DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Applications; Vision

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 the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 23 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective August 8, 2015. Comments must be received on or before July 29, 2015.


Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to http://www.regulations.gov, including any personal information included in a comment. Please see the Privacy Act heading below.


Federal eRulemaking Portal: Go to www.regulations.gov. Follow the on-line instructions for submitting comments.


Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT:

Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, 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. Monday through Friday, except Federal holidays.

SUPPORTING INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period 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 procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

II. Exemption Decision

This notice addresses 23 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 23 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Juan D. Adame, Jr. (TX)
James C. Barr (OH)
Jean-Pierre G. Brefort (CT)
Ryan L. Brown (IL)
David S. Carman (NJ)
Todd A. Chapman (NC)
Timothy J. Curran (GA)
Erik R. Davis (GA)
Paul W. Dawson (CO)
Everett A. Doty (AZ)
Waylon E. Hall (LA)
Gary D. Hallman (AL)
Dean R. Hawley (NC)
Edward J. Kasper (DE)
David J. Kibble (PA)
Darrell W. Knorr (IL)
Jorge G. Lopez (OH)
William F. Nickel, V (OR)
Gonzalo Pena (FL)
Robert A. Reyna (UT)
Tim M. Seavy (IN)
Charles R. Sylvester (NC)
David R. Thomas (AL)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (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 medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist’s or optometrist’s report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver’s qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. 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.

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 for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 23 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 66286; 66 FR 13825; 66 FR 30502; 66 FR 33990; 66 FR 41654; 67 FR 76439; 68 FR 10298; 68 FR 10300; 68 FR 19598; 68 FR 33570; 68 FR 44837; 70 FR 7545; 70 FR 7546; 70 FR 25878; 70 FR 41811; 71 FR 14566; 71 FR 30227; 72 FR 180; 72 FR 7111; 72 FR 7812; 72 FR 8417; 72 FR 9397; 72 FR 28093; 72 FR 36099; 72 FR 39879; 72 FR 40362; 72 FR 52419; 73 FR 27014; 73 FR 38497; 73 FR 48271; 73 FR 51689; 73 FR 63047; 74 FR 6212; 74 FR 19270; 74 FR 26466; 74 FR 34395; 75 FR 50799; 75 FR 66423; 75 FR 77590; 76 FR 9861; 76 FR 17481; 76 FR 18824; 76 FR 21796; 76 FR 25762; 76 FR 25766; 76 FR 28125; 76 FR 29024; 76 FR 37885; 76 FR 44652; 77 FR 70537; 78 FR 10250; 78 FR 14410; 78 FR 24300; 78 FR 24798; 78 FR 27281; 78 FR 37270; 78 FR 41188; 78 FR 46407; 78 FR 51268; 78 FR 56993; 79 FR 20249). Each of these 23 applicants has requested renewal of the exemption and has 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 impairment is stable. In addition, a review of each record of safety while driving with the respective vision impairment is stable.

IV. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2000–7918; FMCSA–2001–9561; FMCSA–2002–13411; FMCSA–2003–14504; FMCSA–2006–24015; FMCSA–2007–2663; FMCSA–2007–25246; FMCSA–2007–27897; FMCSA–2008–0174; FMCSA–2008–0266; FMCSA–2011–0024; FMCSA–2011–0057; FMCSA–2011–0092; FMCSA–2013–0027; FMCSA–2013–0028), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to http://www.regulations.gov and put the docket number, “FMCSA–2000–7918; FMCSA–2001–9561; FMCSA–2002–13411; FMCSA–2003–14504; FMCSA–2006–24015; FMCSA–2007–2663; FMCSA–2007–25246; FMCSA–2007–27897; FMCSA–2008–0174; FMCSA–2008–0266; FMCSA–2011–0024; FMCSA–2011–0057; FMCSA–2011–0092; FMCSA–2013–0027; FMCSA–2013–0028” in the “Keyword” box, and click “Search.” When the new screen appears, click on “Comment Now!” button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

Viewing Comments and Documents


Issued on: June 23, 2015.
Larry W. Minor,
Associate Administrator for Policy.
[FR Doc. 2015–16138 Filed 6–30–15; 8:45 am]
BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0062]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 49 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before July 31, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2015–0062 using any of the following methods:

• Federal eRulemaking Portal: Go to http://www.regulations.gov. Follow the on-line 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., Monday through Friday, except Federal Holidays.

• Fax: 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers 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.