

control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Williams meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2016 and certified that she does not have diabetic retinopathy. She holds a Class B CDL from New Jersey.

*James R. Wolf*

Mr. Wolf, 71, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wolf understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wolf meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

### III. 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 date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).<sup>1</sup> The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established

by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

### IV. Submitting 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 number FMCSA-2016-0036 and click the search button. When the new screen appears, click on the blue "Comment Now!" button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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.

We will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

### V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to <http://www.regulations.gov> and in

the search box insert the docket number FMCSA-2016-0036 and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to this notice.

Issued on: April 18, 2016.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2016-0026]

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

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

**ACTION:** Notice of denials.

**SUMMARY:** FMCSA announces its denial of 137 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:

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 W64-113, Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., e.t., 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 137 individual exemption requests on their

<sup>1</sup> Section 4129(a) refers to the 2003 notice as a "final rule." However, the 2003 notice did not issue a "final rule" but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

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 4 applicants did not have sufficient driving experience over the past 3 years under normal highway duration conditions: Bradlee J. Durham, Nolan B. Dykema, Jerry M. Elsberry, Jr., James A. Pugh.

The following 23 applicants had no experience operating a CMV: Jeret D. Akers, Jose G. Alvarez, Cristian D. Berlinger, Larry G. Buchanan, Enedino A. Burgos, Michael E. Carter, Shernard Cook, Benjamin J. Curtis, Larry L. Davis, Jr., Jesse J. DeRico, Brent I. Gruszka, Andrei I. Gusakov, Damian Klyza, Miriam Laing, Patrick N. Lancaster, Daniel F. Large, Curtis G. Myrah, Omar Orozco, Moises A. Portillo, Samuel C. Rodriguez, Mark J. Smithson, William B. Stiles, Sr., Michael H. Taylor.

The following 22 applicants did not have 3 years of experience driving a CMV on public highways with their vision deficiencies: Osman M. Adanalic, Christopher L. Bolding, William H. Conley, Fernando Cuevas, Fred L. Curtis, Kurt D. Davis, Adriano De Vargas, Alex J. Demaree, Dennis C. Durstine, Howard G. Edgar, Hamid Ferdowsi, Eric S. Hill, Wayde J. Isbell, Lloyd H. Kiihn, Earl B. Moffatt, Bryan S. Moses, Ronald R. Regier, John A. Ruggiero, Timothy P. Ryan, Charles E. Schrecengost, Barney R. Stephens, Larry L. Stewart.

The following 16 applicants did not have 3 years of recent experience driving a CMV with the vision deficiency: John F. Armstrong, Gerald L. Barber, Daniel J. Council, Helmut Danecker, Anthony R. Dirjan, David N. Groves, Antonio A. Jackson, Herman R. Lee, Jr., Robert C. Mason, Wayne C. Merry, Sherard L. Orange, Daniel D. Sandoval, Edward V. Skowronski, Colby T. Smith, Kenneth L. Sutphin, Bryan H. Walker.

The following 12 applicants did not have sufficient driving experience during the past 3 years under normal highway operating conditions: Joshua L. Arnold, Kevin D. Duffy, Thomas M. Hallwig, Gabriel L. Harrison, Richard K. Hemmingsen, Gerardo Hernandez, Raul T. Leiva, Nathan M. Magaard, Mark

Paugh, Gregory M. Quilling, Chad M. Smith, Jeffrey L. Tanner.

The following 2 applicants had their commercial driver's licenses suspended during the previous 3-year period: Michael J. Achille, Tydrick D. Brooks.

The following 3 applicants contributed to an accident(s) while operating a CMV: Thomas R. Abbott, Timothy L. Bauman, Randy J. Miller.

The following applicant, Thomas D. Jacobsen, did not hold a license which allowed operation of vehicles over 26,000 lbs. for all or part of the previous 3-year period.

The following applicant, Toby L. Simmons, did not have an optometrist or ophthalmologist willing to make a statement that they are able to operate a commercial vehicle from a vision standpoint.

The following 9 applicants were denied for multiple reasons: Joseph D. Allen, Dennis M. Coley, Timothy W. Detweiler, Hector O. Flores, Jonathan M. Gilligan, David P. Mello, Edward R. Slater, Hawthorne B. Smith, Thomas D. Walsh.

The following applicant, Christopher D. Boyd, did not have stable vision for the entire 3-year period.

The following 13 applicants met the current federal vision standards. Exemptions are not required for applicants who meet the current regulations for vision: Hani Abiyounes, Kendall K. Chandler, Chad A. Curtis, Shorty Ellis, Karl D. Graves, Carl Groves, Alexander J. Hartelust, Lark M. Hartsock, James E. Jordon, Dorvin R. Neuberger, Peter J. Niedzwiecki, Raimor A. Paredes-Escano, Timothy T. Tyree.

The following 3 applicants drove interstate while restricted to intrastate: Adrienne J. Allen, James L. Jones, Troy A. Stephens.

The following 19 applicants will not be driving interstate, interstate commerce, or are not required to carry a DOT medical card: Gary W. Brockway, Fredrick Brown, Richard C. Brust, Joseph L. Cohea, Robert L. Damron, James E. Donaldson, Richard Duran, Freddie M. Henderson, Brian D. Hoover, Ron E. Hullett, Walter J. Jurczak, Keith Keschull, Charles J. Kruggel, Lois J. Mahar, Dustin M. Mills, Wilbur Robinson, Jr., Robert G. Schoenborn, Phillip J. Will, James L. Yingst.

Finally, the following 8 applicants perform transportation for the federal government, state, or any political subdivision of the state. Randy L. Coney, Rodriquez D. Evans, Jose A. Flores, Ira D. Manuelito, Steven C. Myers, Leif H. Stensrud, Joshua E. Weicht, Aaron E. Zelmer.

Issued on: April 18, 2016.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2015-0019]

#### Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated February 11, 2016, Norfolk Southern Railway (NS) requested that the Federal Railroad Administration (FRA) Railroad Safety Board (Board) approve an amendment to its existing waiver in order to expand the territory inspected pursuant to its nonstop continuous rail testing process. The projected starting date for implementing the expansion would be March 1, 2016, and the testing process would continue up to July 1, 2018.

The original waiver grants relief from 49 CFR 213.113(a) and allows NS to perform a continuous rail test process on certain designated tracks in lieu of the stop/start rail testing required by the regulation. NS is currently using nonstop continuous testing on the main tracks of the Dearborn Division, Chicago Line (Cleveland, OH, to Chicago, IL, Milepost (MP) CD 181.2-523.3)). Once this district has been completed, NS would expand the continuous testing process to the following locations: (1) Dearborn Division Cleveland Line (Ravenna to Drawbridge, MP RD 85.9-123.2), Chicago District (Chicago, IL, to Hobart, IN, MP B 518.7-486.5), Lake Erie District (Euclid to Bay Village, B 172.0-197.3); (2) Lake Division Chicago, Fostoria, and Cleveland Districts (Hobart, IN, to Bay Village, OH, MPB 486.5-197.3); (3) Pittsburgh Division, Fort Wayne Line (Pittsburgh, PA, to Crestline, OH, MP PC 0.0-188.7), Pittsburgh Line (Pittsburgh, PA, to CP Cannon MP, PT 353.5-119.1), Conemaugh Line (CP Conpit to CP Penn MP LC 0.0-77.9), Lake Erie District (Euclid to Ashtabula, B 172.0-129.2), Cleveland Line (Ravenna to Alliance, MP RD 85.9-67.2); and (4) Harrisburg Division, Pittsburgh Line (Harris to CP Cannon, MP PT 104.9-119.1), Harrisburg Line (Falls to Harrisburg, PA, MP HP 5.2-112.9), Port Road Branch (Port to Banks, MP EP 33.7-76.1 and Perryville to Port, MP PD 0.3-39.7).

The expanded inspection territories include: Central Division, Cincinnati,