

Issued on: February 7, 2018.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2018-0005]

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 136 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, 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.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or 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.

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

II. Background

FMCSA received applications from 136 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 the regulation 49 CFR 391.41(b)(10).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption 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 Agency's decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant's medical information provided by the applicant.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the criteria eligibility 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 the regulation 49 CFR 391.41(b)(10). Therefore, the 136 applicants in this notice have been denied exemptions from the physical qualification standards in 49 CFR 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 45 had no experience operating a CMV:

Rodney B. Allen (RI)
Cipriano P. Andrada (NJ)
Brandon F. Beck (IL)
Charles Berry (CA)
Tomas C. Bowen (TX)
Jakob T. Boyd (NY)
Kurt T. Buckler (MD)
Devin A. Cooper (MD)
Camden J. Crevier (SD)
Adam J. Crull (WA)
Robert L. Cruz (TX)
Gill Dailey (GA)
Jirrell D. Dawson (IL)
William A. Dickinson (WA)

Rick L. Evans (TX)
Cristofer C. Ford (GA)
Yonas N. Gevrestadic (WA)
Angelo X. Guerrero (IN)
Robert L. Irvin (NM)
Saul E. Juarez (AZ)
Eric S. Kelley (NM)
Steven P. Kemper (NY)
Mark A. Kuhn (ND)
Damian T. Leak (SC)
Billy C. Mosley (NC)
Lance C. Pepper (AL)
James L. Pugh (AL)
Chad Quandelacy (NM)
Michael L. Randazzo (NJ)
Bill D. Redington (MD)
Jabrey M. Scott (MO)
Rachael Shoriwa (MO)
Justice C. Small (IL)
Noah M. Taylor (IL)
Derrick B. Thompson (AR)
Antonio D. Turner (MS)
Curt D. Vernon (MO)
Kristina M. Walters (PA)
Briana R. Wells (MS)
Bryon C. Westrup (SD)
Daniel J. Wilcox (WA)
Tony Wilkerson (NC)
Billy J. Williams (SC)
John P. Young (VA)
John J. Zalusky (TX)

The following 18 applicants did not have 3 years of experience driving a CMV on public highways with their vision deficiencies:

Donald F. Arteaga, III (CA)
Melton L. Brackens (TX)
Brian Escobedo (IL)
Walter L. Hill (OK)
Chelsie L. Knight (MI)
Robert A. Lacavich (MO)
Anthony A. Medina (NM)
Russell R. Michel (TX)
Scott R. Mogged (IL)
Sidney N. Nyberg (MN)
Ronald J. Schmidt (MN)
Harry M. Shaw (PA)
Willis D. Smith (AR)
Randy L. Statler (MO)
Shane C. Stine (WA)
Tristen M. Trujillo (WY)
James A. Walker (AR)
Gregory L. Wishmeyer (IA)

The following 13 applicants did not have 3 years of recent experience driving a CMV with the vision deficiency:

Kevin D. Archibald (IL)
Leroy Bennett (GA)
Michael A. Cassella (NJ)
Steven Edwards (NM)
Issac L. Flowers (AL)
James J. Fourcher (UT)
Patricia J. Martin (OR)
Kim A. Pitts (IN)
Philip L. Segrave (NC)
Sherwood W. Swick (ID)
Delano H. Welch (NJ)

Richard W. Winters (CA)
Steven G. Wiskes (WI)

The following five applicants did not have sufficient driving experience during the past three years under normal highway operating conditions (gaps in driving record):

Hope A. Bennett (PA)
Jeffrey T. Molosz (IL)
Charles J. Pukis (IN)
Gustavo Quintero (NJ)
Pedro T. Tellez Alvarez (CA)

The following 16 applicants were denied for multiple reasons:

Rickey J. Adams (GA)
James W. Boyde (AL)
David S. Brown (PA)
Gary R. Cowie (MI)
Juliana M. Davis (CA)
Luis Duval (NJ)
Joel E. Fevold (IA)
Kevin E. Hickerson (CA)
Johnny M. Krupczak (OH)
Walter H. Matthews (VA)
Rory S. Milam (WV)
Gregory T. Rappe (IN)
Robert E. Schmidt (CO)
Oscar A. Sosa (CA)
Al D. Swiney (LA)
Daniel A. Wilson (IN)

The following three applicants have not had stable vision for the preceding three-year period: Ronald S. Berneking, (MN); Alexander Vaughn, (FL); Brandon L. Younkin, (WY).

The following 14 applicants met the current federal vision standards. Exemptions are not required for applicants who meet the current regulations for vision:

Teodula Alba (TX)
Dexter M. Byrd (AL)
Richard H. Harnden (NH)
Yahan C. Hernandez-Ramirez (NM)
Robert E. Hill (WA)
Tami J. Jackson (WA)
Charles W. Kelly (AR)
Lee A. Litton (IN)
Terence E. Michel (CO)
Peter A. Novak (ND)
Raimar A. Paredes-Escano (NJ)
Daniel J. Wallace (NM)
Alex J. Wittman (PA)
Timothy K. Wood (CA)

The following applicant drove interstate while restricted to intrastate driving: William Perez, (TX).

The following 16 applicants will not be driving interstate, interstate commerce, or are not required to carry a DOT medical card:

Marco A. Alvarez (CA)
Herbert G. Banham, III (MD)
Athanasios D. Brotsis (GA)
Amanda J. Darling (IL)
William E. Dennison, V (IN)
David E. Dickinson (CA)

Rick English (OH)
Floyd T. Hall (AK)
Jeffery H. Hopper (IN)
James M. Lewis (GA)
Christopher J. Neville (ME)
Michael R. O'Connor (NC)
Azusa Okajima (HI)
Michael L. Parsons (NY)
Gerardp Reyes Hernandez (CA)
Edwin J. Rojas (FL)

The following five applicants perform transportation for the Federal government, state, or any political subdivision of the state:

Fabio E. Cordero (GA)
Dennis S. Morgan (AZ)
Norberto Santiago (CT)
Gerald L. Wheeler (FL)
Michael Wideman (IL)

Issued on: February 7, 2018.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2017-0289]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

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

SUMMARY: FMCSA announces receipt of applications from 26 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) operating a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before March 16, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2017-0289 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online 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:* 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.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or 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 FDMS is available 24 hours each day ET, 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 online.

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

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 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. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-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 five-year period. FMCSA grants