Background

On January 19, 2018, FHWA posted a Federal Register notice at 83 FR 2867 announcing a limitation of claims for the following highway project in the State of Rhode Island: Toll Locations 1 and 2 in the Towns of Hopkinton, Richmond, and Exeter. The actions by FHWA, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) for the project approved on December 15, 2017, and a Finding of No Significant Impact (FONSI) issued on December 20, 2017. The EA, FONSI, and other project records are available by contacting FHWA or the Rhode Island Department of Transportation at the addresses provided above. The EA and FONSI can be viewed and downloaded from the project website at http://www.dot.ri.gov/rhodeworks/.

The January 19 notice incorrectly stated that FHWA assumed environmental responsibilities for this project pursuant to 23 U.S.C. 327. The FHWA clarifies that 23 U.S.C. 327 is not applicable here and that Federal environmental review responsibilities remain with FHWA for this project.

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 85 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 19, 2018.


• 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., ET, 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., ET, Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, ET, 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, 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., ET, 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.
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 is 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 at least 20/40 (Snellen) or without corrective lenses, distant binocular acuity 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 85 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 85 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (64 FR 27027; 64 FR 51568; 68 FR 4803; 70 FR 48797; 70 FR 48798; 70 FR 48799; 70 FR 53412; 70 FR 57353; 70 FR 71884; 70 FR 72689; 70 FR 74102; 71 FR 4632; 71 FR 32183; 72 FR 32075; 72 FR 40362; 72 FR 46261; 72 FR 59472; 72 FR 62896; 72 FR 67340; 73 FR 1395; 73 FR 5259; 73 FR 6242; 73 FR 6392; 73 FR 9158; 73 FR 16590; 74 FR 60398; 74 FR 26464; 74 FR 43222; 74 FR 53581; 74 FR 60021; 74 FR 60022; 74 FR 64124; 74 FR 65842; 74 FR 65845; 75 FR 1450; 75 FR 4623; 75 FR 8184; 75 FR 9497; 75 FR 9482; 75 FR 9484; 76 FR 34135; 76 FR 37169; 76 FR 50318; 76 FR 53710; 76 FR 64171; 76 FR 75942; 76 FR 75943; 76 FR 78728; 77 FR 539; 77 FR 543; 77 FR 545; 77 FR 557; 77 FR 555; 77 FR 5545; 77 FR 5723; 77 FR 10064; 77 FR 10607; 77 FR 10608; 78 FR 63302; 78 FR 64274; 78 FR 67452; 78 FR 67454; 78 FR 7604; 78 FR 76705; 78 FR 76707; 78 FR 77778; 78 FR 77780; 78 FR 78477; 79 FR 1908; 79 FR 3919; 79 FR 4331; 79 FR 4803; 79 FR 6993; 79 FR 10602; 79 FR 10619; 79 FR 12565; 79 FR 13085; 79 FR 14328; 79 FR 14329; 79 FR 14333; 80 FR 40122; 80 FR 44188; 80 FR 59230; 80 FR 62161; 80 FR 62163; 80 FR 67476; 80 FR 67487; 80 FR 70060; 80 FR 70345; 80 FR 79414; 80 FR 80443; 81 FR 1284; 81 FR 1474; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 20433; 81 FR 44500; 81 FR 44843; 81 FR 60117). 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 extending the exemption for each applicant for a period of two 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.

John P. Bails (IA)
Garry A. Baker (OH)
Howard D. Barton (IN)
Craig J. Belles (NY)
Steven A. Blinco (MT)
Cris D. Bush (TN)
Johnnie E. Byler (PA)
Stewart K. Clayton (TX)
David N. Cleveland (ME)
James J. Coffield (NM)
Richard A. Congdon, Jr. (OR)
Albion C. Doe, Sr. (NH)
Bruce J. Dowd (CT)
David E. Evans (NC)
Mark A. Farnsley (IN)
Jay R. Hooven (VT)
Amos W. Husley (AL)
Darryl H. Johnson (WW)
Freddie H. Johnson (ID)
David B. Jones (FL)
Alfred Keehn (AZ)
Volga Kirkwood (MO)
Michael S. Maki (MN)
Kevin D. Mendoza (WA)
Ralph S. Miller (WV)
John M. Moore (PA)
Kenneth R. Murphy (WA)
Millard F. Neace, II (WW)
William E. Norris (NC)
Daniel F. Perez (CA)
Dean B. Potts (MA)
Richard E. Purvenas, Jr. (DE)
Robert C. Reid (KY)

As of March 5, 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 (68 FR 74699; 69 FR 10503; 70 FR 57353; 70 FR 72689; 71 FR 6029; 73 FR 6392; 75 FR 6184; 77 FR 7233; 79 FR 10602; 81 FR 20433):

- Barton C. Caldara (WI)
- Allan Darley (UT)
- Richard Hailey, Jr. (DC)
- Robert V. Hodges (IL)
- Edward D. Pickle (GA)
- James T. Wortham, Jr. (GA)

The drivers were included in docket numbers FMCSA–2003–16564; FMCSA–2005–22194. Their exemptions are applicable as of March 5, 2018, and will expire on March 5, 2020.

As of March 7, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 5874; 77 FR 17117; 79 FR 13085; 81 FR 20433):

- Gene Bartlett, Jr. (VT)
- Wayne H. Holt, (UT)
- William B. Wilson, (KY).

The drivers were included in docket numbers FMCSA–2002–12844; FMCSA–2005–23099. Their exemptions are applicable as of March 15, 2018, and will expire on March 15, 2020.

As of March 16, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Glenn R. Theis (MN) has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 5874; 77 FR 17117; 79 FR 13085; 81 FR 20433).

The driver was included in docket number FMCSA–2011–0366. The exemption is applicable as of March 23, 2018, and will expire on March 23, 2020.

As of March 31, 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 (73 FR 61950; 75 FR 9477; 77 FR 13689; 79 FR 14331; 81 FR 20433):

- Gary W. Ellis (NC)
- K. L. Guse (OH)
- Steven W. Halsey (MO)
- Thomas M. Leadbitter (PA)
- Jonathan P. Lovel (IL)

The drivers were included in docket number FMCSA–2007–0071. Their exemptions are applicable as of March 31, 2018, and will expire on March 31, 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 391.4; (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; (3) 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 85 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: February 7, 2018.

Larry W. Minor,
Associate Administrator for Policy.

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 W12–140, 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.

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The 113 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.