

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.

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

Jose G. Sayago (MI)
Bradley D. Shonkwiler (MN)
James L. Stacy (AR)
Richard H. Stout (OH)
Terrence D. Taylor (TN)
Roger D. Williams (MO)
Douglas E. Zelaya (CA)

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

Christinia J. Chapman (PA)
Wendell A. Dowdy (MO)
John D. Hulbert (AL)
William W. Johnson (WY)
Kennard D. Julien (WA)
Gary D. Larson (NE)
Christopher St. Croix (NY)

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

James M. Kivett (NC)
Kyla E. Lamb (OH)
Zachary W. Lundy (SD)
Phillip D. Parker (MN)

The following applicant two applicants were charged with moving violations in conjunction with CMV accidents:

Zane D. Elliott (WV); and Donald K. Etter (PA)

Donald K. Etter (PA) was included in a notice requesting public comment on the Agency's intent to grant an exemption (docket no. FMCSA-2019-0009). During the commenting period, the applicant was involved in a CMV crash, and failed to submit supporting documentation for review. The exemption was not granted at that time. Information relating to the crash was submitted, and application was denied for the reasons cited above.

The following two applicants contributed to accident(s) in which the applicant was operating a CMV, which is a disqualifying offense:

Eddie B. Strange (GA); and Richard C. Strassburg (NY)

The following ten applicants were denied for multiple reasons:

Joseph C. Carpenter (CA)
Tommy J. Garcia (NM)
Jerry M. Madden (TX)
Christopher J. Marden (NH)
Saul Quintero (IN)
Barry Seiwel (PA)
Rickey S. Sheppard (AL)
Gregory D. Van Ruler (MN)
Alexander L. Walls (OR)
Jorge Zambrano (NJ)

The following six applicants have not had stable vision for the preceding three-year period:

Dennis D. Coulter (OH)
Ronald D. Davis (TX)
Adrian Hernandez (CA)
James M. Simpson (MO)
Glen Sterling (LA)
Ricky D. Wright (MO)

The following two applicants drove interstate while restricted to intrastate driving:

David Guerra (TX); and Edward R. Schmocker (WI)

Issued on: October 24, 2019.

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0139]

Qualification of Drivers; Exemption Applications; Hearing

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 29 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on October 1, 2019. The exemptions expire on October 1, 2021.

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/docket?D=FMCSA-2018-0139> 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 Management Facility 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, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

II. Background

On August 28, 2019, FMCSA published a notice announcing receipt of applications from 29 individuals requesting an exemption from the hearing requirement in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (84 FR 45206). The public comment period ended on September 27, 2019, 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)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

III. Discussion of Comments

FMCSA received no comments in this proceeding.