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 the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 43 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 exemption renewals 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: Each group of renewed exemptions are effective from the dates stated in the discussions below. Comments must be received on or before June 8, 2016.


- 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.

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.

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., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 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 on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s Privacy Act Statement for the Federal Docket Management System (FDMS) published in the Federal Register on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Christine A. Hydock, Chief, Medical Programs Division, 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. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

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.

Exemption Decision

This notice addresses 43 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 43 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. Each individual is identified according to the renewal date.

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 provides 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 law 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.

Basis for Renewing Exemptions

Under 49 U.S.C. 31135(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. The following group(s) of drivers will receive renewed exemptions effective in the month of June and are discussed below:

As of June 3, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the
following 34 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (64 FR 68195; 65 FR 20251; 65 FR 45817; 65 FR 77066; 67 FR 17102; 67 FR 38311; 68 FR 1654; 69 FR 17263; 69 FR 17267; 69 FR 26921; 69 FR 31447; 70 FR 7545; 71 FR 4194; 71 FR 13450; 71 FR 16410; 71 FR 27033; 73 FR 6242; 73 FR 9158; 73 FR 11899; 73 FR 16950; 73 FR 28186; 74 FR 60022; 74 FR 65842; 75 FR 4623; 75 FR 9477; 75 FR 9480; 75 FR 9482; 75 FR 9484; 75 FR 14656; 75 FR 22176; 75 FR 27623; 75 FR 28662; 77 FR 10604; 77 FR 10606; 77 FR 13689; 77 FR 15184; 77 FR 17107; 77 FR 17108; 77 FR 17109; 77 FR 27845; 77 FR 27849; 77 FR 27850; 77 FR 29447; 79 FR 1908; 79 FR 10606; 79 FR 10619; 79 FR 14328; 79 FR 14331; 79 FR 14333; 79 FR 14571; 79 FR 16412; 79 FR 18391; 79 FR 18392; 79 FR 21996; 79 FR 22003; 79 FR 27043; 79 FR 28588; 79 FR 29498).

The drivers were included in one of the following dockets: Docket No. FMCSA–2012–0040. Their exemptions are effective as of June 6, 2016 and will expire on June 6, 2018. As of June 6, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 3 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (77 FR 23799; 77 FR 33558; 79 FR 27365):

Rudolph Bischop (MA)
Richard Doroba (IL)
Tommy Thomas (CA)

The drivers were included in one of the following dockets: Docket No. FMCSA–2014–0005. The exemption is effective as of June 17, 2016 and will expire on June 17, 2018.

As of June 17, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 6 individuals, DeRay V. Ryckman (SD), has satisfied the conditions for obtaining a renewed exemption from the vision requirement (79 FR 27681; 79 FR 38649):

Matthew G. Epps (FL)
Michael E. McAfee (KY)
Joe Ramirez (CA)
James E. Sikkink (IL)
John C. Smith (IL)

The drivers were included in one of the following dockets: Docket No. FMCSA–2012–0104. Their exemptions are effective as of June 27, 2016 and will expire on June 27, 2018.

As of June 27, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 42 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of application. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited Federal Register publications. 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.

Submiting Comments
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 that FMCSA can contact you if there are questions regarding your submission. To submit your comment online, go to http://www.regulations.gov and in the search box insert the docket numbers.
FRA delayed the due date for submitting the first quarterly report to allow time for the normal 60 days of notice and public comment to FRA, and the additional 30 days of public comment to OMB while the submission undergoes OMB review as required under the PRA and its concomitant regulations. See 44 U.S.C. 3501–3520; 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a).

FRA is proposing that each railroad must submit its quarterly progress reports on Form FRA F 6180.165 using FRA’s Secure Information Repository (SIR) at https://sir.fra.dot.gov. FRA is proposing to let the less detailed monthly reporting that it currently requires (approved under OMB No. 2130–0553) expire in June 2016 when railroads would be required to begin providing the quarterly progress reports.

II. Public Participation