
FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration’s (FHWA) former waiver study program clearly demonstrated the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively. The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Newman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., “Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,” Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

III. Qualifications of Applicants

Wesley D. Enkers

Mr. Enkers, 58, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/80. Following an examination in 2020, his optometrist stated, “In my medical opinion, he has sufficient vision to perform the driving tasks operate a commercial vehicle.” Mr. Enkers reported that he has driven straight trucks for 36 years, accumulating 162,000 miles. He holds an operator’s license from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Michael J. Jewell

Mr. Jewell, 35, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20 and in his left eye, 20/350. Following an examination in 2020, his optometrist stated, “It is my medical opinion that Michael has sufficient vision to perform the driving tasks necessary to operate a commercial vehicle while he is wearing glasses or contact lenses.” Mr. Jewell reported that he has driven straight trucks for 8 years, accumulating 50,000 miles. He holds an operator’s license from Colorado. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Anthony G. Offutt

Mr. Offutt, 63, has had optic neuropathy in his left eye since 2012. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2020, his optometrist stated, “Although Mr. Offutt’s visual acuity is reduced due to NAION, I believe Mr. Offutt has the ability to operate a commercial vehicle.” Mr. Offutt reported that he has driven tractor-trailer combinations for 25 years, accumulating 1.1 million miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Joseph Sottile

Mr. Sottile, 57, has chorioretinal scarring in his right eye due to trauma in childhood. The visual acuity in his right eye is hand motion, and in his left eye, 20/20. Following an examination in 2020, his ophthalmologist stated, “It is my opinion patient has good vision and is capable of operating a commercial vehicle.” Mr. Sottile reported that he has driven straight trucks for 30 years, accumulating 405,600 miles. He holds an operator’s license from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Michael Westervelt

Mr. Westervelt, 70, has a prosthetic right eye due to a traumatic incident in 2009. The visual acuity in his right eye is no light perception, and in his left eye, 20/15. Following an examination in 2020, his optometrist stated, “It is my medical option that Mike Westervelt has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Westervelt reported that he has driven tractor-trailer combinations for 50 years, accumulating 6,300,000 miles. He holds a Class A CDL from Montana. His driving record for the last 3 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.

Larry W. Minor,
Associate Administrator for Policy.
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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.

IV. Conclusion

Based upon its evaluation of the 18 renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the hearing requirement in § 391.41 (b)(11).

As of August 22, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 18 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSR for interstate CMV drivers (85 FR 54626):

- Mataio Brown (MS)
- Barry Carpenter (SD)
- Lyle Eash (VA)
- Clay Fitzpatrick (ID)
- Berenice Martinez (TX)
- Michael McCarthy (MN)
- Steven Moorehead (KY)
- Gary Nagel (MN)
- Christopher Poole (OH)
- Ricardo Porras-Payan (TX)
- James Quinn (TN)
- Willine Smith (GA)
- Brandon Soto (MO)
- Dennis Stotts (OH)
- Michael Tayman (ME)
- Carlos Torres (FL)
- Paul Wentworth (WA)
- Joseph Woodle (KY)

The drivers were included in docket number FMCSA–2012–0123, FMCSA–2015–0326, FMCSA–2015–0328, FMCSA–2015–0329, FMCSA–2017–0057, FMCSA–2017–0059, FMCSA–2017–0060, or FMCSA–2017–0061, in the keyword box, and click “Search.” Next, click the “Open Docket Folder” button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Dockets 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 Dockets Operations.

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.transportation.gov/privacy.

II. Background

On September 2, 2020, FMCSA published a notice announcing its decision to renew exemptions for 18 individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (85 FR 54626). The public comment period ended on October 2, 2020, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions 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 the following occurs: (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 prior to being 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).

Larry W. Minor, Associate Administrator for Policy.