DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration


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 86 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 March 2, 2018.

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 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.


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 86 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (63 FR 66226; 64 FR 16517; 64 FR 27027; 64 FR 51568; 65 FR 78256; 66 FR 16311; 66 FR 30502; 66 FR 41654; 66 FR 41656; 66 FR 48504; 68 FR 13360; 68 FR 19598; 68 FR 33570; 68 FR 37197; 68 FR 44837; 68 FR 48989; 68 FR 54775; 70 FR 17504; 70 FR 25878; 70 FR 30997; 70 FR 41811; 70 FR 42615; 70 FR 46567; 70 FR 53412; 72 FR 12666;

Federal Register / Vol. 83, No. 21 / Wednesday, January 31, 2018 / Notices 4537
The drivers were included in docket numbers: FMCSA–2011–0124; FMCSA–2011–0140. Their exemptions are applicable as of September 7, 2017, and will expire on September 7, 2019.

As of September 13, 2017, 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 requirements (76 FR 34143; 76 FR 37169; 76 FR 50318; 76 FR 55463; 78 FR 78477; 80 FR 50915):

- Charles E. Carter (MI)
- James A. Ellis (NY)
- Dale L. Giardine (PA)
- Peter M. Shirk (PA)

The drivers were included in docket numbers: FMCSA–2011–0124; FMCSA–2011–0140. Their exemptions are applicable as of September 13, 2017, and will expire on September 13, 2019.

As of September 16, 2017, 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 requirements (78 FR 27281; 78 FR 34143; 78 FR 41188; 78 FR 52602; 78 FR 56966; 80 FR 48411):

- John A. Bridges (GA)
- Brian W. Curtis (IL)
- Tomie L. Estes (MO)
- Ray C. Johnson (AR)
- James J. Mitchell (NC)
- Andrew M. Nurnberg (GA)
- Joshua R. Perkins (ID)
- Craig R. Saari (MN)
- Jerry L. Schroder (IL)
- Larry D. Steiner (MN)

The drivers were included in docket numbers: FMCSA–2011–0124; FMCSA–2011–0140. Their exemptions are applicable as of September 13, 2017, and will expire on September 13, 2019.

As of September 16, 2017, 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 requirements (78 FR 27281; 78 FR 34143; 78 FR 41188; 78 FR 41975; 78 FR 52602; 78 FR 56966; 80 FR 48411):

- Carl Block (NY)
- Christopher Brim (TN)
- John Camp (GA)
- Ralph Carr (PA)
- Phyllis Dodson (IN)
- Juan M. Guerrero (TX)
- Berl C. Jennings (VA)
- James J. Mitchell (NC)
- Andrew M. Nurnberg (GA)
- Joshua R. Perkins (ID)
- Craig R. Saari (MN)
- Jerry L. Schroder (IL)
- Larry D. Steiner (MN)
Michael K. Adams (OH)
Eleazar R. Balli (TX)
Darrell W. Bayless (TX)
Lloyd D. Burgess (OH)
Clifford D. Carpenter (MO)
Cecil A. Evey (ID)
Kamal A. Gaddah (OH)
Eric M. Kousgaard (NE)
James F. McMahon, Jr. (NH)
Samuel A. Miller (IN)
Larry T. Rogers (IL)
Marcial Soto-Rivas (OR)
Boyd D. Stamey (NC)
David C. Sybesma (ID)
Matthew K. Tucker (MN)


As of September 27, 2017, 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 requirements (64 FR 27027; 64 FR 51568; 66 FR 48504; 68 FR 19508; 68 FR 33570; 68 FR 37197; 68 FR 48989; 68 FR 54775; 70 FR 30999; 70 FR 42615; 70 FR 46567; 70 FR 53412; 72 FR 39879; 72 FR 52419; 72 FR 62896; 74 FR 43221; 76 FR 53708; 78 FR 78477; 80 FR 53383):

Linda L. Billings (NV)
Weldon R. Evans (OH)
Orasio Garcia (TX)
Leslie W. Good (OR)
James P. Guth (PA)
Gregory K. Lilly (WV)
Kamal A. Gaddah (OH)
Clifford D. Carpenter (MO)
Lloyd D. Burgess (OH)


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Linda L. Billings (NV)
Weldon R. Evans (OH)
Orasio Garcia (TX)
Leslie W. Good (OR)
James P. Guth (PA)
Gregory K. Lilly (WV)
Kamal A. Gaddah (OH)
Clifford D. Carpenter (MO)
Lloyd D. Burgess (OH)

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 86 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: January 25, 2018.

Larry W. Minor,
Associate Administrator for Policy.

DEPARTMENT OF TRANSPORTATION
Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2017–0252]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt two individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on December 28, 2017. The exemptions expire on December 28, 2019.

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 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. 555(e), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, with personal edit, including any personal information the commenter provides, to http://www.regulations.gov,