

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-1998-4334; FMCSA-1999-6156; FMCSA-2001-11426; FMCSA-2003-16564; FMCSA-2005-22194; FMCSA-2006-23773; FMCSA-2006-24015; FMCSA-2006-24783; FMCSA-2007-0017; FMCSA-2007-0071; FMCSA-2008-0021; FMCSA-2009-0011; FMCSA-2009-0086; FMCSA-2010-0050; FMCSA-2010-0082; FMCSA-2011-0092; FMCSA-2011-0299; FMCSA-2011-0366; FMCSA-2011-0379; FMCSA-2012-0039; FMCSA-2012-0104; FMCSA-2012-0106; FMCSA-2013-0029; FMCSA-2013-0165; FMCSA-2013-0166; FMCSA-2013-0168; FMCSA-2013-0174; FMCSA-2014-0002; FMCSA-2014-0003; FMCSA-2014-0004; FMCSA-2014-0005; FMCSA-2014-0006; FMCSA-2015-0056; FMCSA-2015-0070; FMCSA-2015-0350; FMCSA-2015-0351; FMCSA-2016-0024; FMCSA-2016-0027; FMCSA-2016-0028; FMCSA-2016-0029; FMCSA-2016-0347]

**Qualification of Drivers; Exemption Applications; Vision**

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

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 114 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 requirements 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. Comments must be received on or before July 18, 2018.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-1998-4334; FMCSA-1999-6156; FMCSA-2001-11426; FMCSA-2003-16564; FMCSA-2005-22194; FMCSA-2006-23773; FMCSA-2006-24015; FMCSA-2006-24783; FMCSA-2007-0017; FMCSA-2007-0071; FMCSA-2008-0021; FMCSA-2009-0011; FMCSA-2009-0086; FMCSA-2010-0050; FMCSA-2010-0082; FMCSA-2011-0092; FMCSA-2011-0299; FMCSA-2011-0366; FMCSA-2011-0379; FMCSA-2012-0039; FMCSA-2012-0104; FMCSA-2012-0106; FMCSA-2013-0029; FMCSA-2013-0165; FMCSA-2013-0166; FMCSA-2013-0168; FMCSA-2013-0174; FMCSA-2014-0002; FMCSA-2014-

0003; FMCSA-2014-0004; FMCSA-2014-0005; FMCSA-2014-0006; FMCSA-2015-0056; FMCSA-2015-0070; FMCSA-2015-0350; FMCSA-2015-0351; FMCSA-2016-0024; FMCSA-2016-0027; FMCSA-2016-0028; FMCSA-2016-0029; FMCSA-2016-0347 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1-202-493-2251.

*Instructions:* Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, E.T., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

*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>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, [fmcamedical@dot.gov](mailto: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., 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. Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years 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.” The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver’s medical certification.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive 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 at 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.

The 114 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

**II. Request for Comments**

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

**III. Basis for Renewing Exemptions**

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date

and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 114 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (63 FR 66226; 64 FR 16517; 64 FR 54948; 65 FR 159; 66 FR 41656; 67 FR 10471; 67 FR 10475; 67 FR 19798; 68 FR 44837; 68 FR 74699; 69 FR 8260; 69 FR 10503; 69 FR 19611; 70 FR 41811; 70 FR 57353; 70 FR 72689; 71 FR 6824; 71 FR 6826; 71 FR 6829; 71 FR 14566; 71 FR 14567; 71 FR 16410; 71 FR 19602; 71 FR 26602; 71 FR 30227; 71 FR 30229; 71 FR 32183; 71 FR 41310; 72 FR 62896; 72 FR 67340; 73 FR 1395; 73 FR 6242; 73 FR 11989; 73 FR 15567; 73 FR 16950; 73 FR 27014; 73 FR 27015; 73 FR 27018; 73 FR 28187; 73 FR 36955; 74 FR 19267; 74 FR 28094; 74 FR 43221; 74 FR 65845; 75 FR 9477; 75 FR 9480; 75 FR 9481; 75 FR 13653; 75 FR 14656; 75 FR 19674; 75 FR 20881; 75 FR 22176; 75 FR 22178; 75 FR 25917; 75 FR 25918; 75 FR 27622; 75 FR 28682; 75 FR 36778; 75 FR 36779; 75 FR 39729; 76 FR 25766; 76 FR 37885; 76 FR 44652; 76 FR 53708; 76 FR 73769; 76 FR 78728; 77 FR 3547; 77 FR 5874; 77 FR 13689; 77 FR 15184; 77 FR 17107; 77 FR 17108; 77 FR 17115; 77 FR 17117; 77 FR 20879; 77 FR 23797; 77 FR 26816; 77 FR 27847; 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 34143; 78 FR 47818; 78 FR 52602; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 76395; 78 FR 76704; 78 FR 76705; 78 FR 77780; 78 FR 78477; 79 FR 1908; 79 FR 2248; 79 FR 10606; 79 FR 13085; 79 FR 14328; 79 FR 14331; 79 FR 14333; 79 FR 14571; 79 FR 17641; 79 FR 18391; 79 FR 18392; 79 FR 21996; 79 FR 22003; 79 FR 23797; 79 FR 27043; 79 FR 27681; 79 FR 28588; 79 FR 29495; 79 FR 29498; 79 FR 35212; 79 FR 35218; 79 FR 35220; 79 FR 37843; 79 FR 38649; 79 FR 38661; 79 FR 47175; 80 FR 59230; 80 FR 67476; 80 FR 67481; 80 FR 80443; 81 FR 1284; 81 FR 1474; 81 FR 14190; 81 FR 15401; 81 FR 15404; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 21655; 81 FR 26305; 81 FR 28138; 81 FR 39100; 81 FR 39320; 81 FR 42054; 81 FR 48493; 81 FR 52516; 81 FR 66718; 81 FR 66720; 81 FR 66722; 81 FR 66724; 81 FR 81230; 81 FR 90050; 81 FR 91239; 81 FR 96196). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each

driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two-years is likely to achieve a level of safety equal to that existing without the exemption.

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 8, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 57 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (63 FR 66226; 64 FR 16517; 66 FR 41656; 68 FR 44837; 68 FR 74699; 69 FR 10503; 70 FR 41811; 70 FR 57353; 70 FR 72689; 71 FR 6826; 71 FR 14566; 71 FR 16410; 71 FR 19602; 71 FR 30227; 72 FR 62896; 72 FR 67340; 73 FR 1395; 73 FR 6242; 73 FR 11989; 73 FR 15567; 73 FR 16950; 73 FR 27014; 73 FR 27015; 73 FR 27018; 74 FR 19267; 74 FR 28094; 74 FR 43221; 74 FR 65845; 75 FR 9477; 75 FR 9480; 75 FR 13653; 75 FR 14656; 75 FR 19674; 75 FR 20881; 75 FR 22176; 75 FR 22178; 75 FR 25917; 75 FR 25918; 75 FR 27622; 75 FR 28682; 76 FR 25766; 76 FR 37885; 76 FR 44652; 76 FR 53708; 76 FR 73769; 76 FR 78728; 77 FR 3547; 77 FR 5874; 77 FR 13689; 77 FR 15184; 77 FR 17107; 77 FR 17108; 77 FR 17115; 77 FR 17117; 77 FR 20879; 77 FR 23797; 77 FR 26816; 77 FR 27847; 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 34143; 78 FR 47818; 78 FR 52602; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 76395; 78 FR 76704; 78 FR 76705; 78 FR 77780; 78 FR 78477; 79 FR 1908; 79 FR 2248; 79 FR 10606; 79 FR 13085; 79 FR 14328; 79 FR 14331; 79 FR 14333; 79 FR 14571; 79 FR 17641; 79 FR 18391; 79 FR 18392; 79 FR 21996; 79 FR 22003; 79 FR 23797; 79 FR 27043; 79 FR 27681; 79 FR 28588; 79 FR 29495; 79 FR 29498; 80 FR 59230; 80 FR 67476; 80 FR 67481; 80 FR 80443; 81 FR 1284; 81 FR 1474; 81 FR 14190; 81 FR 15401; 81 FR 15404; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 21655; 81 FR 26305; 81 FR 28138; 81 FR 39100; 81 FR 48493; 81 FR 52516; 81 FR 66718; 81 FR 66724; 81 FR 91239; 81 FR 96196):

Dean R. Allen (OR)  
Scott E. Ames (ME)  
Alan A. Andrews (NE)  
Marvin D. Bass (KY)  
Dwight A. Bennett (MD)  
Marvin J. Benseid, Jr. (MS)  
Kolby Blackner (UT)  
Bobby R. Brooks (GA)  
Levi A. Brown (MT)  
William Bucaria, Jr. (FL)  
John A. Carroll, Jr. (AL)

Juan Castanon (NM)  
William C. Christy (FL)  
Gerard J. Cormier (MA)  
Michael T. Craddock (CA)  
Jon C. Dillon (MN)  
Paul W. Fettig (SD)  
Hector O. Flores (MD)  
Brian R. Gallagher (TX)  
Horace N. Goss (TX)  
James B. Grega (PA)  
Todd C. Grider (IN)  
Jimmy G. Hall (NC)  
Taras G. Hamilton (TX)  
Joshua G. Hansen (ID)  
Britt D. Hazelwood (IL)  
Lowell E. Jackson (MO)  
William D. Jackson (MN)  
Danny J. Johnson (MN)  
Glenn K. Johnson, Jr. (NC)  
Thomas M. Kaley (PA)  
Allen J. Kunze (ND)  
Kerry M. Leeper (WA)  
Craig R. Martin (TX)  
Ty N. Mason (PA)  
Thomas J. Mavraganis (IL)  
Eric M. Moats, Sr. (MD)  
Gary T. Murray (GA)  
Elmore Nicholson, Jr. (AL)  
Thomas G. Ohlson (NY)  
Michael Pace (TX)  
Raffaello Petrillo (NJ)  
Barry L. Pylant (GA)  
Roy A. Quesada (PA)  
Jamey D. Reed (OK)  
Glennis R. Reynolds (KY)  
Jose H. Rivas (NM)  
Joe A. Root (MN)  
Bobby W. Sanders (TN)  
James S. Seeno (NV)  
Thomas W. Smith (PA)  
Harry Smith, Jr. (NC)  
Greg W. Story (NC)  
Elston L. Taylor (VA)  
Michael J. Tisher (AK)  
Dwight Tullis (IL)  
Richard W. Wylie (CT)

The drivers were included in docket numbers FMCSA-1998-4334; FMCSA-2003-16564; FMCSA-2005-22194; FMCSA-2006-23773; FMCSA-2006-24015; FMCSA-2007-0017; FMCSA-2007-0071; FMCSA-2008-0021; FMCSA-2009-0011; FMCSA-2009-0086; FMCSA-2010-0050; FMCSA-2011-0092; FMCSA-2011-0299; FMCSA-2011-0366; FMCSA-2011-0379; FMCSA-2012-0039; FMCSA-2012-0104; FMCSA-2013-0029; FMCSA-2013-0165; FMCSA-2013-0166; FMCSA-2013-0168; FMCSA-2013-0174; FMCSA-2014-0002; FMCSA-2014-0003; FMCSA-2014-0004; FMCSA-2014-0005; FMCSA-2015-0056; FMCSA-2015-0070; FMCSA-2015-0350; FMCSA-2015-0351; FMCSA-2016-0024; FMCSA-2016-0027; FMCSA-2016-0347. Their exemptions are applicable as of July 8, 2018, and will expire on July 8, 2020.

As of July 12, 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 9481; 75 FR 22178; 75 FR 25917; 75 FR 25918; 75 FR 39729; 77 FR 36338; 79 FR 35220; 81 FR 81230; 81 FR 96196):

Clare H. Buxton (MI)  
Chadwick S. Chambers (AL)  
Miguel H. Espinoza (CA)  
Ricky P. Hastings (TX)  
Leland B. Moss (VT)

The drivers were included in docket numbers FMCSA–2009–0011; FMCSA–2010–0082. Their exemptions are applicable as of July 12, 2018, and will expire on July 12, 2020.

As of July 19, 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 (81 FR 39320; 81 FR 66720):

John P. Brooks (IL)  
Ronald A. Donsbach (MT)  
Pedro Guzman (TX)  
Bradley C. Helsel (OR)  
Darrell E. Hunter (NC)  
Kenneth B. Julian (OK)  
Keith Kebschull (IL)  
Jeffrey N. Lake (IL)  
Jayme M. Leonard (VT)  
James K. Matthey (PA)  
Mario A. Quezada (TX)  
J. B. Rodriguez Mata (TX)  
Joseph Sais (NM)  
Chad M. Smith (IA)  
Corey L. Spring (AR)  
James C. Wechsler (OR)

The drivers were included in docket number FMCSA–2016–0028. Their exemptions are applicable as of July 19, 2018, and will expire on July 19, 2020.

As of July 20, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 54948; 65 FR 159; 67 FR 10471; 67 FR 10475; 67 FR 19798; 68 FR 74699; 69 FR 8260; 69 FR 10503; 69 FR 19611; 71 FR 6824; 71 FR 6829; 71 FR 14567; 71 FR 26602; 71 FR 30229; 71 FR 32183; 71 FR 41310; 73 FR 11989; 73 FR 27018; 73 FR 28187; 73 FR 36955; 75 FR 36778; 75 FR 36779; 77 FR 38384; 79 FR 35212; 79 FR 35218; 79 FR 47175; 81 FR 90050; 81 FR 96196):

Daniel R. Franks (OH)  
Walter D. Hague, Jr. (VA)  
William G. Hix (AR)  
Larry L. Jarvis (VA)

Clarence H. Jacobsma (IN)  
Charles E. Johnston (MO)  
William F. Mack (WA)  
Ronald M. Price (MD)  
Alton M. Rutherford (FL)

The drivers were included in docket numbers FMCSA–1999–6156; FMCSA 2001–11426; FMCSA 2003–16564; FMCSA 2006–24015; FMCSA 2006–24783; FMCSA 2014–0006. Their exemptions are applicable as of July 20, 2018, and will expire on July 20, 2020.

As of July 22, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 35212; 79 FR 47175; 81 FR 96196):

Abdulahi Abukar (KY)  
Gregory K. Banister (SC)  
Amanuel W. Behon (WA)  
Brian L. Elliott (MO)  
Bradley C. Hansell (OR)  
Samuel L. Klaphake (MN)  
Timothy L. Klose (PA)  
Phillip E. Mason (MO)  
Ruel W. Reed (IA)  
Loren Smith (SD)  
Seth D. Sweeten (ID)

The drivers were included in docket number FMCSA–2016–0006. Their exemptions are applicable as of July 22, 2018, and will expire on July 22, 2020.

As of July 29, 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 42054; 81 FR 66722):

Dudley G. Diebold (CT)  
David L. Evers (MN)  
Raymond E. Hogue (PA)  
Michael E. Jones (IL)  
Darius R. Law (FL)  
Robert C. Martin (WA)  
Mark W. McTaggart (IL)  
Noel V. Munoz (NM)  
Ivan Romero (IL)  
Steve A. Taylor (NC)

The drivers were included in docket number FMCSA–2016–0029. Their exemptions are applicable as of July 29, 2018, and will expire on July 29, 2020.

As of July 30, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (71 FR 32183; 71 FR 41310; 73 FR 36955; 75 FR 25917; 75 FR 36779; 75 FR 39729; 77 FR 33017; 77 FR 36338; 77 FR 38384; 77 FR 44708; 79 FR 37843; 79 FR 38661; 81 FR 96196):  
Lester M. Ellingson, Jr. (ND)

Damon G. Gallardo (CA)  
Daniel L. Grover (KS)  
Larry A. Nienhuis (MI)  
Gregory A. Reinert (MN)  
Joseph B. Shaw, Jr. (VA)

The drivers were included in docket numbers FMCSA–2006–24783; FMCSA–2010–0082; FMCSA–2012–0106. Their exemptions are applicable as of July 30, 2018, and will expire on July 30, 2020.

#### IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/her is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (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 before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

#### V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

#### VI. Conclusion

Based upon its evaluation of the 114 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018-13001 Filed 6-15-18; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2018-0007]

#### 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 exempt 13 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

**DATES:** The exemptions were applicable on May 10, 2018. The exemptions expire on May 10, 2020.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@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., 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 SE, 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 April 9, 2018, FMCSA published a notice announcing receipt of applications from 13 individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (83 FR 15214). The public comment period ended on May 9, 2018, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals 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 at 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 proceeding.

##### IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows applicants to operate CMVs in interstate commerce.

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. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the April 9, 2018, **Federal Register** notice (83 FR 15214) and will not be repeated in this notice.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 13 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, central retinal artery occlusion, central vein occlusion, complete loss of vision, optic nerve damage, prosthesis, retinal scar, and scleral laceration. In most cases, their eye conditions were not recently developed. Eight of the applicants were either born with their vision impairments or have had them since childhood. The five individuals that sustained their vision conditions as adults have had it for a range of 2 to 10 years. Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV.

Doctors' opinions are supported by the applicants' possession of a valid license to operate a CMV. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for 3 to 61 years. In the past three years, no drivers were involved in crashes, and one driver was convicted of a moving violation in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision