



DEPARTMENT OF TRANSPORTATION

[4910-EX-P]

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1999-6156; FMCSA-1999-6480; FMCSA-2002-11714; FMCSA-2005-23099; FMCSA-2006-24015; FMCSA-2006-24783; FMCSA-2007-27515; FMCSA-2008-0021; FMCSA-2008-0106; FMCSA-2008-0174; FMCSA-2009-0206; FMCSA-2009-0291; FMCSA-2009-0303; FMCSA-2009-0321; FMCSA-2010-0050; FMCSA-2010-0082; FMCSA-2010-0114; FMCSA-2011-0299; FMCSA-2011-0324; FMCSA-2011-0379; FMCSA-2012-0039; FMCSA-2012-0104; FMCSA-2012-0106; FMCSA-2012-0159; FMCSA-2012-0160; FMCSA-2012-0161; FMCSA-2013-0174; FMCSA-2014-0002; FMCSA-2014-0003; FMCSA-2014-0005; FMCSA-2014-0006; FMCSA-2014-0007; FMCSA-2014-0008; FMCSA-2016-0024; FMCSA-2016-0027; FMCSA-2016-0028; FMCSA-2016-0030]

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 100 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, fmcamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., ET, 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. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov>. Insert the docket number, FMCSA-1999-6156; FMCSA-1999-6480; FMCSA-2002-11714; FMCSA-2005-23099; FMCSA-2006-24015; FMCSA-2006-24783; FMCSA-2007-27515; FMCSA-2008-0021; FMCSA-2008-0106; FMCSA-2008-0174; FMCSA-2009-0206; FMCSA-2009-0291; FMCSA-2009-0303; FMCSA-2009-0321; FMCSA-2010-0050; FMCSA-2010-0082; FMCSA-2010-0114; FMCSA-2011-0299; FMCSA-2011-0324; FMCSA-2011-0379; FMCSA-2012-0039; FMCSA-2012-0104; FMCSA-2012-0106; FMCSA-2012-0159; FMCSA-2012-0160; FMCSA-2012-0161; FMCSA-2013-0174; FMCSA-2014-0002; FMCSA-2014-0003; FMCSA-2014-0005; FMCSA-2014-0006; FMCSA-2014-0007; FMCSA-2014-0008; FMCSA-2016-0024; FMCSA-2016-0027; FMCSA-2016-0028; FMCSA-2016-0030, in the keyword box, and click “Search.” Next, click the “Open Docket Folder” button and choose the document 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., ET, Monday through Friday, except Federal holidays.

B. 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.

II. Background

On July 20, 2018, FMCSA published a notice announcing its decision to renew exemptions for 100 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 (83 FR 34661). The public comment period ended on August 20, 2018, 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.

IV. Conclusion

Based on its evaluation of the 100 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):

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of August and are discussed below.

As of August 1, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 39 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 54948; 64 FR 68195; 65 FR 159; 65 FR 20251; 67 FR 10475; 67 FR 15662; 67 FR 17102; 67 FR 37907; 69 FR 8260; 69 FR 17267; 69 FR 26206; 71 FR 4194; 71 FR 6824; 71 FR 13450; 71 FR 16410; 71 FR 26601; 71 FR 26602; 71 FR 32183; 71 FR 41310; 72 FR 21313; 72 FR 32703; 73 FR 15255; 73 FR 15567; 73 FR 27015; 73 FR 27017; 73 FR 28186; 73 FR 36955; 74 FR 26464; 74 FR 43217; 74 FR 57551; 74 FR 60022; 74 FR 65842; 75 FR 1835; 75 FR 4623; 75 FR 9478; 75 FR 9482; 75 FR 14656; 75 FR 19674; 75 FR 20882; 75 FR 25917; 75 FR 27621; 75 FR 27622; 75 FR 27623; 75 FR 28682; 75 FR 36778; 75 FR 36779; 75 FR 39727; 76 FR

37173; 76 FR 75942; 77 FR 7657; 77 FR 10606; 77 FR 13689; 77 FR 15184; 77 FR 20879;
77 FR 22059; 77 FR 23797; 77 FR 26816; 77 FR 27847; 77 FR 27849; 77 FR 27850; 77 FR
29447; 77 FR 31427; 77 FR 33017; 77 FR 36338; 77 FR 38384; 77 FR 38386; 77 FR 44708;
78 FR 57679; 78 FR 67452; 78 FR 67460; 78 FR 78477; 79 FR 1908; 79 FR 10606; 79 FR
10608; 79 FR 14328; 79 FR 14333; 79 FR 14571; 79 FR 17641; 79 FR 18390; 79 FR 21996;
79 FR 22003; 79 FR 23797; 79 FR 27043; 79 FR 27681; 79 FR 28588; 79 FR 29495; 79 FR
35212; 79 FR 35218; 79 FR 35220; 79 FR 38649; 79 FR 38661; 79 FR 47175; 80 FR 49302;
80 FR 63869; 80 FR 80443; 81 FR 20433; 81 FR 20435; 81 FR 21655; 81 FR 26305; 81 FR
28138; 81 FR 39320; 81 FR 66718; 81 FR 66720; 81 FR 66724; 81 FR 77173; 81 FR 90050;
81 FR 91239; 81 FR 96196):

Julian Aguirre (TX)	Daniel A. Bahm (FL)	Kenneth J. Bernard (LA)
Brad T. Braegger (UT)	Walter M. Brown (SC)	Daniel M. Cannon (OR)
Cary Carn (NJ)	Ryan E. Cox (WI)	William C. Dempsey, Jr. (MA)
Richard W. Ellis (IA)	Ronald D. Flanery (KY)	Nicholas C. Georgen (IA)
Luis Gomez-Banda (NV)	Gary A. Goostree (OH)	Joshua V. Harrison (NJ)
Wesley V. Holland (NC)	Timothy B. Hummel (KY)	Walter J. Jurczak (NJ)
Charles J. Kennedy (OH)	Randall L. Mathis (AL)	Brian D. McClanahan (IL)
Lawrence C. Moody (NJ)	Norman V. Myers (WA)	Earl R. Neugerbauer (CO)
Hassan Ourahou (KY)	Joe Ramirez (CA)	Tommy L. Ray, Jr. (AL)
Justin T. Richman (IN)	Kevin L. Routin (KY)	Scott J. Schlenker (WA)
Andrew W. Schollett (CO)	Michael D. Singleton (IN)	John C. Smith (IL)

Temesgn H. Teklezig (WA)	George W. Thomas (SC)	Gary R. Thomas (OH)
Leslie D. Wallace (MO)	Wade W. Ward (WY)	John T. White, Jr. (NC)

The drivers were included in docket numbers FMCSA-1999-6156; FCMSA-1999-6480; FCMSA-2002-11714; FCMSA-2005-23099; FCMSA-2006-24783; FCMSA-2007-27515; FCMSA-2008-0021; FCMSA-2009-0206; FCMSA-2009-0291; FCMSA-2009-0303; FCMSA-2009-0321; FCMSA-2010-0050; FCMSA-2010-0082; FCMSA-2011-0299; FCMSA-2011-0324; FCMSA-2011-0379; FCMSA-2012-0039; FCMSA-2012-0104; FCMSA-2012-0106; FCMSA-2013-0174; FCMSA-2014-0002; FCMSA-2014-0003; FCMSA-2014-0005; FCMSA-2014-0006; FCMSA-2016-0024; FCMSA-2016-0027; FCMSA-2016-0028. Their exemptions are applicable as of August 1, 2018, and will expire on August 1, 2020.

As of August 6, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following five individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (75 FR 25918; 75 FR 39729; 77 FR 15184; 77 FR 27850; 77 FR 36336; 77 FR 36338; 77 FR 46795; 79 FR 38661; 81 FR 90050):

William L. Martin (OR)	Richard L. Miller (IN)	Lance C. Phares (NY)
Richard D. Tucker II (NC)	Jay Turner (OH)	

The drivers were included in docket numbers FMCSA-2010-0082; FMCSA-2011-0379; FMCSA-2012-0159. Their exemptions are applicable as of August 6, 2018, and will expire on August 6, 2020.

As of August 8, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 16 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 38659; 79 FR 53514; 81 FR 90050):

Jimmy A. Baker (TX)	Antonio A. Calixto (MN)	James W. Carter, Jr. (KS)
Larry G. Davis (TN)	Michael C. Doheny (CT)	George P. Ford (NC)
Ronnie L. Henry (KS)	Johnny L. Irving (MS)	Kevin L. Jones (SC)
Keith A. Kelley (ME)	David L. Miller (OH)	David Perkins (NY)
Randall H. Tempel (MT)	Cory J. Tivnan (WA)	Ricky W. Witt (IA)
John D. Woods (MI)		

The drivers were included in docket number FMCSA-2014-0007. Their exemptions are applicable as of August 8, 2018, and will expire on August 8, 2020.

As of August 9, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (75 FR 34210; 75 FR 34211; 75 FR 34212; 75 FR 27888; 77 FR 40945; 79 FR 40945; 81 FR 90050):

Mark S. Berkheimer (PA)	Michael A. Jabro (MI)	Buddy W. Myrick (TX)
Charles L. Rill, Sr. (MD)		

The drivers were included in docket number FMCSA-2010-0114. Their exemptions are applicable as of August 9, 2018, and will expire on August 9, 2020.

As of August 12, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 45214; 81 FR 66726):

David E. Campbell (NY)	James G. Cothren (GA)	Nenad Harnos (NJ)
Matthew D. Hormann (MN)	James W. Jones (AL)	Duane R. Martin (PA)
Roger S. Orr (IA)	Richard D. Shryock (MO)	Steven D. Sodders (OH)
Keith R. Tyler (NC)		

The drivers were included in docket number FMCSA-2016-0014. Their exemptions are applicable as of August 12, 2018, and will expire on August 12, 2020.

As of August 18, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 22 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (71 FR 14567; 71 FR 30228; 73 FR 28187; 73 FR 35195; 73 FR 35196; 73 FR 35197; 73 FR 35198; 73 FR 35199; 73 FR 35200; 73 FR 35201; 73 FR 38498; 73 FR 38499; 73 FR 48273; 73 FR 48275; 75 FR 25919; 75 FR 39729; 75 FR 44051; 77 FR 46153; 79 FR 46153; 81 FR 90050):

Donald L. Carman (OH)	Christopher R. Cone (GA)	Walter O. Connelly (WA)
Roger D. Elders (MI)	Lucious J. Erwin (TX)	Riche Ford (CO)

Kevin K. Friedel (NY)	Steven G. Harter (OR)	Andrew C. Kelly (WV)
Jason W. King (MT)	Billy J. Lewis (LA)	Robert W. McMillian (MA)
Richard A. Peterson (OR)	Carroll G. Quisenberry (KY)	Ryan J. Reimann (WI)
Brandon J. See (IA)	Ricky L. Shepler (PA)	John L. Stone (PA)
Nils S. Thornberg (OR)	Daniel W. Toppings (WV)	Christopher R. Whitson (NC)
Aaron E. Wright (MI)		

The drivers were included in docket numbers FMCSA-2006-24015; FMCSA-2008-0106; FMCSA-2008-0174; FMCSA-2010-0082. Their exemptions are applicable as of August 18, 2018, and will expire on August 18, 2020.

As of August 19, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 41737; 79 FR 56102; 81 FR 90050): Leamon V. Manchester (LA); Leverne F. Schulte, Jr. (OH)

The drivers were included in docket number FMCSA-2014-0008. Their exemptions are applicable as of August 19, 2018, and will expire on August 19, 2020.

As of August 27, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Gregory S. Smith (AR) has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 38381; 77 FR 51846; 79 FR 41740; 81 FR 90050).

The driver was included in docket number FMCSA-2012-0160. The exemption is applicable as of August 27, 2018, and will expire on August 27, 2020.

As of August 29, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Rickey W. Goins (TN) has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 41879; 77 FR 52391; 79 FR 41735; 81 FR 90050).

The driver was included in docket number FMCSA-2012-0161. The exemption is applicable as of August 29, 2018, and will expire on August 29, 2020.

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: November 9, 2018.

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2018-25282 Filed: 11/19/2018 8:45 am; Publication Date: 11/20/2018]