



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2021-0009]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 27 individuals who requested an exemption from the vision standard in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a CMV in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, DOT, 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 materials in the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to www.regulations.gov. Insert the docket number, FMCSA-2021-0009, in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m.,

ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

B. 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 www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.transportation.gov/privacy.

II. Background

FMCSA received applications from 27 individuals who requested an exemption from the vision standard in the FMCSRs.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-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 grants exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision, as well as their driving records and experience driving with the vision deficiency.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10). Therefore, the 27 applicants in this notice have been denied exemptions from the physical qualification standards in § 391.41(b)(10).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following applicant, Michael S. Hundley (KS), did not have sufficient driving experience over the past three years under normal highway operating conditions:

The following 11 applicants had no experience operating a CMV:

Erik R. Almquist (NC)	Gregory M. Flowers (MS)
Alexander A. D. Garcia (CA)	Kenrick W. Hamilton (NV)
Cody R. Hare (PA)	Thomas W. Kurutz (PA)
William F. McEvoy (IL)	Kyle R. Mckenna (WA)
Joel R. Mitchell (FL)	Abdi S. Negeri (OR)
Merhawi Tesfay (NV)	

The following five applicants did not have 3 years of experience driving a CMV on public highways with their vision deficiencies:

Bryan J. Teaster (NC)	Robbie R. Austin (ID)
Owen R. Powell (WI)	Jared L. Coleman (VA)
Zachary J. Rowzee (MS)	

The following two applicants did not have 3 years of recent experience driving a CMV on public highways with their vision deficiencies:

Russell Askew (KS); Terrance A. Nicely (IN)

The following three applicants did not have sufficient driving experience over the past 3 years under normal highway operating conditions (gaps in driving record):

Mario A. Martinez Borroto (TX); James E. Marsh (UT); Donald L. Elsberry (IA)

The following applicant, Charles D. Parks (OH), did not demonstrate the level of safety required for interstate driving (excessive moving/non-moving violations during 3-year period).

The following two applicants were denied for multiple reasons:

Jason Beer (NE); Armando Palomino Gonzalez (OK)

The following applicant, Dave Counts (IN), has not had stable vision for the preceding 3-year period.

The following applicant, Jatinder K. Mahi (CA), does not meet the vision standard in his better eye.

Larry W. Minor,

Associate Administrator for Policy.

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