

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

[Docket No. FMCSA–2015–0050]

Qualification of Drivers; Exemption Applications; Vision**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Notice of denials.

SUMMARY: FMCSA announces its denial of 115 applications from individuals who requested an exemption from the Federal vision standard applicable to interstate truck and bus drivers and the reasons for the denials. 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 does not provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

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.

SUPPLEMENTARY INFORMATION:**Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal vision standard for a renewable 2-year period if it finds “such an exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such an exemption.” The procedures for requesting an exemption are set forth in 49 CFR part 381.

Accordingly, FMCSA evaluated 115 individual exemption requests on their merit and made a determination that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption program. Each applicant has, prior to this notice, received a letter of final disposition on the exemption request. Those decision letters fully outlined the basis for the denial and constitute final Agency action. The list published in this notice summarizes the Agency’s recent denials as required under 49 U.S.C. 31315(b)(4) by periodically

publishing names and reasons for denial.

The following 25 applicants had no experience operating a CMV:

John O. Adams
Chamekia Allison
William S. Bennett
Alex J. Cordova
Lee J. Gaffney
Joseph P. Gatzek
Victor Gulian
James L. Howes
Jose R. Izaguirre
Robert C. Jeffries
Douglas R. Johnston
Joshua L. Johnson
Charles D. Jones
Darrell T. Leonard
Steven L. Loper
Jared J. Martin
Peni M. Matanimeke
Thomas I. Poindexter
Joaquin Rivera
Michael D. Roe
Allen Rowbotham
Zachary M. Sawyer
Marcus W. Scott
John J. Tilton
Joshua Yeick

The following 24 applicants did not have three years of experience driving a CMV on public highways with their vision deficiencies:

Raed A. Abdelrahim
Jaloliddin S. Abduvakhabov
Elbert A. Akers
Esmic Arras-Saenz
Howard D. Barton
Alan F. Brown
Jerry Carter
Donald E. Cessna, Sr.
Douglas G. Gentry
Jerry G. Henry III
Delbert R. Hummel
Timothy L. Kennie
Ricky A. Mobley
Gabriel Navarro
Ronald D. Otworth
Frederick E. Place
Joshua S. Reiling
Timothy A. Robbins
Anthony A. Salesi
Rodney M. Spigner
Charles Till
Benny P. Whitehead
Charles R. Williams
Wilson B. Willie

The following seven applicants did not have three years of recent experience driving a CMV with the vision deficiency:

Jeffrey S. Branch
Richard Jarrell
Duane A. McCord
Todd O. Moodispaugh
Reynier G. Paz
Lynn C. Radney, Sr.
Rick L. Richardson

The following three applicants did not have sufficient driving experience during the past three years under normal highway operating conditions:

Harold L. Cobb
Allen Hewitt
Clarence H. Lee

The following applicant, James Lyman, was charged with a moving violation(s) in conjunction with a commercial motor vehicle accident(s).

The following applicant, Kevin E. Putney, had his CDL suspended in relation to a moving violation during the three-year period. Applicants do not qualify for an exemption with a suspension during the three-year period.

The following three applicants were unable to obtain a statement from an optometrist or ophthalmologist stating that he was able to operate a commercial vehicle from a vision standpoint:

Roger F. Berneking
Kip M. Le Fever
David N. Skillings

The following applicant, Michael A. Stiles, was denied for miscellaneous/multiple reasons.

The following two applicants did not have stable vision for the entire three-year period:

Wesley A. Boyd
Thomas E. Lippincott

The following applicant, Myrick J. Jackson, never submitted the documents required for a vision exemption.

The following applicant, Aaron Wiebe, lives in Canada.

The following two applicants did not meet the vision standard in their better eye:

Thomas E. Allen
Michael J. Pullman

The following 13 applicants met the current federal vision standards. Exemptions are not required for applicants who meet the current regulations for vision:

Elazar Ambriz
Steven P. Cohen
Aubrey B. Cook
John D. Hamm
Randal E. Heibult
Thomas M. King
Donald R. Knobloch
Rodney E. Parks
Rene J. Patenaude
Theodore T. Phillips
David Searcy
Guy Waltz
Lloyd F. Wood

The following 26 applicants were denied because they will not be driving interstate, interstate commerce, or are not required to carry a DOT medical card:

Melvin C. Bennett

James E. Campbell
 Jeremy L. Elliott
 Edward T. Errichetto
 Stefano U. Fabbri
 Sebastian Fernandez
 Phillip M. Green
 Antone J. Heideman, Jr.
 Eric J. Hidden
 Jared B. Holt
 Paul E. Irish, Jr.
 Justin M. Jackson
 Elias Lemus, Jr.
 Thomas J. Manning
 David B. McConnell
 Timothy J. Miller
 George Moore, Jr.
 Elpidio Munoz, Jr.
 Nicholas M. O'Rourke
 William F. Potts
 Michael L. Rouse
 George E. Shores
 Claude G. Stolp
 James R. Taylor
 Joseph M. Taylor
 Joseph H. Varel

Finally, the following five applicants perform transportation for the federal government, state, or any political subdivision of the state.

Bryan A. Jenkins
 Anton M. Maloblocki
 Stuart P. Nichols
 Lawrence K.W. Smith
 James A. White, Jr.

Issued on: June 22, 2015.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No FMCSA-2015-0149]

Proposal for Future Enhancements to the Safety Measurement System (SMS)

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

ACTION: Notice; request for public comment.

SUMMARY: FMCSA provides notice and seeks comments on proposed enhancements to the Agency's Safety Measurement System (SMS) methodology. Consistent with its prior announcements, the Agency is proposing changes to the SMS that are the direct result of feedback from stakeholders and the Agency's ongoing continuous improvement efforts. The Agency is considering several changes in this notice and is asking for comment on these issues, and other possible areas

for consideration. This set of enhancements would include changing some of the SMS Intervention Thresholds to better reflect the Behavior Analysis and Safety Improvement Categories' (BASICs) correlation to crash risk, other changes to the Hazardous Materials (HM) Compliance BASIC, reclassifying violations for operating while out-of-service (OOS) to the Unsafe Driving BASIC, and adjustments to the Utilization Factor (UF). FMCSA will provide a preview of the proposed enhancements allowing motor carriers to see their own data, enforcement to see the data, and an opportunity for all to comment prior to implementation.

DATES: Comments must be received on or before July 29, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-2015-0149 using any of the following methods:

- *Federal eRulemaking Portal:* Go to 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 or Courier:* 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.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to 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 www.regulations.gov at any time or visit 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 on-line 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: 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 www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. David Yessen, Federal Motor Carrier Safety Administration, Compliance Division, 1200 New Jersey Avenue SE., Washington, DC 20590, Telephone 609-275-2606, E-Mail: david.yessen@dot.gov. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Background

The SMS

FMCSA first announced the implementation of the SMS in the **Federal Register** on April 9, 2010 (75 FR 18256) (Docket No. FMCSA-2004-18898). Since December 2010, FMCSA and its State partners have used SMS to identify and prioritize motor carriers for interventions, including automated warning letters and investigations. Additionally, SMS serves as a principal factor in roadside inspection selection software designed to recommend motor carriers for inspections. The SMS also provides the motor carrier industry, consumers, and other safety stakeholders with comprehensive safety performance data for many carriers. This information is updated monthly. SMS is available at the public Web site at <http://ai.fmcsa.dot.gov/SMS>. FMCSA announced improvements to the SMS in March 2012 (77 FR 18298) (Docket No. FMCSA-2012-0074), August 2012 (77 FR 52110) (Docket No. FMCSA-2004-18898), and July 2014 (79 FR 43117) (Docket No. FMCSA-2013-0392). As stated in the March 2012 notice, FMCSA plans to apply a systematic approach to making improvements to SMS, prioritizing, and releasing packages of improvements as needed.

FMCSA convened a Continuous Improvement Working Group (CIWG) comprised of Federal and State Enforcement personnel. This group used their diverse experiences to identify areas of needed improvement with SMS and the Compliance, Safety, Accountability interventions process. The CIWG recommendations are under review, and they informed the potential enhancements outlined below.

List of Proposed Enhancements

FMCSA is proposing the following enhancements: