**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**


**Qualification of Drivers; Exemption Applications; Vision**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 59 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

**DATES:** Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before July 28, 2021.


**Email:** Dockets Operations; 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:** (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, Chief, Medical Programs Division, (202) 366–4001, fmcsamedical@dot.gov, FMCSA, DOT, 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 Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting 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.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 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. 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 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 red, green, and amber.

have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at §391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past 2 years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver’s ability to continue to drive safely in interstate commerce.

Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31135(b), the following groups of drivers received renewed exemptions in the month of August and are discussed below. As of August 8, 2021, and in accordance with 49 U.S.C. 31136(e) and 31135(b), the following 51 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (63 FR 66226, 64 FR 16151, 65 FR 22596, 65 FR 16336, 66 FR 11703, 66 FR 16500, 68 FR 12030, 68 FR 13301, 68 FR 47057, 68 FR 52166). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at §391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past 2 years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver’s ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

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Matthew J. Hahn (PA)
Jay A. Harding (OR)
Johnny K. Hiatt (NC)
William G. Holland (AR)
Abdalla M. Jalili (IL)
Francisco C. Jimenez (TX)
Curtis L. Lamb (KS)
David C. Leoffler (CO)
Richard D. Livingston (WI)
Robert R. Martin (VA)
Carl M. McIntire (OH)
Edgar H. Meraz Gardea (NM)
Leonard Morris (NJ)
Timothy L. Morton (NC)
George M. Nelson (OH)
William L. Paschall (MD)
John P. Perez (FL)
Zeljko Popovac (VT)
Roberto A. Ramos (TX)
Donald W. Randall (OR)
Larry F. Reber (OH)
Larry D. Robinson (MO)
Cory W. Schell (WA)
Lynn R. Schraeder (IA)
Dana J. York (PA)
Leverne F. Schulte, Jr. (OH)
Richie J. Schwendy (IL)
Martin Serrano (IL)
Kyle C. Shover (NJ)
Sammie Q. Soles, Jr. (MI)
Charles T. Spears (VA)
Guillermo Rocha (CA)
Christopher G. Jarvela (MI)
Paul S. Yocum (IN)
Robert A. Wegner (MN)
Brylon L. Wright (DE)


As of August 10, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (70 FR 30999, 70 FR 46567, 72 FR 40350, 74 FR 34074, 76 FR 44653, 79 FR 4531, 80 FR 41547, 82 FR 32919, 84 FR 52166): Carl V. Murphy, Jr. (TX)

The driver was included in docket number FMCSA–2005–21254. The exemption is applicable as of August 10, 2021 and will expire on August 10, 2023.

As of August 15, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (68 FR 37197, 68 FR 48989, 70 FR 42615, 72 FR 40360, 74 FR 34632, 76 FR 49531, 79 FR 4531, 80 FR 44185, 82 FR 32919, 84 FR 33801, 84 FR 47045, 84 FR 52166):

Christopher G. Jarvela (MI)
Guillermo Rocha (CA)
Paul S. Yocum (IN)

The drivers were included in docket numbers FMCSA–2003–15268 and FMCSA–2019–0011. Their exemptions are applicable as of August 15, 2021 and will expire on August 15, 2023.

As of August 23, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (68 FR 34143, 78 FR 52602, 82 FR 32919, 84 FR 52166): Twila G. Cole (OR)

The driver was included in docket number FMCSA–2013–0029. The exemption is applicable as of August 23, 2021 and will expire on August 23, 2023.

As of August 25, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 34143, 78 FR 52602, 82 FR 32919, 84 FR 52166):

Patrick J. Conner (OK)

The driver was included in docket number FMCSA–2017–0019. The exemption is applicable as of August 29, 2021 and will expire on August 29, 2023.

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 ophthalmologist’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).