

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DAVID WOOD

v.

MARYLAND DEPARTMENT OF
TRANSPORTATION, ET AL.

Civil No. – JFM-16-3727

MEMORANDUM

David Wood has filed this action claiming that the blanket field of vision requirements set forth in Md. Ann. Code, Transportation Art. § 16-110.1(c)(2) violates the Americans with Disabilities Act and the Rehabilitation Act. Unquestionably, Wood, does not meet Maryland's field of vision requirement.

Maryland established its requirement in 1971. In 1997 Maryland modified the requirement by incorporating recommendations from the Workgroup for Modified Vision Standards. Wood contends that Maryland's statute establishing requirement is unlawful because it does not provide for "individualized consideration" of an applicant's ability to drive.

Such "individualized consideration" is unnecessary under the law. The Department of Justice's Title II Technical Assistance Manual recognizes that "[a] public entity may establish requirements, such as vision requirements that would exclude some individuals with disabilities, if those requirements were essential for the safe operation of a motor vehicle." Maryland's statute establishes such a requirement. Plaintiff alleges that the requirement is outdated. However, he has presented no allegation in support of this averment.

A separate order granting defendants' motion to dismiss is being entered herewith.

Date: 3/15/17

J. Frederick Motz
J. Frederick Motz
United States District Judge

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