

Federal Aviation Regulations (14 CFR part 158).

On July 15, 1999, the FAA determined that the application to impose and use the revenue from a PFC submitted by State of Alaska, Department of Transportation and Public Facilities, was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than October 28, 1999.

The following is a brief overview of the application.

*Application number:* 99-01-C-00-FAI.

*Level of the proposed PFC:* \$3.00.

*Proposed charge effective date:* January 1, 2000.

*Proposed charge expiration date:* March 1, 2006.

*Total estimated PFC revenue:* \$5,460,000.

*Brief description of proposed projects:* Terminal Improvements; Acquire Snow Removal Equipment and Airport Rescue and Fire Fighting Vehicle; Construct Maintenance Facility.

*Class or classes of air carriers which the public agency has requested not be required to collect PFCs:* Passengers enplaned by any class of carriers or foreign air carrier if the passengers are enplaned on a flight to an airport serving a community which has a population of less than 10,000 and is not connected by a land highway to the land-based National Highway System (as defined by section 103(b)(5) of Title 23.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** at the FAA, Alaskan Region Airports Division, Anchorage, Alaska.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Fairbanks International Airport, 6450 Airport Way #1, Fairbanks, Alaska, 99709.

Issued in Anchorage, Alaska on July 16, 1999.

**Ronnie V. Simpson,**

*Manager, Airports Division, Alaskan Region.*  
[FR Doc. 99-18993 Filed 7-23-99; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[FHWA Docket No. FHWA-99-5748]

#### Qualification of Drivers; Exemption Applications; Vision

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of petitions and intent to grant applications for exemption; request for comments.

**SUMMARY:** This notice announces the FHWA's preliminary determination to grant the applications of 33 individuals for an exemption from the vision requirements in the Federal Motor Carrier Safety Regulations (FMCSRs). Granting the exemptions will enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the vision standard prescribed in 49 CFR 391.41(b)(10).

**DATES:** Comments must be received on or before August 25, 1999.

**ADDRESSES:** Your written, signed comments must refer to the docket number at the top of this document, and you must submit the comments to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments will be available for examination at the above address between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

**FOR FURTHER INFORMATION CONTACT:** For information about the vision exemptions in this notice, Ms. Sandra Zywockarte, Office of Motor Carrier Research and Standards, (202) 366-2987; for information about legal issues related to this notice, Ms. Judith Rutledge, Office of the Chief Counsel, (202) 366-0834, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

Internet users may access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the office of the **Federal Register's** home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

#### Background

Thirty-three individuals have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Under 49 U.S.C. 31315 and 31136(e), the FHWA may grant an exemption for a renewable 2-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." Accordingly, the FHWA has evaluated each of the 33 exemption requests on its merits, as required by 49 U.S.C. 31315 and 31136(e), and preliminarily determined that exempting these 33 applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to, or greater than, the level that would be achieved without the exemption.

#### Qualifications of Applicants

##### 1. Terry James Aldridge

Mr. Aldridge is a 35 year-old individual who has operated straight trucks and tractor-trailer combinations for more than 10 years. Because his left eye was removed at eight months of age, Mr. Aldridge is unable to meet the vision requirement in 49 CFR 391.41(b)(10).

A 1999 examination by the optometrist reveals Mr. Aldridge's best-corrected vision in his right eye is 20/20, and no pathological conditions were detected during this examination. In the optometrist's opinion, Mr. Aldridge has adequate vision to operate a CMV safely.

Mr. Aldridge holds a Mississippi commercial driver's license (CDL). He has driven more than one-million miles and his official driving record for the past 3 years contains one accident and no traffic violations in a CMV. Mr. Aldridge was not issued a citation.

##### 2. Jerry D. Bridges

Mr. Bridges, 41, has had amblyopia in his left eye since early childhood. A 1999 medical examination indicates that he has 20/20 corrected acuity in his right eye and 20/100 corrected acuity in his left eye. According to his

optometrist, the condition in his left eye is stable, visual fields are full and normal in each eye, and no significant ocular problems were discovered. In the optometrist's opinion, Mr. Bridges' "visual condition should present no difficulties in operating a commercial vehicle."

Mr. Bridges has been a professional truck driver for 20 years and has driven straight trucks and tractor-trailer combinations more than one-million miles. He holds a Texas CDL, and a review of his State driving record indicates no moving violations and no accidents in any vehicle in the last 3 years.

### 3. Michael L. Brown

Mr. Brown is 51 years old and has been employed as a commercial truck driver for 25 years. He has 20/400 vision in his left eye and therefore cannot meet the vision requirement of 49 CFR 391.41(b)(10).

A 1999 examination indicates Mr. Brown injured the left eye at age 4, and that he underwent corneal transplantation and lens implantation in 1988. Confrontational fields are within normal limits in both eyes. In his ophthalmologist's opinion, Mr. Brown's "visual efficiency is adequate to operate a commercial vehicle."

Mr. Brown holds a Kansas CDL. He has driven straight trucks more than 800,000 miles since 1973. His official driving record for the past 3 years reflects no traffic violations and no accidents in any vehicle.

### 4. Duane D. Burger

Mr. Burger, 60, is blind in his right eye due to an accident in 1965. A 1999 examination indicates the best corrected vision in his left eye is 20/20. His optometrist says, "It is my impression that Mr. Burger's ocular health and peripheral vision are normal" and "considering Mr. Burger's safety record, I feel there is no reason that he cannot safely continue operating a tractor-trailer."

Mr. Burger has a Kansas CDL. He has driven straight trucks and tractor-trailer combinations for Consolidated Industrial Services since 1985. According to the company safety director, "Mr. Burger has an excellent driving record—an estimated 100,000 accident free miles per year—and is a valued employee." His official State driving record for the past 3 years contains no traffic violations and no accidents in a CMV.

### 5. Charlie Frank Cook

Mr. Cook, 52, has been employed as a commercial truck driver for 30 years.

According to his ophthalmologist, Mr. Cook was treated from 1988 through 1992 for an inflammation in his left eye which damaged his central vision. As a result, he cannot meet the vision requirement of 49 CFR 391.41(b)(10).

A 1999 medical report indicates Mr. Cook's best corrected vision is 20/20 in the right eye and 20/80 in his left eye. In the ophthalmologist's opinion, Mr. Cook's "vision deficiency is stable" and "he has sufficient vision to perform the driving tasks required to operate a commercial vehicle."

He has driven straight trucks and tractor-trailer combinations for more than 3 million miles. Mr. Cook holds a Georgia CDL, and his driving record for the past 3 years reflects no traffic violations and no accidents.

### 6. Greg L. Dinsmore

Mr. Dinsmore is 39 years old and has been employed as a commercial truck driver for 22 years, driving straight trucks as well as tractor-trailer combinations. He has had limited visual perception in his left eye since the age of two as a result of an injury. Mr. Dinsmore has 20/20 vision in his right eye. In the optometrist's opinion, Mr. Dinsmore has sufficient vision to operate a commercial vehicle. Mr. Dinsmore holds an Oklahoma CDL. He has driven commercial vehicles more than 1 million miles since 1977. His official driving record for the past 3 years reflects no traffic violations and no accidents in any vehicle.

### 7. Donald D. Dunphy

Mr. Dunphy, 45, has amblyopia in his right eye. A 1999 examination by an ophthalmologist revealed the vision in his right eye to be 20/200 with or without correction and the vision in his left eye to be 20/20 with correction. The ophthalmologist stated Mr. Dunphy has "adapted very well to this level of vision" and has "sufficient vision to operate a commercial motor vehicle."

Mr. Dunphy holds a Virginia CDL. He has operated tractor-trailer combinations for 18 years and straight trucks for 5 years. His official State driving record reflects no traffic citations and no accidents in a CMV for the past 3 years.

### 8. Ralph E. Eckels

Mr. Eckels, 55, has amblyopia in his left eye. A 1999 examination indicates Mr. Eckels has 20/70 corrected vision in his left eye and 20/20 corrected vision in his right eye. According to the optometrist, Mr. Eckels' "eye condition is considered stable" and he "has acceptable vision for safe driving of commercial vehicles."

Mr. Eckels holds a Kentucky CDL. He has driven straight trucks during a 36-year career. For the last 18 years, he has operated a tandem-axle truck full time for the Union County Road Department. His official State driving record reveals no traffic citations or accidents in any vehicle in the last 3 years.

### 9. Jerald C. Eyre

Mr. Eyre, 60, has amblyopia in his right eye. Because of this eye condition, Mr. Eyre is unable to meet the Federal vision requirement. He has 20/20 corrected vision in his left eye according to a 1999 examination. In his optometrist's opinion, Mr. Eyre has "sufficient vision and visual skills to perform the driving tasks required to operate a commercial vehicle."

Jerald C. Eyre holds a Montana CDL. He has been a professional truck driver for 40 years and has operated straight trucks, tractor-trailer combinations and buses. His official State driving record contains no moving violations and no accidents in any vehicle in the last 3 years.

### 10. Russell W. Foster

Mr. Foster, 61, has worn a prosthetic device in his right eye since 1976. His vision in the left eye is 20/20 with corrective lens, according to a 1999 examination. His ophthalmologist states "Mr. Foster is qualified for commercial driving activities."

Russell Foster holds an Ohio CDL with a tank vehicle endorsement. He has driven straight trucks and tractor-trailer combination vehicles during a 45-year career. For the last 10 years, he has operated mainly tractor-trailers for a total of approximately 45,000 to 60,000 miles per year. His official State driving record reveals no traffic citations or accidents in any vehicle in the last 3 years.

### 11. Arnold D. Gosser

Mr. Gosser, 58, has been employed as a commercial driver for 25 years. His right eye was injured in 1949, resulting in a traumatic cataract which was removed in 1993. The vision in his right eye is 20/200 with glasses. Therefore, Mr. Gosser is unable to meet the vision requirement in 49 CFR 391.41(b)(10).

A 1999 examination revealed Mr. Gosser has 20/20 vision in his left eye with glasses. According to the optometrist, he has more than sufficient vision to perform the tasks required to operate a CMV.

Arnold Gosser holds a Kansas CDL with a tank vehicle endorsement. He has driven tractor-trailer combination vehicles approximately 2.5 million miles and straight trucks approximately

150,000 miles. There are no moving violations or accidents in any vehicle in the past 3 years on his official driving record. His employer states that "in my 17 years spent in the trucking industry, I have never met a safer driver than Arnold Gosser."

#### 12. Eddie Gowens

Mr. Gowens, 48, has amblyopia in his left eye. Because of this condition, he is unable to meet the Federal vision standard in 49 CFR 391.41(b)(10). An optometrist examined Mr. Gowens in 1999, and found his best corrected vision is 20/100 in the left eye and 20/20 in the right eye. According to the optometrist, "Mr. Gowens' condition will not affect his driving because he has always driven under these conditions."

Eddie Gowens has operated tractor-trailer combinations for Spring Industries, Inc. for 16 years. His employer states Mr. Gowens has done a "wonderful job driving for us and training new drivers." He holds an Alabama CDL, and his official driving record for the past 3 years reflects no moving violations and no accidents in a CMV.

#### 13. Gary R. Gutschow

Mr. Gutschow, 40, has amblyopia in his left eye. He has 20/20 vision in his right eye without correction. An optometrist examined him in 1999 and stated Mr. Gutschow has sufficient vision to perform the driving tasks required to operate a CMV.

Gary Gutschow has 18 years of experience operating tractor-trailer combinations and 3 years' experience operating straight trucks. He holds a Wisconsin CDL with tank vehicle and hazardous materials endorsements and has driven more than 1.6 million miles in commercial vehicles. His official State driving record contains two accidents in a CMV; in each case, Mr. Gutschow was not issued a citation. In one incident, Mr. Gutschow's vehicle was struck from behind when he had to abruptly stop to avoid colliding with a vehicle whose operator had disregarded a red light. In the other incident, the driver of the other vehicle made a lane change into the side of Mr. Gutschow's vehicle. No other violations in any vehicle are reflected in his official driving record for the past 3 years. BSV Transportation, his employer since 1993, states Mr. Gutschow is "an excellent and courteous driver with a good driving record."

#### 14. Richard J. Hanna

Mr. Hanna is a 58-year-old individual who has amblyopia in his left eye. He

has 20/20 minus 2 corrected vision in his right eye, according to a 1999 examination. The optometrist who conducted the examination indicates Mr. Hanna has sufficient vision to drive a CMV.

Mr. Hanna has a 30-year career operating tractor-trailer combinations more than 2 million miles. He holds an Oregon CDL and has had no traffic violations or accidents in any vehicle in the past 3 years.

#### 15. Jack L. Henson

Mr. Henson, 45, has been blind in his left eye since 1988 due to an accident involving some tools. A 1999 examination by an optometrist revealed the vision in his right eye to be 20/20 without correction. The optometrist stated Mr. Henson has sufficient vision to perform the driving task required to operate a CMV.

Mr. Henson holds a Texas CDL with a tank vehicle endorsement. He has operated straight trucks and tractor-trailer combinations during a professional driving career spanning more than 20 years. His official State driving record reflects no traffic citations and no accidents in any vehicle for the past 3 years.

#### 16. Richard K. Jensrud

Mr. Jensrud, 30, has operated CMVs for 6 years. He has 20/100 vision in the right eye and therefore cannot meet the vision requirement in 49 CFR 391.41(b)(10).

A 1999 examination indicates Mr. Jensrud suffered a traumatic macular hole in the right eye for which he underwent vitrectomy surgery in 1994. His ophthalmologist states "the vision in his left eye had continued to be excellent at 20/20" and "he [Mr. Jensrud] should have no problems driving a CMV."

Richard Jensrud has a Minnesota CDL with tank vehicle and hazardous materials endorsements. He has driven tractor-trailer combination vehicles for approximately 1.8 million miles. His official State driving record for the past 3 years reveals one accident and no traffic violations in a CMV. Mr. Jensrud's CMV struck the right rear of the other vehicle as both vehicles were leaving a gas station. Although Mr. Jensrud was initially cited for inattentive driving, the case was dismissed. The accident resulted in no injuries.

#### 17. David R. Jesmain

Mr. Jesmain, 54, has amblyopia in his left eye. The vision in his right eye was 20/20 with glasses in a 1999 examination. His optometrist says Mr.

Jesmain has sufficient vision to perform the tasks necessary to operate a CMV.

David Jesmain holds a New York CDL. He has 17 years' experience driving straight trucks. His official State driving record contains no traffic violations and no accidents in any vehicle in the past 3 years.

#### 18. Albert E. Malley

Mr. Malley, 57, has glaucoma and an amblyopic left eye, conditions which have been present since birth. Because of these conditions, Mr. Malley is unable to meet the vision requirement in 49 CFR 391.41(b)(10).

A 1999 examination at the Mayo Clinic indicates Mr. Malley had cataract and glaucoma surgery on June 30, 1998. According to the ophthalmologist, the vision in his left eye remains poor (20/400) due to amblyopia but "it is now stable." The vision in his right eye is 20/20 with glasses. The ophthalmologist says Mr. Malley is able to perform the tasks required to operate a CMV.

Mr. Malley has a Minnesota CDL with a tank vehicle/hazardous materials endorsement. He has been a professional truck driver for 35 years and has driven tractor-trailer combination vehicles approximately 4 million miles and straight trucks approximately 30,000 miles. There are no traffic violations or accidents in any vehicle in the past 3 years on his official driving record.

#### 19. Clifford E. Masink

Mr. Masink, 41, has had a macular defect in his left eye for 32 years. Because of this condition, he is unable to meet the Federal vision standard in 49 CFR 391.41(b)(10). An optometrist examined Mr. Masink in 1999, and found his best corrected vision is 20/200 in the left eye and 20/20 in the right eye. The optometrist states Mr. Masink "has sufficient vision to operate a commercial vehicle."

Clifford Masink has operated straight trucks for 20 years and tractor-trailer combinations for 15 years. He holds an Ohio CDL, and his official driving record for the past 3 years reflects no moving violations and no accidents in a CMV.

#### 20. Tyrone O. Mayson

Mr. Mayson, 57, has been employed as a commercial truck driver for Aiken County Roads and Bridges since 1993. He has driven straight trucks and tractor-trailer combinations more than 3 million miles. Mr. Mayson has been blind in his left eye since he was a child.

A 1999 medical report indicates Mr. Mayson has 20/30 corrected vision in

the right eye. His ophthalmologist states Mr. Mayson has "functioned as a commercial driver for many years being monocular" and recommended that "Mr. Mayson be granted a renewal of his commercial driver's license."

Tyrone Mayson holds a South Carolina CDL. His driving record for the past 3 years reflects no traffic violations and no accidents in a CMV.

#### 21. *Rodney M. Mimbs*

Mr. Mimbs is a 33-year-old individual who has amblyopia in his left eye and cannot meet the Federal vision requirement. Mr. Mimbs' best corrected vision in his left eye is 20/200 and 20/25 in his right eye, according to a 1999 examination. According to the optometrist who conducted the examination, Mr. Mimbs' "eyes are healthy and stable" and "he has sufficient vision to perform the driving tasks required to operate a commercial vehicle."

Mr. Mimbs holds a Georgia CDL with tank vehicle, hazardous materials and passenger transportation endorsements. He has 5 years' experience operating straight trucks and 4 years' experience operating tractor-trailer combinations. He has driven these CMVs almost 700,000 miles. His official State driving record contains no traffic violations or accidents in any vehicle for the past 3 years. His employer reports Mr. Mimbs is a "safe, consistent and dependable driver."

#### 22. *Charles E. O'Dell*

Mr. O'Dell, 62, has amblyopia in his right eye. Vision in the right eye is 20/200 and 20/20 in the left eye, according to a 1999 examination. His optometrist states Mr. O'Dell "has been driving interstate vehicles since at least 1980," and he does not "see any reason he [Mr. O'Dell] can not safely continue to do so."

Charles O'Dell has a Kansas CDL. He has 21 years' experience operating straight trucks and tractor-trailer combinations. Since 1980, Mr. O'Dell has driven a CMV over 2 million miles for Keim TS, Inc., his employer. His official State driving record reveals no traffic citations or accidents in any vehicle in the past 3 years.

#### 23. *Richard W. O'Neill*

Mr. O'Neill is a 50-year-old individual who has operated CMVs for 25 years. He has been blind in the right eye since age 12 due to an accident. Because of this condition, Mr. O'Neill is unable to meet the vision requirement in 49 CFR 391.41(b)(10).

A 1999 examination reveals Mr. O'Neill has 20/20 corrected vision in his

left eye. The ophthalmologist who conducted the examination states Mr. O'Neill has driven "monocularly for many years" and "he is totally qualified to drive a motor vehicle, commercially."

Mr. O'Neill holds a Washington CDL. He has driven straight trucks and tractor-trailer combinations approximately 2 million miles. His official driving record for the past 3 years contains no moving violations and no accidents.

#### 24. *Jerry L. Reese*

Mr. Reese, 41, has amblyopia in his left eye. His vision in the right eye is 20/20 with correction, according to a 1999 examination. His optometrist states "Mr. Reese is an experienced truck driver with a safe driving record" and "should be allowed to operate a commercial vehicle."

Jerry Reese holds a Mississippi CDL. He is a self-employed owner-operator who has driven straight trucks and tractor-trailer combination vehicles during a 25 year career. His official State driving record reveals no traffic citations or accidents in a CMV in the last 3 years.

#### 25. *Frances C. Ruble*

Ms. Ruble, 53, has amblyopia in her right eye. A 1999 medical examination indicates she has 20/15 corrected vision in her left eye. In the optometrist's opinion, there is "no ocular reason that Ms. Ruble cannot operate a commercial vehicle."

Frances Ruble holds an Iowa CDL. She has been operating a tractor-trailer combination for the same employer since 1995. Her official State driving record reflects no moving violations and no accidents in any vehicle in the last 3 years.

#### 26. *Johnny L. Stiff*

Mr. Stiff is 56 years old and has been employed as a commercial truck driver for 26 years. According to a 1999 examination, Mr. Stiff's central visual acuity in his left eye is limited to finger counting due to an injury in 1986. The peripheral vision in his left eye is intact. The vision in his right eye is 20/15 with glasses. According to his optometrist, Mr. Stiff's vision is "stable in both eyes" and he is "capable of performing the task of driving a commercial vehicle."

Johnny Stiff holds an Illinois CDL with a tank vehicle/hazardous materials endorsement. He has driven CMVs more than 1 million miles since 1973 and his official driving record for the past 3 years reflects no traffic violations and no accidents in a CMV.

#### 27. *Robert J. Townsley*

Mr. Townsley, 50, has 20/200 vision in his left eye due to a retinal detachment in 1963 and therefore cannot meet the vision requirement in 49 CFR 391.41(b)(10).

He has 20/20 vision in his right eye, according to a 1999 examination.

The optometrist who conducted the examination asserts Mr. Townsley has sufficient vision to drive a CMV.

Mr. Townsley has a Virginia CDL with a tank vehicle endorsement. He has driven straight trucks for 5 years and tractor-trailer combinations for 10 years. His official State driving record for the past 3 years contains no traffic violations and no accidents in any vehicle.

#### 28. *Thomas R. Trumpeter*

Mr. Trumpeter, 48, is blind in his left eye due to an injury in 1961. According to a 1999 examination, the vision in his right eye was 20/15 with glasses. His optometrist says Mr. Trumpeter has sufficient vision to perform the tasks necessary to operate a CMV.

Mr. Trumpeter holds a Washington CDL with tank vehicle and hazardous materials endorsements. He has 20 years' experience driving tractor-trailer combinations and straight trucks. His official State driving record contains no traffic violations and no accidents in any vehicle in the past 3 years. Mr. Trumpeter has driven intrastate for United Motor Freight since 1992. The company's president says he has "performed all assigned tasks with the utmost safety" and "never had an accident or damaged any expensive machinery."

#### 29. *Steven M. Veloz*

Mr. Veloz, 43, has amblyopia in his left eye. A 1999 medical examination indicates he has 20/20 vision in his right eye. In the optometrist's opinion, Mr. Veloz has sufficient vision to operate a CMV.

Steve Veloz holds a California CDL with a tank vehicle endorsement. He has driven tractor-trailer combinations more than 1.4 million miles since 1981, and his official driving record for the past 3 years contains no accidents and one conviction for violating weight limits for a commercial vehicle.

#### 30. *Thomas E. Walsh*

Mr. Walsh is a 43 year old individual who has operated CMVs for 18 years. He has amblyopia in his right eye and is unable to meet the vision requirement in 49 CFR 391.41(b)(10).

A 1999 examination by the optometrist reveals Mr. Walsh has 20/20 vision in his left eye with correction. In

the optometrist's opinion, Mr. Walsh has sufficient vision to perform the tasks necessary to operate a CMV.

Thomas Walsh holds a California CDL. He has driven straight trucks and tractor-trailer combinations for a total of 900,000 miles and his official driving record for the past 3 years reveals one accident and no traffic violations in a CMV. The driver of the other vehicle involved in the accident failed to yield to oncoming traffic when pulling onto the roadway from private property. Mr. Walsh was not issued a citation for the accident.

### 31. James T. White

Mr. White, 58, has been driving a tractor-trailer combination approximately 55,000 miles per year for the past 25 years. Mr. White holds a Georgia CDL. Blind since birth in the left eye, Mr. White has vision correctable to 20/15 in the right eye. According to his optometrist, Mr. White has sufficient vision to be a safe commercial driver. "His vision is good and his driving record is clean due to the fact that he has learned to live with his lack of vision in the left eye over the years." His official driving record contains no traffic violations and no accidents in the past 3 years.

### 32. Harry Ray Littlejohn

Mr. Littlejohn, 50, has amblyopia in his right eye. The vision in his left eye is 20/20 with correction according to a 1998 examination. His ophthalmologist says he has sufficient vision to operate a commercial vehicle.

Harry Littlejohn holds a Louisiana CDL. He is self-employed and has driven tractor-trailer combinations over 1.3 million miles. His official driving record contains no traffic violations and no accidents in a CMV in the past 3 years.

### 33. Mark K. Cheely

Mr. Cheely, 35, has mild corneal dystrophy and amblyopia in his left eye. A 1999 medical report indicates he has 20/20 vision in his right eye without correction. In his optometrist's opinion, Mr. Cheely's condition is stable and he is capable of operating a CMV.

Mark Cheely has 9 years' experience operating tractor-trailer combinations and 2 years' experience operating straight trucks, accumulating almost 400,000 miles. His employer since 1991, Pecht Distributors, Inc., says Mr. Cheely "maintains an excellent safety record" and is a "superior performer." He has a Virginia CDL and his official driving record reveals no traffic citations in any vehicle in the past 3 years. In 1997, his CMV was involved in an accident.

There was property damage but no injuries, and he did not receive a citation.

### Basis for Preliminary Determination to Grant Exemptions

Independent studies support the principle that past driving performance is a reliable indicator of an individual's future safety record. The studies are filed in FHWA Docket No. FHWA-97-2625 and discussed at 63 FR 1524, 1525 (January 9, 1998). We believe we can properly apply the principle to monocular drivers because data from the vision waiver program clearly demonstrate the driving performance of monocular drivers in the program is better than that of all CMV drivers collectively. (See 61 FR 13338, March 26, 1996.) That monocular drivers in the waiver program demonstrated their ability to drive safely supports a conclusion that other monocular drivers, with qualifications similar to those required by the waiver program, can also adapt to their vision deficiency and operate safely.

The 33 applicants represented here have qualifications similar to those possessed by drivers in the waiver program. Their experience and safe driving record operating CMVs demonstrate that they have adapted their driving skills to accommodate their vision deficiency. Since past driving records are reliable precursors of the future, there is no reason to expect these individuals to drive less safely after receiving their exemptions. Indeed, there is every reason to expect at least the same level of safety, if not a greater level, because the applicants can have their exemptions revoked if they compile an unsafe driving record.

For these reasons, the FHWA believes exempting the individuals from 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to, or greater than, the level that would be achieved without the exemption as long as vision in their better eye continues to meet the standard specified in § 391.41(b)(10). As a condition of the exemption, therefore, the FHWA proposes to impose requirements on the individuals similar to the grandfathering provisions in 49 CFR 391.64(b) applied to drivers who participated in the agency's former vision waiver program.

These requirements are: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that vision in the better eye meets the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual

provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to his or her employer for retention in its driver qualification file or keep a copy in his or her driver qualification file if he or she becomes self-employed. The driver must also have a copy of the certification when driving so it may be presented to a duly authorized Federal, State, or local enforcement official.

In accordance with 49 U.S.C. 31315 and 31136(e), the proposed exemption for each person will be valid for 2 years unless revoked earlier by the FHWA. The exemption will be revoked 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. 31315 and 31136. If the exemption is effective at the end of the 2-year period, the person may apply to the FHWA for a renewal under procedures in effect at that time.

### Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), the FHWA is requesting public comment from all interested persons on the exemption petitions and the matters discussed in this notice. All comments received before the close of business on the closing date indicated above will be considered and will be available for examination in the docket room at the above address. Comments received after the closing date will be filed in the docket and will be considered to the extent practicable, but the FHWA may issue exemptions from the vision requirement to the 33 applicants and publish in the **Federal Register** a notice of final determination at any time after the close of the comment period. In addition to late comments, the FHWA will also continue to file in the docket relevant information which becomes available after the closing date. Interested persons should continue to examine the docket for new material.

**Authority:** 49 U.S.C. 31136 and 31315; 23 U.S.C. 315; 49 CFR 1.48.

Issued on: July 16, 1999.

**Kenneth R. Wykle,**

*Federal Highway Administrator.*

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