



DEPARTMENT OF TRANSPORTATION

[4910-EX-P]

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2005-20027; FMCSA-2005-20560; FMCSA-2006-26653; FMCSA-2007-27333; FMCSA-2008-0021; FMCSA-2008-0398; FMCSA-2009-0054; FMCSA-2009-0121; FMCSA-2010-0327; FMCSA-2010-0413; FMCSA-2011-0024; FMCSA-2011-0092; FMCSA-2011-0102; FMCSA-2012-0338; FMCSA-2013-0022; FMCSA-2013-0027; FMCSA-2013-0028; FMCSA-2014-0302; FMCSA-2014-0304; FMCSA-2014-0305; FMCSA-2014-0048; FMCSA-2015-0049; FMCSA-2015-0052]

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 88 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 20, 2017, FMCSA published a notice announcing its decision to renew exemptions for 88 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 33542). The public comment period ended on August 21, 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 88 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 July and are discussed below:

As of July 2, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 32 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (70 FR 2701; 70 FR

16887; 70 FR 17504; 70 FR 30997; 72 FR 8417; 72 FR 27624; 72 FR 36099; 73 FR 15567; 73 FR 27015; 74 FR 7097; 74 FR 11988; 74 FR 15584; 74 FR 19270; 74 FR 21427; 74 FR 21796; 74 FR 26466; 75 FR 19674; 75 FR 65057; 76 FR 17481; 76 FR 25762; 76 FR 25766; 76 FR 28125; 76 FR 37173; 76 FR 37885; 77 FR 23797; 77 FR 74731; 78 FR 800; 78 FR 12811; 78 FR 12815; 78 FR 22596; 78 FR 22602; 78 FR 24300; 78 FR 26106; 78 FR 37270; 78 FR 57679; 79 FR 23797; 80 FR 603; 80 FR 12248; 80 FR 14220; 80 FR 14223; 80 FR 16502; 80 FR 18696; 80 FR 22773; 80 FR 25766; 80 FR 26139; 80 FR 26320; 80 FR 29152; 80 FR 31640; 80 FR 31957; 80 FR 33011; 80 FR 45573; 80 FR 48409);

Michael W. Anderson (NM)	Michael R. Bradford (MD)	Ralph H. Bushman (IL)
William D. Cardiff (IL)	John J. Caricola, Jr. (NC)	Adan Cortes-Juarez (WA)
David L. Ellis (OK)	Denise M. Engle (GA)	Robert A. Goerl, Jr. (PA)
Wade M. Hillmer (MN)	Paul M. Hinkson (TN)	Michael W. Jensen (CA)
Clifford D. Johnson (VA)	Michael Lafferty (ID)	Mark L. LeBlanc (MN)
Michael J. McGreggan (FL)	Felix L. McLean (NM)	Anthony R. Miles (NV)
Jerry D. Paul (OK)	John P. Perez (FL)	Raymond W. Pitts (FL)
William A. Ramirez Vasquez (CA)	Donald W. Randall (OR)	Raymond Sherrill (PA)
Kyle C. Shover (NJ)	Charles H. Smith (IN)	George Stapleton (GA)
David B. Stone (OK)	David M. Stout (OR)	James K. Waites (AR)
John E. Westbrook (LA)	Jason R. White (OH)	

The drivers were included in docket numbers FMCSA-2005-20027; FMCSA-2005-20560; FMCSA-2006-26653; FMCSA-2008-0021; FMCSA-2008-0398; FMCSA-2009-0054; FMCSA-2010-0327; FMCSA-2011-0024; FMCSA-2011-0092; FMCSA-2012-0338;

FMCSA-2013-0022; FMCSA-2014-0302; FMCSA-2014-0304; FMCSA-2014-0305; FMCSA-2015-0048. Their exemptions are applicable as of July 2, 2017, and will expire on July 2, 2019.

As of July 7, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirements (80 FR 31636; 80 FR 48413):

Robert A. Buckley (IN)	Jose J. Guzman-Olguin (IL)	Stephen T. Hines (NJ)
James J. Keranen (MI)	Herbert S. Lear (PA)	Nathan C. Nissen (IA)
Gregory S. Richter (PA)	George Tomecek (PA)	

The drivers were included in docket number FMCSA-2015-0049. Their exemptions are applicable as of July 7, 2017, and will expire on July 7, 2019.

As of July 9, 2017, 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 requirements (78 FR 41188; 78 FR 27281; 78 FR 41188; 80 FR 33007):

Brian G. Dvorak (IL)	Charles T. Spears (VA)	Brian E. Tessman (WI)
Gregory J. Thurston (PA)	Donald Torbett (IA)	

The drivers were included in docket number FMCSA-2013-0028. Their exemptions are applicable as of July 9, 2017, and will expire on July 9, 2019.

As of July 16, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption

from the vision requirements (74 FR 26461; 74 FR 34630; 76 FR 1493; 76 FR 12408; 76 FR 37168; 78 FR 51269):

Steven L. Forristall (WI)	Rocky D. Gysberg (MN)	Charles H. Lefew (VA)
Joseph B. Peacock (NC)	James M. Tennyson (MD)	Steven L. Thomas (IN)
Daniel A. Wescott (CO)		

The drivers were included in docket numbers FMCSA-2009-0413; FMCSA-2009-0121. Their exemptions are applicable as of July 16, 2017, and will expire on July 16, 2019.

As of July 22, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirements (72 FR 72666; 72 FR 25831; 74 FR 19270; 76 FR 29022; 76 FR 34135; 76 FR 44082; 78 FR 34140; 78 FR 51268; 80 FR 36398):

Stanley C. Anders (SD)	Joel A. Cabrera (FL)	Sherman W. Clapper (ID)
Eric Esplin (UT)	Ronald R. Fournier (NY)	Ronald D. Jackman II (NV)
Thomas W. Kent (IN)	Robert J. MacInnis (MA)	Steven A. Proctor (TX)
Rodney W. Sukalski (MN)	Larry D. Warneke (WA)	Lonnie Wendinger (MN)

The drivers were included in docket numbers FMCSA-2007-27333; FMCSA-2011-0102. Their exemptions are applicable as of July 22, 2017, and will expire on July 22, 2019.

As of July 23, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 19 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirements (80 FR 35699; 80 FR 48404):

Robert J. Bickel (MI)	Steven R. Brinegar (TX)	Garry D. Burkholder (PA)
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Dennis W. Cosens (NM)	William J. Garigulo (OH)	Wladyslaw Gogola (IL)
Antonio Gomez (PA)	Mark A. Grenier (CT)	Acquillious Jackson, III (SC)
Jimmy D. Johnson, II (TN)	Bradley J. Kearl (UT)	Larry G. Kreke (IL)
Christopher P. Mrockza (MD)	Gary A. Oster (OR)	Mark A. Pleskovitch (IL)
Edward J. Puto (CT)	Andrew P. Risner (OH)	Kyle B. Sharp (MI)
Francis A. St. Pierre (NH)		

The drivers were included in docket number FMCSA-2015-0052. Their exemptions are applicable as of July 23, 2017, and will expire on July 23, 2019.

As of July 31, 2017, 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 requirements (76 FR 25766; 76 FR 37885; 78 FR 37270; 80 FR 31640):

Anthony Luciano (CT)	David McKinney (OR)	Frank L. O'Rourke (NY)
Larry F. Reber (OH)	Edward Swaggerty, Jr. (OH)	

The drivers were included in docket number FMCSA-2011-0192. Their exemptions are applicable as of July 31, 2017, and will expire on July 31, 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: December 4, 2017.

Larry W. Minor,
Associate Administrator for Policy.

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