

*Logan J. Hertzler*

Mr. Hertzler is a 25-year-old class C driver in Pennsylvania. He has a history of epilepsy and has been seizure free since 2010. He takes anti-seizure medication with the dosage and frequency remaining the same since 2010. His physician states that he is supportive of Mr. Hertzler receiving an exemption.

*Alexandria Lockhart*

Ms. Lockhart is a 27-year-old class C driver in Pennsylvania. She has a history of epilepsy and has been seizure free since April 2011. She takes anti-seizure medication with the dosage and frequency remaining the same since 2011. Her physician states that she is supportive of Ms. Lockhart receiving an exemption.

**IV. Request for Comments**

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

Issued on: May 29, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019-11932 Filed 6-6-19; 8:45 am]

**BILLING CODE 4910-EX-P**

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

[Docket No. FMCSA-2000-7918; FMCSA-2000-8398; FMCSA-2002-12294; FMCSA-2004-19477; FMCSA-2005-20027; FMCSA-2005-20560; FMCSA-2007-27333; FMCSA-2008-0106; FMCSA-2008-0231; FMCSA-2008-0398; FMCSA-2009-0054; FMCSA-2010-0201; FMCSA-2010-0287; FMCSA-2010-0354; FMCSA-2010-0372; FMCSA-2011-0010; FMCSA-2011-0024; FMCSA-2011-0057; FMCSA-2012-0279; FMCSA-2012-0337; FMCSA-2012-0338; FMCSA-2013-0021; FMCSA-2013-0022; FMCSA-2013-0023; FMCSA-2013-0024; FMCSA-2013-0169; FMCSA-2014-0299; FMCSA-2014-0300; FMCSA-2014-0301; FMCSA-2014-0302; FMCSA-2014-0304; FMCSA-2014-0305; FMCSA-2016-0030; FMCSA-2016-0214; FMCSA-2017-0014; FMCSA-2017-0016]

**Qualification of Drivers; Exemption Applications; Vision**

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 74

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 requirement 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.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, [fmcsamedical@dot.gov](mailto: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.

**SUPPLEMENTARY INFORMATION:****I. Public Participation***A. Viewing Documents and Comments*

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov>. Insert the docket number, FMCSA-2000-7918; FMCSA-2000-8398; FMCSA-2002-12294; FMCSA-2004-19477; FMCSA-2005-20027; FMCSA-2005-20560; FMCSA-2007-27333; FMCSA-2008-0106; FMCSA-2008-0231; FMCSA-2008-0398; FMCSA-2009-0054; FMCSA-2010-0201; FMCSA-2010-0287; FMCSA-2010-0354; FMCSA-2010-0372; FMCSA-2011-0010; FMCSA-2011-0024; FMCSA-2011-0057; FMCSA-2012-0279; FMCSA-2012-0337; FMCSA-2012-0338; FMCSA-2013-0021; FMCSA-2013-0022; FMCSA-2013-0023; FMCSA-2013-0024; FMCSA-2013-0169; FMCSA-2014-0299; FMCSA-2014-0300; FMCSA-2014-0301; FMCSA-2014-0302; FMCSA-2014-0304; FMCSA-2014-0305; FMCSA-2016-0030; FMCSA-2016-0214; FMCSA-2017-0014; FMCSA-2017-0016, in the keyword box, and click "Search." Next, click the "Open Docket Folder" button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

*B. 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](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**II. Background**

On April 2, 2019, FMCSA published a notice announcing its decision to renew exemptions for 74 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (84 FR 12665). The public comment period ended on May 2, 2019, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a 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 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision 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.

**III. Discussion of Comments**

FMCSA received no comments in this proceeding.

**IV. Conclusion**

Based on its evaluation of the 74 renewal exemption applications and comments received, FMCSA confirms its decision to exempt the following drivers from the vision requirement in 49 CFR 391.41(b)(10).

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of May and are discussed below. As of May 7, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 47 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for

interstate CMV drivers (65 FR 66286; 65 FR 78256; 66 FR 13825; 66 FR 16311; 68 FR 13360; 69 FR 64806; 70 FR 2701; 70 FR 2705; 70 FR 12265; 70 FR 16887; 72 FR 1056; 72 FR 11425; 72 FR 11426; 72 FR 12666; 72 FR 25831; 73 FR 35194; 73 FR 46973; 73 FR 48273; 73 FR 54888; 73 FR 76440; 74 FR 7097; 74 FR 8302; 74 FR 8842; 74 FR 11988; 74 FR 15584; 74 FR 15586; 74 FR 21427; 75 FR 44050; 75 FR 54958; 75 FR 64396; 75 FR 69737; 75 FR 70078; 75 FR 72863; 75 FR 80887; 76 FR 1499; 76 FR 2190; 76 FR 7894; 76 FR 9856; 76 FR 11215; 76 FR 12215; 76 FR 15361; 76 FR 20076; 76 FR 20078; 76 FR 21796; 77 FR 60008; 77 FR 64582; 77 FR 68200; 77 FR 68202; 77 FR 70534; 77 FR 71671; 77 FR 74273; 77 FR 74731; 77 FR 74733; 78 FR 9772; 78 FR 10251; 78 FR 12811; 78 FR 12815; 78 FR 12822; 78 FR 14405; 78 FR 14410; 78 FR 16761; 78 FR 16762; 78 FR 18667; 78 FR 20379; 78 FR 22596; 78 FR 22602; 78 FR 24296; 78 FR 64274; 78 FR 77778; 79 FR 56104; 79 FR 65759; 79 FR 65760; 79 FR 73397; 79 FR 73687; 80 FR 603; 80 FR 2473; 80 FR 3308; 80 FR 3723; 80 FR 6162; 80 FR 9304; 80 FR 12248; 80 FR 12251; 80 FR 12254; 80 FR 14220; 80 FR 14223; 80 FR 15859; 80 FR 15863; 80 FR 16500; 80 FR 16502; 80 FR 16509; 80 FR 20562; 80 FR 29152; 80 FR 33011; 81 FR 15401; 81 FR 45214; 81 FR 66726; 81 FR 96165; 82 FR 12678; 82 FR 13043; 82 FR 13048; 82 FR 18818; 82 FR 18949; 82 FR 23712);

Neal S. Anderson (MN)  
Michael L. Bergman (KS)  
Joseph L. Beverly (FL)  
Barry W. Borger (PA)  
Gregory L. Cooper (PA)  
Kenneth D. Craig (VA)  
Marvin R. Daly (SC)  
Deurice K. Dean (MD),  
William A. Donovan (WA)  
David M. Doub (IN)  
Efrain Gonzalez (UT)  
Ralph V. Graven (OR)  
Michael D. Greene (VT)  
Robert J. Hansen (MN),  
Carl E. Hess (PA)  
Michael R. Holmes (SD)  
Shane M. Holum (WA),  
Terry R. Hunt (FL)  
Mark C. Jeffrey (MT)  
James A. Jones (MD)  
Joseph E. Jones (GA)  
William D. Koiner (TX)  
Roosevelt Lawson (AL)  
Eugene R. Lydick (VA)  
Roberto E. Martinez (WA)  
Roy E. Mathews (FL)  
David S. Mayo (VA)  
Joe L. Meredith, Jr. (VA)  
Gerald D. Milner (IL)  
James G. Mitchell (AL)  
Robert A. Moss (MO)  
Gary L. Nicholas (MI)  
Thomas G. Normington (WY)

Mark A. Omps (WV)  
Johnny A. Peery (MD)  
Bobby G. Pool, Sr. (TX)  
Zeljko Popovac (VT)  
Shannon L. Puckett (KY)  
Franklin P. Reigle III (MD)  
Bobby L. Rupe (TX)  
George D. Ruth (PA)  
James A. Smith (WA)  
Benjamin Stone (VA)  
Donald A. Uplinger II (OH)  
Steven M. Veloz (CA)  
Steven M. Vujicic (IL)  
Charles F. Wotring (OH)

The drivers were included in docket numbers FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2004–19477; FMCSA–2005–20027; FMCSA–2007–27333; FMCSA–2008–0106; FMCSA–2008–0231; FMCSA–2008–0398; FMCSA–2009–0054; FMCSA–2010–0201; FMCSA–2010–0287; FMCSA–2010–0354; FMCSA–2010–0372; FMCSA–2011–0010; FMCSA–2012–0279; FMCSA–2012–0337; FMCSA–2012–0338; FMCSA–2013–0021; FMCSA–2013–0022; FMCSA–2013–0023; FMCSA–2013–0169; FMCSA–2014–0299; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2016–0030; FMCSA–2016–0214. Their exemptions are applicable as of May 7, 2019, and will expire on May 7, 2021.

As of May 13, 2019, 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 requirement in the FMCSRs for interstate CMV drivers (72 FR 12666; 72 FR 25831; 74 FR 15586; 76 FR 17481; 76 FR 21796; 76 FR 28125; 78 FR 24300; 80 FR 18696; 82 FR 17736; 82 FR 18949; 82 FR 26224):

Andrew R. Cook (VT)  
David R. Ford (OH)  
Douglas P. Fossum (SD)  
Curtis L. Lamb (KS)  
Eric D. Pohlmann (MN)  
Michael O. Regentik (MI)  
Esequiel Rodriguez, Jr. (TX)  
Steven D. Scharber (MN)  
George K. Sizemore (NC)  
Donald E. Stone (VA)

The drivers were included in docket numbers FMCSA–2007–27333; FMCSA–2011–0024; FMCSA–2017–0014. Their exemptions are applicable as of May 13, 2019, and will expire on May 13, 2021.

As of May 19, 2019, 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 (76 FR 18824; 76

FR 29024; 78 FR 12815; 78 FR 22602; 79 FR 24298; 80 FR 20558; 82 FR 18949);

James O. Cook (GA)  
Kevin R. Lambert (NC)  
Scott W. Schilling (ND)  
Randy E. Sims (WA)  
Mark E. Studer (KS)

The drivers were included in docket numbers FMCSA–2011–0057; FMCSA–2013–0022. Their exemptions are applicable as of May 19, 2019, and will expire on May 19, 2021.

As of May 20, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 16912; 78 FR 29431; 80 FR 20559; 82 FR 18949):

Dolan A. Gonzalez, Jr. (FL)  
Paul Harpin (AZ)

The drivers were included in docket number FMCSA–2013–0024. Their exemptions are applicable as of May 20, 2019, and will expire on May 20, 2021.

As of May 25, 2019, 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 (82 FR 18954; 82 FR 28734):

Russell R. Dixon (VA)  
William M. Hanes (OH)  
Dennis L. Spence (WA)

The drivers were included in docket number FMCSA–2017–0016. Their exemptions are applicable as of May 25, 2019, and will expire on May 25, 2021.

As of May 27, 2019, 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 (80 FR 22773; 80 FR 45573; 82 FR 18949):

Donald W. Donaldson (GA)  
Glen E. Robbins (WY)  
Steven M. Tewhill (AR)

The drivers were included in docket number FMCSA–2014–0305. Their exemptions are applicable as of May 27, 2019, and will expire on May 27, 2021.

As of May 30, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (67 FR 46016; 67 FR 57267; 69 FR 62741; 70 FR 17504; 70 FR 30997; 71 FR 62147; 72 FR 27624; 74 FR 19270; 76 FR 9856; 76 FR 20076;

76 FR 25762; 78 FR 16762; 78 FR 26106; 80 FR 26320; 82 FR 18949):

Gerald S. Dennis (IA)  
John K. Fank (IL)  
Kenneth L. Nau (MD)  
Kenneth E. Suter, Jr. (OH)

The drivers were included in docket numbers FMCSA–2002–12294; FMCSA–2005–20560; FMCSA–2011–0010. Their exemptions are applicable as of May 30, 2019, and will expire on May 30, 2021.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (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 prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: May 29, 2019.

Larry W. Minor,  
Associate Administrator for Policy.

[FR Doc. 2019–11947 Filed 6–6–19; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0271]

#### Hours of Service of Drivers: RJR Transportation, Inc. (RJR); Application for Exemption

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to grant the application of RJR Transportation, Inc. (RJR) for an exemption to increase the 100 air-mile radius in “short-haul operations” to 150 air miles for its drivers. RJR requested the exemption for all its operators of commercial motor vehicles (CMVs) to enable the drivers not exceeding the 150 air-mile radius to utilize time records instead of a record of duty status (RODS) for that day. FMCSA has analyzed the exemption application and the public comments and has determined that the exemption, subject to the terms and conditions imposed, will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

**DATES:** This exemption is effective June 7, 2019 and expires June 7, 2024.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–2722. Email: [hoursofservice@dot.gov](mailto:hoursofservice@dot.gov). If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

##### Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

FMCSA reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305(a)). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

##### III. Request for Exemption

RJR Transportation, Inc. (RJR) requested an exemption to increase the 100 air-mile radius in 49 CFR 395.1(e)(1) to 150 air miles for its drivers. This would enable RJR’s drivers not exceeding the 150 air-mile radius to utilize time records instead of a record of duty status (RODS) for that day. If granted, this exemption would spare RJR from having to install electronic logging devices (ELDs) on all its CMVs. RJR is a local trucking operation based in Northern California operating on dedicated routes, with more than 98 percent of its trips within a 100 air-mile radius.

Most of RJR’s drivers qualify for and operate under the 100 air-mile radius exemption in 49 CFR 395.1(e)(1); on a

weekly or monthly basis, fewer than 5 percent of its drivers may exceed the 100 air-mile radius but none go beyond a 150 air-mile radius. Specifically, RJR services three areas outside the 100 air-mile radius which are all between 100 and 140 air miles from the normal work reporting location. RJR states that it will be forced to make a substantial investment in ELDs for just this short extension of the 100 air-mile radius.

RJR has five drivers who maintain paper RODS, but without this exemption all 60 of its CMVs will need to be equipped with ELDs to give the company the flexibility to put any driver in any vehicle, as it currently does. This represents a substantial and ongoing financial commitment not justified by the infrequent trips beyond the 100-air mile radius.

RJR states that it will continue to utilize automatic event recorders, which capture among other things speed, global positioning system location, hard braking events, and sudden turns. RJR therefore believes that granting the exemption will achieve a level of safety equivalent to the level that would be achieved absent the proposed exemption.

A copy of RJR’s application for exemption is available for review in the docket for this notice.

##### IV. Public Comments

On October 18, 2018, FMCSA published notice of this application and requested public comment (83 FR 52875). The Agency received three comments, two opposed to the RJR exemption request. One comment was non-substantive. One of the commenters opposed to the exemption stated, “The number of requests for consideration for the FMCSA to increase the parameters of Part 395.1, *i.e.*, increase the 100 air-mile radius to 150 air-mile radius and increase the 12 hours to 14 hours are directly related to Part 395.1 and exclusions from Part 395.8’s ELD requirements. Again, if the FMCSA approves the request it will open the flood gates for more exceptions from other carriers desiring the same consideration. Once the FMCSA approves the request it will be difficult to refuse other applicants request for the same consideration. In my opinion the FMCSA should deny the request and look at Part 395.1 to see if there’s any safety analysis to support expanding Part 395.1’s exception from the ELD.”

FMCSA is obligated to review all exemption requests and to compare the standards set forth in the existing regulation to the requested exemption. If the applicant for the exemption provides alternatives that likely will