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BEFORE THE

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FEDERAL HIGHWAY ADMINISTRATION

DOCKET SECTION

UNITED STATES DEPARTMENT OF TRANSPORTATION

**COMMENTS OF THE  
OWNER-OPERATOR INDEPENDENT DRIVERS ASSOCIATION, INC.**

**IN RESPONSE TO  
NOTICE OF PETITIONS AND INTENT  
TO GRANT APPLICATIONS FOR EXEMPTION;  
REQUEST FOR COMMENTS**

[FHWA Docket No. FHWA-98-4334] - 5

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

**49 CFR Part 391**

**JAMES J. JOHNSTON  
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Drivers Association, Inc.**

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January 29, 1999

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**I. INTRODUCTION**

**A. Procedural Statement**

These comments are submitted by the Owner-Operator Independent Drivers Association, Inc. (“OOIDA” or “Association”) in response to the notice of petitions and intent to grant applications for exemption; request for comments published by the Federal Highway Administration (“FHWA” or “Agency”), Docket No. FHWA 98-4334, [63 FR 230] (December 1, 1998).

The notice announces the FHWA's preliminary determination to grant the applications of 24 individuals for an exemption from the vision requirements in the Federal Motor Carrier Safety Regulations ("FMCSR"). 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).

**B. Interest of the Owner Operator Independent Drivers Association, Inc.**

The Owner Operator Independent Drivers Association, Inc., is a not-for-profit corporation incorporated in 1973 under the laws of the State of Missouri, with its principal place of business in Grain Valley, Missouri. The more than 40,000 members of OOIDA are small business men and women in all 50 states and Canada who collectively own and operate more than 60,000

individual heavy-duty trucks and small truck fleets. Owner-operators represent nearly half of the total number of Class 7 and 8 trucks operated in the United States. The mailing address of the Association is:

Owner Operator Independent Drivers Association, Inc.  
311 R.D. Mize Rd.  
Grain Valley, Missouri 64029  
[www.ooida.com](http://www.ooida.com)

OOIDA is the international trade association representing the interests of independent owner-operators and professional drivers on all issues that affect small business truckers.

The Association actively advocates the views of small business truckers through its interaction with state and federal government agencies, legislatures, the courts, other trade associations, and private businesses to advance an equitable environment for commercial drivers.

OOIDA is active in all aspects of highway safety and transportation policy, and represents the positions of small business truckers in numerous committees and various forums on the local, state, national, and international levels. The granting of exemptions from the vision standard has the potential for directly affecting owner-operators and professional drivers, including OOIDA members.

## **II. COMMENTS OF THE ASSOCIATION**

OOIDA supports the Agency's intent to grant the applications of those 24 named individuals for an exemption from the vision standard prescribed in 49 CFR 39.1.4.1(b)(10). The Association has long held that blanket prohibitions against commercial drivers with certain physical defects are unfounded and, more specifically, has consistently commented in favor of allowing for individual determinations for commercial drivers with vision impairments. By

granting exemptions to qualified monocular commercial drivers, the Agency is providing greater opportunity for those individuals to continue being economically self-sufficient in their chosen profession.

The basis for FHWA's determination to grant the exemptions is sound. The Association agrees that past driving performance is a reliable indicator of an individual's future safety record. Upon reviewing the background of the individuals as published in the notice, it appears clear that the qualifications of the 24 applicants are, indeed, similar to those possessed by the drivers in the waiver program. It can, therefore, be reasonably expected that granting exemptions from the vision requirement in 49 CFR 39 1.41 (b)( 10) to those 24 individuals will likely achieve a level of safety equal to, or greater than, that of the general commercial driver population.

Respectfully submitted,



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