



DEPARTMENT OF TRANSPORTATION

[4910-EX-P]

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1999-5578; FMCSA-2001-9258; FMCSA-2001-10578; FMCSA-2002-11426; FMCSA-2003-14223; FMCSA-2003-15892; FMCSA-2003-16241; FMCSA-2005-21711; FMCSA-2005-22194; FMCSA-2007-27897; FMCSA-2007-29019; FMCSA-2009-0121; FMCSA-2009-0154; FMCSA-2009-0206; FMCSA-2011-0092; FMCSA-2011-0142; FMCSA-2011-0275; FMCSA-2011-0276; FMCSA-2011-26690; FMCSA-2013-0022; FMCSA-2013-0166; FMCSA-2013-0169]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA confirms its decision to renew exemptions for 99 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 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 November 2, 2015, FMCSA published a notice announcing its decision to renew exemptions for 99 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 (80 FR 67481). The public comment period ended on December 2, 2015, 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 99 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), subject to the requirements cited above:

As of December 5, 2015, 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 (66 FR 17743; 66 FR 33990; 68 FR 10301; 68 FR 19596; 68 FR 35772; 68 FR 52811; 68 FR 61860; 70 FR 25878; 70 FR 33937; 70 FR 61165; 72 FR 32705; 72 FR 46261; 72 FR 54972; 72 FR 58359; 72 FR 58362; 72 FR 67344; 74 FR 26461; 74 FR 26464; 74 FR 34630; 74 FR 43217; 74 FR 53581; 74 FR

57551; 74 FR 57553; 76 FR 25766; 76 FR 34135; 76 FR 37168; 76 FR 37885; 76 FR 54530; 76 FR 64169; 76 FR 64171; 76 FR 66123; 76 FR 70212; 76 FR 75943; 78 FR 12815; 78 FR 22602; 78 FR 62935; 78 FR 65032; 78 FR 68137; 78 FR 76395; 78 FR 77782; 78 FR 78477; 80 FR 67481):

Daniel F. Albers (CA)	Keith Bell (FL)	Kevin G. Clem (SD)
David N. Cleveland (ME)	David J. Comeaux (LA)	Tommy R. Crouse (LA)
Albion C. Doe, Sr. (NH)	Mark D. Kraft (IL)	Rocky J. Lachney (LA)
Chase L. Larson (WA)	Herman G. Lovell (OR)	Danny C. Pope (IL)
James B. Prunty (WV)	Rick E. Smith (IL)	Robert E. Smith (CT)
Fred L. Stotts (OK)	Randell K. Tyler (AL)	

The drivers were included in one of the following dockets: Docket Nos. FMCSA-2001-9258; FMCSA-2003-14223; FMCSA-2003-15892; FMCSA-2007-27897; FMCSA-2007-29019; FMCSA-2009-0121; FMCSA-2009-0206; FMCSA-2011-0092; FMCSA-2011-26690; FMCSA-2013-0022; FMCSA-2013-0166. Their exemptions are effective as of December 5, 2015 and will expire on December 5, 2017.

As of December 6, 2015, 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 (70 FR 57353; 70 FR 72689; 72 FR 62897; 74 FR 43217; 74 FR 57551; 74 FR 60021; 76 FR 70210; 78 FR 66099; 80 FR 67481):

John E. Bell (AZ)	Henry L. Chastain (GA)	Thomas R. Crocker (SC)
Thomas C. Meadows (NC)	David A. Morris (TX)	Richard P. Stanley (MA)

Scott A. Tetter (IL)		
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The drivers were included in one of the following dockets: Docket No. FMCSA-2005-22194; FMCSA-2009-0206. Their exemptions are effective as of December 6, 2015, and will expire on December 6, 2017.

As of December 13, 2015, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individual, Bernard T. Gillette (PA), has satisfied the conditions for obtaining a renewed exemption from the vision requirements (78 FR 62935; 78 FR 76395; 80 FR 67481).

This driver was included in the following docket: Docket No. FMCSA-2013-0166. The exemption is effective as of December 13, 2015, and will expire on December 13, 2017.

As of December 17, 2015, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 8 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (78 FR 62935; 78 FR 76395; 80 FR 67481):

Herbert R. Benner (ME)	Steven M. Hoover (IL)	Lewis J. Johnson (PA)
Michael E. Miles (IL)	Carlos A. Osollo (NM)	Henry D. Smith (NC)
Kolby W. Strickland (WA)	Cesar Villa (NM)	

The drivers were included in one of the following dockets: Docket No. FMCSA-2013-0166. Their exemptions are effective as of December 17, 2015, and will expire on December 17, 2017.

As of December 22, 2015, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 5 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (72 FR 58362; 72 FR 67344; 74 FR 57553; 76 FR 49528; 76 FR 61143; 76 FR 64164; 76 FR 67248; 76 FR 70212; 76 FR 75940; 76 FR 79761; 78 FR 67460; 80 FR 67481):

Frank E. Johnson, Jr. (FL)	Todd A. McBrain (OK)	Robert E. Morgan, Jr. (GA)
David M. Taylor (MO)	James D. Zimmer (OH)	

The drivers were included in one of the following dockets: Docket No. FMCSA-2007-29019; FMCSA-2011-0142; FMCSA-2011-0275; FMCSA-2011-0276. Their exemptions are effective as of December 22, 2015, and will expire on December 22, 2017.

As of December 24, 2015, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 38 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (78 FR 64274; 78 FR 77778; 80 FR 67481):

Lawrence A. Angle (MO)	Ernest J. Bachman (PA)	Wayne Barker (OK)
Eugene R. Briggs (MI)	Matthew S. Burns (OH)	Ryan J. Burnworth (MO)
Michael D. Champion (VT)	Kevin J. Cobb (PA)	Lee A. DeHaan (SD)
Bradley R. Dishman (KY)	Matthew Eck (PA)	Christopher T. Faber (FL)
Gregory K. Frazier (GA)	John E. Gannon, Jr. (NV)	Thomas G. Gholston (MS)
David B. Jones (FL)	Thomas L. Kitchen (VA)	David G. Lamborn (ND)
Luther D. Long (GA)	George Malivuk (WI)	Stephen R. Marshall (MS)

Edgar H. Meraz (NM)	Chad A. Miller (IA)	William L. Paschall (MD)
Kerry R. Powers (IN)	Glennis R. Reynolds (KY)	Noel S. Robbins (PA)
Joseph Saladino (FL)	Raymond C. Schultz (OH)	Eugene D. Self, Jr.
James A. Shepard (NY)	Darren B. Shields (NV)	Roye T. Skelton (MS)
Mark P. Thiboutot (NH)	Robert Thomas (PA)	Herman D. Truewell (FL)
Donald L. Urmston (OH)	Janusz K. Wis (IL)	

The drivers were included in one of the following dockets: Docket No. FMCSA-2013-0169. Their exemptions are effective as of December 24, 2015 and will expire on December 24, 2017.

As of December 27, 2015, 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 27027; 64 FR 51568; 66 FR 53826; 66 FR 63289; 66 FR 66966; 67 FR 10471; 67 FR 19798; 68 FR 64944; 68 FR 69434; 69 FR 19611; 70 FR 48797; 70 FR 53412; 70 FR 57353; 70 FR 61493; 70 FR 67776; 70 FR 72689; 70 FR 74102; 72 FR 39879; 72 FR 52422; 74 FR 37295; 74 FR 48343; 74 FR 49069; 74 FR 60021; 76 FR 75942; 78 FR 67452; 80 FR 67481):

Anthony Brandano (MA)	Stanley E. Elliott (UT)	Elmer E. Gockley (PA)
Danny R. Gray (OK)	Glenn T. Hehner (KY)	Vladmir M. Kats (NC)
Alfred Keehn (AZ)	Randall B. Laminack (TX)	Robert W. Lantis (MT)
Jerry J. Lord (PA)	Ronald S. Mallory (OK)	Eldon Miles (IN)
Neal A. Richard (LA)	Rene R. Trachsel (OR)	Stanley W. Tyler, Jr. (NC)

Kendle F. Waggle, Jr. (IN)	DeWayne Washington (NC)	
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The drivers were included in one of the following dockets: Docket No. FMCSA-1999-5578; FMCSA-2001-10578; FMCSA-2002-11426; FMCSA-2005-21711; FMCSA-2005-22194; FMCSA-2007-27897; FMCSA-2009-0154. Their exemptions are effective as of December 27, 2015, and will expire on December 27, 2017.

As of December 31, 2015, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 6 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (66 FR 53826; 66 FR 66966; 68 FR 61857; 68 FR 69434; 68 FR 75715; 70 FR 74102; 71 FR 646; 72 FR 71993; 72 FR 71998; 74 FR 65846; 76 FR 78729; 78 FR 67454; 78 FR 67462; 79 FR 4803; 80 FR 67481):

Martiniano L. Espinosa (FL)	Dustin K. Heimbach (PA)	James G. LaBair (MI)
Lonnie Lomax, Jr. (IL)	Eugene C. Murphy (FL)	John H. Voigts (AZ)

The drivers were included in one of the following dockets: Docket No. FMCSA-2001-10578; FMCSA-2003-16241. Their exemptions are effective as of December 31, 2015, and will expire on December 31, 2017.

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 16, 2016

Larry W. Minor
Associate Administrator for Policy

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