Finalization of Report

The FHWA received comments on the draft report from the American Road & Transportation Builders Association (ARTBA). The ARTBA’s comments were supportive of the Surface Transportation Project Delivery Program and did not relate specifically to audit 2. The team has considered these comments in finalizing this audit report. This notice makes available the final report of DOT&PF’s second audit under the program.

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BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration


- Federal eRulemaking Portal: Go to http://www.regulations.gov. Follow the online instructions for submitting comments.
- 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, Office of Federal Motor Carrier Safety Regulations, 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. Submitting Comments

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. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

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.transportation.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 5 years 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. FMCSA grants 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 20/20 (Snellen) without corrective lenses, field of vision of at least 120° 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 32 individuals listed in this notice have requested renewal of their exemptions from the vision standard in §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 2-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(b), FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 32 applicants has satisfied the renewal conditions for obtaining an exemption from the vision standard (see 64 FR 68195; 65 FR 20251; 67 FR 17102; 67 FR 17267; 71 FR 16410; 71 FR 32183; 71 FR 41310; 73 FR 28186; 73 FR 36955; 75 FR 25917; 75 FR 27623; 75 FR 36779; 75 FR 39279; 75 FR 15184; 77 FR 27847; 77 FR 27850; 77 FR 29447; 77 FR 36338; 77 FR 38384; 77 FR 38386; 79 FR 10611; 79 FR 14571; 79 FR 22003; 79 FR 27043; 79 FR 27681; 79 FR 28588; 79 FR 28599; 79 FR 29445; 79 FR 32518; 79 FR 35220; 79 FR 38649; 81 FR 6573; 81 FR 26305; 81 FR 28136; 81 FR 28138; 81 FR 42054; 81 FR 66720; 81 FR 66722; 81 FR 66724; 81 FR 77173; 81 FR 90050; 81 FR 91239; 81 FR 96196; 83 FR 6919; 83 FR 24146; 83 FR 28320; 83 FR 28325; 83 FR 28332; 83 FR 34661; 83 FR 45749):

Daniel A. Bahn (FL)
Felix Barajas Ramirez (IL)
William C. Dempsey, Jr. (MA)
Miguel H. Espinoza (CA)
Troy L. Hargrave (MO)
Timothy B. Hummel (KY)
Donald L. Law (FL)
Randall L. Mathis (AL)
Cody N. McDonnell (OR)
Hassan Ourahou (KY)
Tommy L. Ray, Jr. (AL)
Elston L. Taylor (VA)
Steve A. Taylor (NC)
Ronald L. Walker (FL)
James C. Wechsler (OR)


As of August 6, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 68195; 65 FR 20251; 67 FR 17102; 67 FR 17267; 71 FR 16410; 71 FR 32183; 71 FR 41310; 73 FR 28186; 73 FR 36955; 75 FR 25917; 75 FR 27623; 75 FR 36779; 75 FR 39279; 75 FR 15184; 77 FR 27847; 77 FR 27850; 77 FR 29447; 77 FR 36338; 77 FR 38384; 77 FR 38386; 79 FR 10611; 79 FR 14571; 79 FR 22003; 79 FR 27043; 79 FR 27681; 79 FR 28588; 79 FR 28599; 79 FR 35218; 79 FR 35220; 79 FR 38649; 81 FR 6573; 81 FR 26305; 81 FR 28136; 81 FR 28138; 81 FR 42054; 81 FR 66720; 81 FR 66722; 81 FR 66724; 81 FR 77173; 81 FR 90050; 81 FR 91239; 81 FR 96196; 83 FR 6919; 83 FR 24146; 83 FR 28320; 83 FR 28325; 83 FR 28332; 83 FR 34661; 83 FR 45749):

Jay Turner (OH)

The driver was included in docket number FMCSA–2012–0059. The exemption is applicable as of August 6, 2020, and will expire on August 6, 2022.

As of August 8, 2020, and in accordance with 49 U.S.C. 31136(e) 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 (77 FR 36336; 77 FR 46795; 79 FR 38661; 81 FR 90050; 83 FR 34661):

Miguel H. Espinoza (CA)
Felix Barajas Ramirez (IL)
William C. Dempsey, Jr. (MA)
The drivers were included in docket number FMCSA–2010–0114. Their exemptions are applicable as of August 9, 2020, and will expire on August 9, 2022. As of August 12, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 45214; 81 FR 66726; 83 FR 34661):

Roger S. Orr (IA) and Keith R. Tyler (NC)

The drivers were included in docket number FMCSA–2018–0014. Their exemptions are applicable as of August 12, 2020, and will expire on August 12, 2022. As of August 17, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (83 FR 33292; 83 FR 54644):

Joseph P. Markley (PA) and Curtis C. Williams (MO)

The drivers were included in docket number FMCSA–2018–0014. Their exemptions are applicable as of August 17, 2020, and will expire on August 17, 2022.

As of August 18, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (71 FR 14567; 71 FR 30228; 73 FR 28187; 73 FR 35197; 73 FR 35199; 73 FR 35200; 73 FR 35201; 73 FR 40275; 75 FR 44051; 77 FR 46153; 81 FR 90050; 83 FR 34661):

Steven G. Harter (OR)
Robert W. McMillian (MA)
Ryan J. Reimann (WI)
Brandon J. See (IA)
Ricky L. Shepler (PA)
Nils S. Thornberg (OR)

The drivers were included in docket numbers FMCSA–2006–24015 and FMCSA–2008–0106. Their exemptions are applicable as of August 18, 2020, and will expire on August 18, 2022.

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 (ME), as defined by §390.5, who attests that the driver is otherwise physically qualified under §391.41; (2) each driver must provide a copy of the optometrist’s or optometrist’s report to the ME 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/her 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(b).

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 32 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in §391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,
Associate Administrator for Policy.

B. Privacy Act

In accordance with 5 U.S.C. 552a(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