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: March 22, 2019.

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2019–06345 Filed 4–1–19; 8:45 am]
B. Viewing Documents and Comments


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

II. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds that such a requirement 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 exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver’s medical certification.

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 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.

The 74 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than five years from its approval date and may be renewed upon application. FMCSA grants exemptions from the vision standard for a two-year period to align with the maximum duration of a driver’s medical certification. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 74 applicants has satisfied the renewal conditions for obtaining an exemption from the vision standard (see 65 FR 66286; 65 FR 78256; 66 FR 13825; 66 FR 16311; 66 FR 46016; 67 FR 57267; 68 FR 13360; 69 FR 62741; 69 FR 64806; 70 FR 2701; 70 FR 2705; 70 FR 12265; 70 FR 16887; 70 FR 17504; 70 FR 30997; 71 FR 62147; 72 FR 1056; 72 FR 11425; 72 FR 11426; 72 FR 12666; 72 FR 25831; 72 FR 27624; 73 FR 35194; 73 FR 46973; 73 FR 48273; 73 FR 54888; 73 FR 76440; 74 FR 70979; 74 FR 8302; 74 FR 8842; 74 FR 91988; 74 FR 15584; 74 FR 15586; 74 FR 54050;

As of May 13, 2019, and in accordance with 49 U.S.C. 31136 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 (76 FR 12667; 76 FR 25762; 78 FR 16762; 78 FR 26106; 71 FR 62147; 72 FR 27624; 74 FR 19270; 76 FR 9856; 76 FR 20076; 80 FR 20558; 82 FR 18949): Dolan A. Gonzalez, Jr. (FL); and Paul Harpin (AZ).

The drivers were included in docket numbers 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 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); and Dennis L. Spence (WA).
V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist’s or optometrist’s report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver’s qualification file or keep a copy of his/her driver’s qualification if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (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 before it was 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.

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.

VI. Conclusion

Based upon its evaluation of the 74 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: March 22, 2019.

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2019–06346 Filed 4–1–19; 8:45 am]

BILLING CODE 4910–EX–P