

and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1999-6480; FMCSA-2000-8398; FMCSA-2002-11714; FMCSA-2002-12844; FMCSA-2003-15268; FMCSA-2003-16564; FMCSA-2004-19477; FMCSA-2005-23238; FMCSA-2006-23773; FMCSA-2006-24015; FMCSA-2006-24783; FMCSA-2007-0071; FMCSA-2008-0021; FMCSA-2009-0011; FMCSA-2009-0291; FMCSA-2009-0321; FMCSA-2010-0050; FMCSA-2011-0057; FMCSA-2011-0365; FMCSA-2011-0379; FMCSA-2011-0380; FMCSA-2012-0039; FMCSA-2013-0027; FMCSA-2013-0030; FMCSA-2013-0166; FMCSA-2013-0169; FMCSA-2013-0174; FMCSA-2014-0003; FMCSA-2014-0004; FMCSA-2015-0070; FMCSA-2015-0072; FMCSA-2015-0345; FMCSA-2015-0350; FMCSA-2015-0351; FMCSA-2016-0024; FMCSA-2016-0025; FMCSA-2017-0026; FMCSA-2017-0028; FMCSA-2018-0007; FMCSA-2018-0008; FMCSA-2018-0010]

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 114 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 provided below.

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 Operations, (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-1999-6480; FMCSA-2000-8398; FMCSA-2002-11714; FMCSA-2002-12844; FMCSA-2003-15268; FMCSA-2003-16564; FMCSA-2004-19477; FMCSA-2005-23238; FMCSA-2006-23773; FMCSA-2006-24015; FMCSA-2006-24783; FMCSA-2007-0071; FMCSA-2008-0021; FMCSA-2009-0011; FMCSA-2009-0291; FMCSA-2009-0321; FMCSA-2010-0050; FMCSA-2011-0057; FMCSA-2011-0365; FMCSA-2011-0379; FMCSA-2011-0380; FMCSA-2012-0039; FMCSA-2013-0027; FMCSA-2013-0030; FMCSA-2013-0166; FMCSA-2013-0169; FMCSA-2013-0174; FMCSA-2014-0003; FMCSA-2014-0004; FMCSA-2015-0070; FMCSA-2015-0072; FMCSA-2015-0345; FMCSA-2015-0350; FMCSA-2015-0351; FMCSA-2016-0024; FMCSA-2016-0025; FMCSA-2017-0026; FMCSA-2017-0028; FMCSA-2018-0007; FMCSA-2018-0008; FMCSA-2018-0010, 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 Operations 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. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Docket Operations.

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, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.transportation.gov/privacy.

II. Background

On April 20, 2020, FMCSA published a notice announcing its decision to renew exemptions for 114 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 (85 FR 21919). The public comment period

ended on May 20, 2020, and no comments were received.

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 § 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in § 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 a 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 114 renewal exemption applications and comments received, FMCSA confirms its decision to exempt the following drivers from the vision requirement in § 391.41(b)(10).

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of May and are discussed below. As of May 7, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 35 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (65 FR 78256; 66 FR 16311; 68 FR 13360; 68 FR 37197; 68 FR 48989; 69 FR 64806; 70 FR 2705; 70 FR 25878; 70 FR 42615; 71 FR 5105; 71 FR 6826; 71 FR 19600; 71 FR 19602; 71 FR 32183; 71 FR 41310; 72 FR 1054; 72 FR 28093; 72 FR 40360; 73 FR 6242; 73 FR 11989; 73 FR 16950; 73 FR 60398; 74 FR 26464; 74 FR 34632; 74 FR 49069; 74 FR 65842; 75 FR 1835; 75 FR 9477; 75 FR 9480; 75 FR 9482; 75 FR 13653; 75 FR 22176; 76 FR 18824; 76 FR 29024; 76 FR 34135; 76 FR 62143; 76 FR 70212; 76 FR 78729; 77 FR 3552; 77 FR 10604; 77 FR 13689; 77 FR 13691; 77 FR 17107; 77 FR 17108; 78 FR 24798; 78 FR 34140; 78 FR 41975; 78 FR 46407; 78 FR 56986; 78 FR 62935; 78 FR 64274; 78 FR 76395; 78 FR 77778; 78 FR 77782; 79 FR 1908; 79 FR 2247; 79 FR 14331; 79 FR 14333; 79 FR 17641; 79 FR 17642; 79 FR 17643; 79 FR 18391; 79 FR 24298; 80 FR 26320

80 FR 33009; 80 FR 59225; 80 FR 63839; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 79414; 80 FR 80443; 81 FR 14190; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 39100; 81 FR 44680; 81 FR 52516; 81 FR 91239; 82 FR 18949; 82 FR 47312; 83 FR 2311; 83 FR 4537; 83 FR 6681; 83 FR 6919; 83 FR 15195; 83 FR 18648; 83 FR 24146; 83 FR 24151; 83 FR 24571):

David R. Alford (UT)
Bradley T. Alspach (IL)
Otto J. Ammer, Jr. (PA)
Nick D. Bacon (KY)
Terry L. Baker (KY)
Morris R. Beebe II (CO)
James A. Champion (WA)
Loren D. Chapman (MN)
Larry Chinn (WI)
Kevin J. Cobb (PA)
Charles W. Cox (AR)
Walter F. Crean III (CT)
John T. Edmondson (AL)
Kenneth J. Fisk (MI)
Matt A. Guilmain (NH)
Steven W. Halsey (MO)
Volga Kirkwood (MO)
Paul K. Leger (NH)
Spencer E. Leonard (OH)
Juan J. Luna (CA)
Phillip P. Mazza (WI)
Dale A. McCoy (ME)
Cole W. McLaughlin (SD)
John D. Morgan (PA)
Russell L. Moyers, Sr. (WV)
Dakota J. Papsun (PA)
Jose R. Ponce Roman (TX)
Martin L. Reyes (IL)
Steven C. Sheeder (IA)
Robert D. Smith (OH)
Eric Taniguchi (HI)
Hany A. Wagieh (NJ)
Eddie Walker (NC)
Alan T. Watterson (MA)
Kenneth E. Wheland (PA)

The drivers were included in docket numbers FMCSA–2000–8398; FMCSA–2003–15268; FMCSA–2004–19477; FMCSA–2005–23238; FMCSA–2006–23773; FMCSA–2006–24783; FMCSA–2007–0071; FMCSA–2009–0011; FMCSA–2009–0291; FMCSA–2009–0321; FMCSA–2011–0057; FMCSA–2011–0365; FMCSA–2013–0027; FMCSA–2013–0030; FMCSA–2013–0166; FMCSA–2013–0169; FMCSA–2013–0174; FMCSA–2015–0070; FMCSA–2015–0072; FMCSA–2015–0345; FMCSA–2015–0350; FMCSA–2015–0351; FMCSA–2017–0026; and FMCSA–2017–0028. Their exemptions are applicable as of May 7, 2020, and will expire on May 7, 2022.

As of May 10, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 15 individuals have satisfied the renewal conditions for obtaining an exemption from the vision

requirement in the FMCSRs for interstate CMV drivers (83 FR 15214; 83 FR 15216; 83 FR 28323; 83 FR 28328):

Ahmed Abukhatwa (MI)
Jerome DeFabo (PA)
Jason P. Dostal (IN)
John C. Duncan (FL)
Kenneth M. Emerson (ID)
Steven W. Kyman (OR)
Jeffrey T. Landry (NC)
Trent C. McCain (KS)
David M. McCarty (OR)
Ermanno M. Santucci (IL)
Michael B. Sauseda (IL)
Jesse P. Schuster (ND)
Joseph L. Smith (WV)
Justin L. Tidyman (AR)
Timothy L. Tucker (KY)

The drivers were included in docket numbers FMCSA–2018–0007; and FMCSA–2018–0008. Their exemptions are applicable as of May 10, 2020, and will expire on May 10, 2022.

As of May 11, 2020, 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 (77 FR 15184; 77 FR 27850; 79 FR 21996; 81 FR 91239; 83 FR 24146):

Robert L. Brauns (IA)
Clifford W. Doran, Jr. (NC)
Glenn C. Grimm (NJ)
Richard A. Pucker (WI)
John M. Riley (AL)
Jeffery A. Sheets (AR)

The drivers were included in docket numbers FMCSA–2011–0379; and FMCSA–2011–0380. Their exemptions are applicable as of May 11, 2020, and will expire on May 11, 2022.

As of May 12, 2020, 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 (67 FR 68719; 68 FR 2629; 68 FR 74699; 69 FR 10503; 69 FR 71100; 71 FR 6829; 72 FR 1053; 73 FR 11989; 73 FR 15567; 73 FR 27015; 73 FR 76440; 75 FR 19674; 77 FR 23797; 79 FR 23797; 81 FR 91239; 83 FR 24146):

Leo G. Becker (KS)
Stanley W. Davis (TX)
Ray L. Emert (PA)
Neil W. Jennings (MO)
Aaron S. Taylor (WI)

The drivers were included in docket numbers FMCSA–2022–12844; FMCSA–2003–1656; and FMCSA–2008–0021. Their exemptions are applicable as of May 12, 2020, and will expire on May 12, 2022.

As of May 13, 2020, 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 (81 FR 21647; 81 FR 21655; 81 FR 66718; 83 FR 24146):

James T. Curtis (NM)
Mark E. Dow (VT)
Danny R. Floyd (OH)
Bradley K. Linde (IA)
Colby T. Smith (UT)
Carl J. Warnecke (OH)

The drivers were included in docket numbers FMCSA–2016–0024; and FMCSA–2016–0025. Their exemptions are applicable as of May 13, 2020, and will expire on May 13, 2022.

As of May 16, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 18 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 14571; 79 FR 28588; 81 FR 91239; 83 FR 24146):

Luis A. Agudo (MN)
Dmitriy D. Bayda (WA)
Billy D. Devine (WA)
James G. Donze (MO)
Dennis A. Feather (SC)
Robert E. Johnston, Jr. (WA)
David W. Leach (IL)
Jason S. Logue (GA)
David F. Martin (NJ)
Martin L. Mayes (GA)
Daniel A. McNabb, Jr. (KS)
Robert L. Murray (IL)
Bradley W. Reed (AL)
Erik M. Rice (TX)
Tatum R. Schmidt (IA)
Harry J. Scholl (PA)
Jacob A. Shaffer (PA)
James S. Smith (AR)

The drivers were included in docket number FMCSA–2014–0003. Their exemptions are applicable as of May 16, 2020, and will expire on May 16, 2022.

As of May 21, 2020, 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 (75 FR 9480; 75 FR 14656; 75 FR 22176; 75 FR 28684; 77 FR 23800; 79 FR 22000; 81 FR 91239; 83 FR 24146):

Herbert C. Hirsch (MO); Douglas L. Norman (NC); and Wayne J. Savage (VA)

The drivers were included in docket numbers FMCSA–2009–0011; and FMCSA–201–0050. Their exemptions are applicable as of May 21, 2020, and will expire on May 21, 2022.

As of May 22, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 18392; 79 FR 29498; 81 FR 91239; 83 FR 24146):

James E. Baker (OH)
Aaron D. Barnett (IA)
James P. Griffin (WA)
Dennis P. Hart (OR)
James D. Kessler (SD)
Rodney J. McMorran (IA)
John L. Meese (MO)
Elmer F. Winters (NC)

The drivers were included in docket number FMCSA–2014–0004. Their exemptions are applicable as of May 22, 2020, and will expire on May 22, 2022.

As of May 25, 2020, 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 (64 FR 68195; 65 FR 20251; 67 FR 17102; 69 FR 17267; 71 FR 14566; 71 FR 16410; 71 FR 30227; 73 FR 27014; 75 FR 27622; 77 FR 20879; 77 FR 26816; 77 FR 31427; 81 FR 91239; 83 FR 24146):

Jose A. Lopez (CT)
Earl E. Martin (VA)
Joseph C. Powell (VA)
David L. Schachle (PA)
Mark Sobczyk (WI)

The drivers were included in docket numbers FMCSA–1999–6480; FMCSA–2006–24015; and FMCSA–2012–0039. Their exemptions are applicable as of May 25, 2020, and will expire on May 25, 2022.

As of May 30, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (67 FR 15662; 67 FR 37907; 69 FR 26206; 71 FR 26602; 73 FR 27017; 75 FR 27621; 77 FR 27849; 81 FR 91239; 83 FR 18644; 83 FR 24146; 83 FR 28342):

Zachary A. Abbotts (CT)
Joseph J. Amatulli (NY)
Joe W. Brewer (SC)
Jimmy L. Burgi (TX)
Gordon C. Canfield (MI)
Tammy J. Duval (NH)
James W. Ellis, 4th (NJ)
Brian K. LaJoie (MI)
James V. Latess (PA)
Kevin R. Stoner (PA)
John A. Thomas (NC)
Jerry L. Womble (AR)
Kevin Young (NJ)

The drivers were included in docket numbers FMCSA–2002–11714; and

FMCSA–2018–0010. Their exemptions are applicable as of May 30, 2020, and will expire on May 30, 2022.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 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(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0046]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt seven individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on May 15, 2020. The exemptions expire on May 15, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, fmcamedical@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 Operations, (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/docket?D=FMCSA-2020-0046> 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 Operations 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. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

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, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.transportation.gov/privacy.

II. Background

On April 7, 2020, FMCSA published a notice announcing receipt of applications from seven individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (85 FR 19568). The public comment period ended on May 7, 2020, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria¹ to

¹ These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy; § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at <https://www.transportation.gov/privacy>.