Mussie D. Mekonnen (MD)  
Teresa Miller (AR)  
Mike D. Newman (WA)  
Nichole Otterson (OH)  
Carlos A. Reyes (NJ)  
Derrick Robinson (AL)  
Sterling W. Saunders (IN)  
Chandler W. Smith (OK)  
Brian S. Sturtz (IA)  
Jasly Valdez (NJ)  
Gregory A. Viverette (IL)

The following eight applicants did not have 3 years of experience driving a CMV on public highways with their vision deficiencies:

- John D. Bequette (ID)  
- John D. Hicks (NM)  
- James M. Miller (SC)  
- Miguel A. Salvatierra (CO)  
- Howard B. Seal (WV)  
- Robert E. Smith (VA)  
- Ezra C. Napieralski (MN)  
- Howard B. Seal (WV)

The following applicant, David C. Benson (MO), did not have 3 years of recent experience driving a CMV on public highways with his vision deficiency.

The following applicant, Eugene F. Napieralski (MN), did not have sufficient driving experience over the past 3 years under normal highway operating conditions due to gaps in his driving record.

The following two applicants were denied for multiple reasons:

- Devin L. Boyett (AL); and Ezra C. Childress (OR)
- Daniel L. Childress (OR)  
- Brian S. Sturtz (IA)  
- Chandler W. Smith (OK)  
- Russell E. Burden (WY)

Larry W. Minor,  
Associate Administrator for Policy.

DEPARTMENT OF TRANSPORTATION  
Federal Motor Carrier Safety Administration  
[Docket No. FMCSA–2021–0011]

Qualification of Drivers; Exemption Applications; Vision  
AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt six individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: The exemptions were applicable on October 9, 2021. The exemptions expire on October 9, 2023.

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. Viewing Comments

To view comments go to www.regulations.gov. Insert the docket number, FMCSA–2021–0011, in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you can view the colors of traffic signals and devices in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received one comment in this proceeding. Lee Cole submitted a comment that was outside the scope of this notice.

IV. 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. 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 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. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the September 8, 2021, notice (86 FR 50424). The public comment period ended on October 8, 2021, and one comment was received. FMCSA has evaluated the eligibility of these applicants and determined that granting the 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)(10).

The physical qualification standard for drivers regarding vision found in § 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 at 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 physical qualification standard for drivers regarding vision found in § 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 at 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 following eight applicants did not have 3 years of experience driving a CMV on public highways with their vision deficiencies:

- John D. Bequette (ID)  
- John D. Hicks (NM)  
- James M. Miller (SC)  
- Miguel A. Salvatierra (CO)  
- Howard B. Seal (WV)  
- Robert E. Smith (VA)  
- Ezra C. Napieralski (MN)  
- Howard B. Seal (WV)

The following applicant, David C. Benson (MO), did not have 3 years of recent experience driving a CMV on public highways with his vision deficiency.

The following applicant, Eugene F. Napieralski (MN), did not have sufficient driving experience over the past 3 years under normal highway operating conditions due to gaps in his driving record.

The following two applicants were denied for multiple reasons:

- Devin L. Boyett (AL); and Ezra C. Childress (OR)
- Daniel L. Childress (OR)  
- Brian S. Sturtz (IA)  
- Chandler W. Smith (OK)  
- Russell E. Burden (WY)

Larry W. Minor,  
Associate Administrator for Policy.

DEPARTMENT OF TRANSPORTATION  
Federal Motor Carrier Safety Administration  
[Docket No. FMCSA–2021–0011]

Qualification of Drivers; Exemption Applications; Vision  
AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt six individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: The exemptions were applicable on October 9, 2021. The exemptions expire on October 9, 2023.

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. Viewing Comments

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III. Discussion of Comments

FMCSA received one comment in this proceeding. Lee Cole submitted a comment that was outside the scope of this notice.

IV. 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. 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 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. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the September 8, 2021, notice (86 FR 50424) and will not be repeated here. FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The six exemption applicants listed in this notice are in this category.
reasons, including amblyopia, complete loss of vision, refractive amblyopia, retinal detachment, and retinal hemorrhage. In most cases, their eye conditions did not develop recently. Three of the applicants were either born with their vision impairments or have had them since childhood. The three individuals that developed their vision conditions as adults have had them for a range of 4 to 12 years. Although each applicant has one eye that does not meet the vision requirement in § 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and, in a doctor’s opinion, has sufficient vision to perform all the tasks necessary to operate a CMV.

Doctors’ opinions are supported by the applicants’ possession of a valid license to operate a CMV. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV with their limited vision in interstate commerce, even though their vision disqualified them from driving in interstate commerce. FMCSA believes that the applicants’ intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging from 5 to 44 years. In the past 3 years, one driver was involved in a crash, and no drivers were convicted of moving violations in CMVs. All the applicants achieved a record of safety while driving with their vision impairments or have a history of safe driving. The applicants in the exemption document include the following:

- Larry L. Yow (NC)
- Dana R. Williams (IL)
- Joshua L. Kupsch (WI)
- Jason R. Flodin (WA)
- Justin W. Green (AR)
- Larry L. Yow (NC)

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will also be revoked 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.

DEPARTMENT OF TRANSPORTATION
Federal Motor Carrier Safety Administration

VI. Repealment
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.

VII. Conclusion
Based upon its evaluation of the six exemption applications, FMCSA exempts the following drivers from the vision requirement, § 391.41(b)(10), subject to the requirements cited above:

Jason R. Flodin (WA)
Justin W. Green (AR)
Joshua L. Kupsch (WI)
Josue M. Rodriguez-Espinoza (CA)
Dana R. Williams (IL)
Larry L. Yow (NC)

In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked 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.

[FR Doc. 2021–23602 Filed 10–28–21; 8:45 am]
BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION
Federal Motor Carrier Safety Administration

[FR Doc. 2019–24765 Filed 9–26–19; 8:45 am]
BILLING CODE 4910–EX–P

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 156 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions are for those 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