

duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on current medical information and literature, and the 2008 Evidence Report, "Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety." The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) No studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver's license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant's driving record found in the Commercial Driver's License Information System, for commercial driver's license (CDL) holders, and inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency. Each applicant's record demonstrated a safe driving history. Based on an individual assessment of each applicant that focused on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce, the Agency believes the drivers granted this exemption have demonstrated that they do not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the hearing standard in § 391.41(b)(11) is likely to achieve a level of safety equal to that existing without the exemption.

## V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must report any crashes or accidents as defined in § 390.5; (2) each driver must report all citations and convictions for disqualifying offenses under 49 CFR 383 and 49 CFR 391 to FMCSA; and (3) each driver is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting

the applicable CDL testing requirements.

## VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

## VII. Conclusion

Based upon its evaluation of the 29 exemption applications, FMCSA exempts the following drivers from the hearing standard, § 391.41(b)(11), subject to the requirements cited above.

Erin Barnes (OK)  
Alicia Batiste (TX)  
Jeremy Benoit (LA)  
Kurt Bernabei (IL)  
Jessica L. Driver (TX)  
Donald P. Dunten (IN)  
Steven Edwards (KS)  
Debbie Gaskill (GA)  
Steven J. Gandee (PA)  
Daniel S. Geathers (VA)  
Gregory A. Hale (AZ)  
Richard Harrison (MO)  
Charles Hine (MD)  
Robert B. Mahan (OK)  
Michael Penn (IN)  
Ernest Pratt (PA)  
James R. Quinn (TN)  
Matthew Ramirez (SC)  
Steven Robelia (WI)  
Timothy Roberts (TN)  
Willis O. Ryan (GA)  
Kerry Stewart (IN)  
Mark J. Tabangcora (CA)  
Yenter Tu (TX)  
Alan Vandermeulen (IA)  
Yvon Victor (NJ)  
Bret E. Wanner (PA)  
Rodney Warfield (MD)  
David Whisman (GA)

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).

Issued on: October 24, 2019.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2019-23754 Filed 10-30-19; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0017]

### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of applications for exemption; request for comments.

**SUMMARY:** FMCSA announces receipt of applications from 11 individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions will enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

**DATES:** Comments must be received on or before December 2, 2019.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-2019-0017 using any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov/docket?D=FMCSA-2019-0017>. Follow the online instructions for submitting comments.

- **Mail:** Docket Operations; 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., ET, Monday through Friday, except Federal Holidays.

- **Fax:** (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**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 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. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2019–0017), 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 that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov/docket?D=FMCSA-2019-0017>. Click on the “Comment Now!” button and type your comment into the text box on 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.

### B. 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-2019-0017> 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.

### C. 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

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-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 statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The 11 individuals listed in this notice have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

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 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 standard red, green, and amber.

On July 16, 1992, the Agency first published the criteria for the Vision Waiver Program, which listed the conditions and reporting standards that CMV drivers approved for participation would need to meet (57 FR 31458). The current Vision Exemption Program was established in 1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, 401 (June 9, 1998). Vision exemptions are considered under the procedures established in 49 CFR part 381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of § 391.41(b)(10).

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely in intrastate commerce with the vision deficiency for the past three years. Recent driving performance

is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at <https://www.regulations.gov/docket?D=FMCSA-1998-3637>.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrated the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively.<sup>1</sup> The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., “Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,” Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used three consecutive years of data, comparing the experiences of drivers in the first two years with their experiences in the final year.

<sup>1</sup> A thorough discussion of this issue may be found in a FHWA final rule published in the *Federal Register* on March 26, 1996 and available on the internet at <https://www.govinfo.gov/content/pkg/FR-1996-03-26/pdf/96-7226.pdf>.

### III. Qualifications of Applicants

#### *Willie V. Brannon, Jr.*

Mr. Brannon, 47, has had glaucoma in his right eye since 2011. The visual acuity in his right eye is hand motion, and in his left eye, 20/20. Following an examination in 2019, his ophthalmologist stated, "It is my medical opinion that he has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Brannon reported that he has driven tractor-trailer combinations for 14 years, accumulating 1.2 million miles. He holds a Class A CDL from Oklahoma. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Benjamin E. Brown*

Mr. Brown, 61, has a cataract in the right eye due to a traumatic incident in 2007. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2019, his optometrist stated, "It is my opinion that Ben does have sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Brown reported that he has driven straight trucks for 38 years, accumulating 1.5 million miles, and tractor-trailer combinations for 34 years, accumulating 1.9 million miles. He holds a Class AM CDL from Wyoming. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Charles L. Gaines*

Mr. Gaines, 48, has had partial optic nerve atrophy in his left eye since 2009. The visual acuity in his right eye is 20/15, and in his left eye, 20/50. Following an examination in 2019, his optometrist stated, "In my professional opinion, Mr. Gaines has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Gaines reported that he has driven straight trucks for 14 years, accumulating 43,000 miles, and tractor-trailer combinations for 20 years, accumulating 1.3 million miles. He holds a Class A CDL from North Carolina. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *James L. Houser*

Mr. Houser, 53, has complete loss of vision in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2019, his optometrist

stated, "In my medical opinion James L. Houser has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Houser reported that he has driven straight trucks for 20 years, accumulating 15,000 miles, and tractor-trailer combinations for ten years, accumulating 20,000 miles. He holds an operator's license from Nebraska. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Andrew J. Kite III*

Mr. Kite, 35, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2019, his optometrist stated, "In my medical opinion, Andrew has sufficient vision to perform driving tasks required to operate a commercial vehicle." Mr. Kite reported that he has driven straight trucks for ten years, accumulating 200,000 miles. He holds an operator's license from Georgia. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Sean P. McSperitt*

Mr. McSperitt, 51, has a corneal scar in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/15, and in his left eye, 20/150. Following an examination in 2019, his optometrist stated, "His vision is sufficient to operate commercial vehicle in all driving conditions." Mr. McSperitt reported that he has driven straight trucks for 20 years, accumulating 200,000 miles, and tractor-trailer combinations for 21 years, accumulating 4.09 million miles. He holds a Class A CDL from Oregon. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Matthew J. Morrison*

Mr. Morrison, 58, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/60. Following an examination in 2019, his ophthalmologist stated, "In my medical opinion, he has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Morrison reported that he has driven straight trucks for 40 years, accumulating 440,000 miles, and tractor-trailer combinations for eight years, accumulating 40,000 miles. He holds a Class A CDL from Maryland. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Frederick L. PeLong*

Mr. PeLong, 60, has a retinal detachment in his in his left eye due to a traumatic incident in 1994. The visual acuity in his right eye is 20/20 and in his left eye, hand motion. Following an examination in 2019, his optometrist stated, "It is my medical opinion that Fred PeLong has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. PeLong reported that he has driven straight trucks for eight years, accumulating 120,000 miles. He holds a Class A CDL from Iowa. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Martin S. Reese*

Mr. Reese, 59, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2019, his optometrist stated, "I certify that in my medical opinion, Martin has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Reese reported that he has driven straight trucks for one year, accumulating 60,000 miles, and tractor-trailer combinations for eight years, accumulating 480,000 miles. He holds a Class A CDL from California. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Devin M. Smith*

Mr. Smith, 24, has had optic nerve atrophy in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2019, his optometrist stated, "Mr. Smith has sufficient binocular vision to operate a commercial vehicle." Mr. Smith reported that he has driven straight trucks for three years, accumulating 24,000 miles, and tractor-trailer combinations for two years, accumulating 10,000 miles. He holds a Class A CDL from Ohio. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### *Anthony C. White*

Mr. White, 53, has a prosthetic in his right eye due to a traumatic incident in 2013. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2019, his optometrist stated, "It is in my opinion Mr. White has sufficient vision for driving commercial vehicle at this time." Mr. White reported that he has driven buses for 28 years, accumulating

487,620 miles. He holds a Class BM CDL from Alabama. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

#### IV. Request for Comments

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

Issued on: October 24, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019-23761 Filed 10-30-19; 8:45 am]

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### DEPARTMENT OF TRANSPORTATION

#### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0016]

#### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of denials.

**SUMMARY:** FMCSA announces its decision to deny applications from 91 individuals who requested an exemption from the vision standard in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a CMV in interstate commerce.

**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 materials in the docket, contact Docket Services, (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-2019-0016> 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.

##### 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

FMCSA received applications from 91 individuals who requested an exemption from the vision standard in the FMCSRs.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10).

#### III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-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. FMCSA grants exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision, as well as their driving records and experience driving with the vision deficiency.

#### IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10). Therefore, the 91 applicants in this notice have been denied exemptions from the physical qualification standards in § 391.41(b)(10).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption

request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. 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 three applicants did not have sufficient driving experience over the past three years under normal highway operating conditions:

Edwin C. Cassidy (CA); Chad M. Moser (IA); and Frank L. Novich, Jr. (MO)

The following 34 applicants had no experience operating a CMV:

Kevin F. Aguiar (MA)  
Carlos Aliaga Molina (IA)  
Beverly J. Allen (OR)  
Adam E. Atkinson (WY)  
Jacob A. Bigelow (WI)  
Douglas Bock (PA)  
Zachary M. Bolton (SC)  
Jamin R. Burson (OR)  
James A. Claiborne (MD)  
Christian C. Cutler (CA)  
Robert F. Fullwood (PA)  
Fidel V. Garcia (NJ)  
Nikolas K. Gehrke (MS)  
Stanley A. Green (TN)  
Lonnie C. Harpole (KY)  
Salman A. Hassan (MN)  
Kody P. Hofman (WI)  
Jon B. Jantzer (WA)  
Colt Jarrett (UT)  
Jonathan Leonard (NC)  
Alejandro Manzano Perez (CA)  
Daniel L. Proud (MD)  
Ronald L. Riding (KS)  
Martin Sandoval (IL)  
Cheryl A. Sersland (IL)  
Jason D. Smith (FL)  
Willie L. Smith (TX)  
Felix L. Spates (AR)  
Scott A. Stead (WV)  
Rasan Tahirovic (ND)  
Tommy J. Tinley (PA)  
Eh D. Wah (WA)  
Justin J. Wegner (WI)  
Aubrey L. Wilson (IN)

The following 21 applicants did not have three years of experience driving a CMV on public highways with their vision deficiencies:

James D. Bersey (FL)  
Joel Bonilla (KS)  
Kevin A. Bretz (NH)  
Kevin C. Brunk (WI)  
David R. Corujo (SD)  
Lewis M. Culbertson (MD)  
Mark A. Darnell (KY)  
Carlos E. Donahue (AR)  
Steven B. Hanson (MN)  
Eduardo R. Martinez (ID)  
Carl J. Medlock (NE)  
Gary A. Oleson (IL)  
Jacob D. Rhinehart (ID)  
Timothy P. Sadler (WI)