 70 FR 30997; 70 FR 41811; 71 FR 26601; 71 FR 55820; 71 FR 62147; 72 FR 7812; 72 FR 8417; 72 FR 27624; 72 FR 28093; 72 FR 36099; 72 FR 39879; 72 FR 40362; 72 FR 52419; 73 FR 36955; 73 FR 51689; 73 FR 63047; 74 FR 6211; 74 FR 19267; 74 FR 19270; 74 FR 20253; 74 FR 26461; 74 FR 26466; 74 FR 28094; 74 FR 34395; 74 FR 34630; 75 FR 36779; 75 FR 66423; 75 FR 72863; 75 FR 77492; 76 FR 2190; 76 FR 5425; 76 FR 7894; 76 FR 9856; 76 FR 9865; 76 FR 17481; 76 FR 18824; 76 FR 20076; 76 FR 20078; 76 FR 21796; 76 FR 25762; 76 FR 25766; 76 FR 28125; 76 FR 29024; 76 FR 29026; 76 FR 37168; 76 FR 37173; 76 FR 37885; 76 FR 44652; 77 FR 38384; 77 FR 74273; 78 FR 800; 78 FR 10251; 78 FR 14410; 78 FR 16762; 78 FR 20376; 78 FR 20379; 78 FR 24300; 78 FR 24798; 78 FR 27281; 78 FR 30954; 78 FR 34141; 78 FR 37270; 78 FR 41188; 78 FR 46407; 78 FR 51269; 78 FR 56993; 78 FR 57679; 79 FR 10608; 79 FR 22003; 79 FR 24298; 79 FR 35218; 79 FR 51643; 79 FR 64001; 79 FR 73687; 80 FR 603; 80 FR 12248; 80 FR 15863; 80 FR 16500; 80 FR 18696; 80 FR 22773; 80 FR 25766; 80 FR 26139; 80 FR 26320; 80 FR 29149; 80 FR 29152; 80 FR 31636; 80 FR 31957; 80 FR 33007; 80 FR 35699; 80 FR 36395; 80 FR 36398; 80 FR 37718; 80 FR 45573; 80 FR 48404; 80 FR 48409; 80 FR 48413):

Joel C. Bailey (FL)	James C. Barr (OH)	Johnny A. Bingham (NC)
Ryan L. Brown (IL)	Todd A. Chapman (NC)	Don A. Clymer (PA)
Timothy J. Curran (CA)	Erik R. Davis (GA)	Paul W. Dawson (OH)
Rodney R. Dawson (KY)	Everett A. Doty (AZ)	Timothy H. DuBois (MN)
Raymond C. Favreau (VT)	Thanh V. Ha (CA)	Anthony Hall (LA)
Johnnie L. Hall (MD)	Waylon E. Hall (LA)	Gary D. Hallman (AL)

Dean R. Hawley (NC)	Tommy T. Hudson (VA)	James T. Johnson (KY)
Harry L. Jones (OH)	Cody A. Keys (OK)	David J. Kibble (PA)
Thomas Korycki (NJ)	David C. Leoffler (CO)	Jorge S. Lopez (CA)
Boynton L. Manuel (SC)	James McClure (NC)	Steve J. Morrison (ID)
Daniel R. Murphy (WI)	Tracy J. Omeara (OR)	Armando F. Pederoso Jimenez (MN)
Robert D. Porter (CA)	Raymond Potter (RI)	Scott K. Richardson (OH)
Elvis E. Rogers, Jr. (TX)	Leo D. Roy (NH)	Manuel H. Sanchez (TX)
Jose C. Sanchez-Sanchez (WY)	Tim M. Seavy (IN)	Rick J. Smart (NH)
Sukru Tamirci (NY)	David R. Thomas (AL)	James H. Wallace, Sr. (FL)
Roy J. Ware (GA)	Marcus R. Watkins (TX)	Paul C. Weiss (PA)
James Whiteway (TX)		

The drivers were included in one of the following docket numbers: FMCSA-2000-7006; FMCSA-2001-9561; FMCSA-2002-11714; FMCSA-2002-13411; FMCSA-2003-14504; FMCSA-2004-17984; FMCSA-2005-20560; FMCSA-2006-26653; FMCSA-2007-2663; FMCSA-2007-27897; FMCSA-2008-0266; FMCSA-2009-0086; FMCSA-2009-0121; FMCSA-2010-0354; FMCSA-2010-0372; FMCSA-2010-0385; FMCSA-2011-0010; FMCSA-2011-0024; FMCSA-2011-0057; FMCSA-2011-0092; FMCSA-2013-0021; FMCSA-2013-0025; FMCSA-2013-0027; FMCSA-2013-0028; FMCSA-2014-0002; FMCSA-2014-0010; FMCSA-2014-0302; FMCSA-2014-0305; FMCSA-2015-0048; FMCSA-2015-0049; FMCSA-2015-0052. Their exemptions are applicable as of August 8, 2017, and will expire on August 8, 2019.

As of August 10, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 31636; 80 FR 48413):

Donald M. Jenson (SD)	Dennis D. Lesperance (OR)	Dean A. Maystead (MI)
Carl V. Murphy, Jr. (TX)		

The drivers were included in one of the following docket numbers: FMCSA-2001-9258; FMCSA-2005-21254. Their exemptions are applicable as of August 10, 2017, and will expire on August 10, 2019.

As of August 12, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 37169; 76 FR 50318; 79 FR 4531; 80 FR 41548):

Danny F. Burnley (KY)	Sean R. Conorman (MI)	Robert E. Graves (NE)
Terrence F. Ryan (FL)	Stephen W. Verrette (MI)	Leslie H. Wylie (ID)

The drivers were included in docket number FMCSA-2011-0140. Their exemptions are applicable as of August 12, 2017, and will expire on August 12, 2019.

As of August 13, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 40122; 80 FR 62163):

William D. Cherry (MA)	Pedro Del Bosque (TX)	Anthony C. DeNaples (PA)
Edward Dugue III (NC)	Larry R. Hayes (KS)	Wayne E. Jakob (IL)

Earney J. Knox (MO)	James Smentkowski (NJ)	Neil G. Sturges (NY)
Norman G. Wooten (TX)	Kurt A. Yoder (OH)	

The drivers were included in docket number FMCSA-2015-0053. Their exemptions are applicable as of August 13, 2017, and will expire on August 13, 2019.

As of August 15, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (66 FR 30502; 66 FR 41654; 68 FR 37197; 68 FR 44837; 68 FR 48989; 70 FR 41811; 70 FR 42615; 72 FR 40360; 74 FR 34632; 76 FR 49531; 79 FR 4531; 80 FR 44185):

Domenic J. Carassai (NJ)	Bruce E. Hemmer (WI)	Steven P. Holden (MD)
Christopher G. Jarvela (MI)	Brad L. Mathna (PA)	Vincent P. Miller (CA)
Warren J. Nyland (MI)	Dennis M. Prevas (WI)	Wesley E. Turner (TX)
Mona J. Van Krieken (OR)	Paul S. Yocum (IN)	

The drivers were included in one of the following docket numbers: FMCSA-2001-9561; FMCSA-2003-15268. Their exemptions are applicable as of August 15, 2017, and will expire on August 15, 2019.

As of August 23, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 21 individuals satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 29022; 76 FR 44082; 78 FR 20376; 78 FR 34141; 78 FR 34143; 78 FR 51268; 78 FR 52602):

Twila G. Cole (OR)	Bert A. Damm (MT)	Jeffrey Dauterman (OH)
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Brian D. Dowd (MA)	Sonya Duff (IN)	Randy L. Fales (MN)
Marc C. Grooms (MO)	Walter A. Hanselman (IN)	Craig C. Lowry (MT)
Craig M. Mahaffey (OH)	Ricky Nickell (OH)	Freddy H. Pete (NV)
Rickey H. Reeder (TN)	Michael L. Sherum (AL)	Gregory C. Simmons (VA)
Wayne M. Stein (FL)	Eddie B. Strange, Jr. (GA)	Larry A. Tidwell (MO)
Dale A. Torkelson (WI)	John Vanek (MO)	Desmond Waldor (PA)

The drivers were included in one of the following docket numbers: FMCSA-2011-0102; FMCSA-2013-0025; FMCSA-2013-0029. Their exemptions are applicable as of August 23, 2017, and will expire on August 23, 2019.

As of August 25, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 20 individuals satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 44188; 80 FR 62161):

Harold D. Albrecht (IL)	Joseph W. Bahr (NJ)	Stephen C. Brueggeman (KY)
Larry O. Cheek (CA)	Louise D. Curtis (FL)	Marvin P. Cusey (MN)
Chris M. DeJong (NM)	Jonathan G. Estabrook (MA)	Robert J. Falanga (FL)
Refugio Haro (IL)	Kevin L. Harrison (TN)	Bruce A. Lloyd (MA)
Duane S. Lozinski (IA)	Keith W. McNabb (ID)	Ronald W. Neujahr (KS)
Lonnie D. Prejean (TX)	Thomas E. Riley (NJ)	John B. Stiltner (KY)
Rick R. Warner (MI)	Theodore A. White (PA)	

The drivers were included in docket number FMCSA-2015-0055. Their exemptions are applicable as of August 25, 2017, and will expire on August 25, 2019.

As of August 29, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 44188; 80 FR 62161): James Howard (CA), Ramon Melendez (NJ), Jesse A. Nosbush (MN).

The drivers were included in docket number FMCSA-2015-0055. Their exemptions are applicable as of August 29, 2017, and will expire on August 29, 2019.

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: September 12, 2017

Larry W. Minor
Associate Administrator for Policy

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