

*Brief Description of Projects Approved for Collection and Use:*

Asphalt pavement replacement-runway 19/1.  
Construct taxiway A extension.  
Rehabilitate taxiway B2, north end of taxiway B, taxiway C, and taxiway E1.  
General aviation connector taxiway and site development of north terminal.  
Terminal entrance walkways.  
General aviation taxiways 4 and 5 shoulder edge lights.  
Implementation and administrative costs for PFC no. 8, amendment No. 1 to PFC No. 7, and amendment No. 2 to PFC No. 6.  
Environmental assessment north development.  
Surface painted holding position signs.  
Two valet bag belt systems.  
Airport operations area obstruction survey.

Closed circuit television system replacement.  
Interactive employee training upgrade.  
Pre-conditioned air hose upgrade (five boarding bridges).

*Brief Description of Projects Partially Approved for Collection and Use:* Public address system replacement.

*Determination:* The approval is limited to that portion of the project needed to make required automatic security announcements and to feed these announcements into the public address system.

*Lighting and reseal joints to runways:* Add two airport operations area access gates; and replace failed taxiways and ramp concrete paving slabs.

*Determination:* The approval is limited to the cost associated with the runway lights. The public agency failed

to provide any justification for the other project components.

*Brief Description of Projects Approved for Collection:*

Site mitigation.  
Realign and construct Gulfstream Road/tunnel construction.  
Taxiway A extension north-construction.  
Electrical vault.  
Taxiway H construction.  
Storm water update.  
Gulfstream Road/tunnel design.  
Taxiway A design.  
Taxiway H design.  
Airfield electrical vault design.

*Decision Date:* March 17, 2011.

**FOR FURTHER INFORMATION CONTACT:** John Marshall, Atlanta Airports District Office, (404) 305-7153.

## AMENDMENTS TO PFC APPROVALS

Amendment No., city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
04-07-C-04-JNU Juneau, AK .....	02/25/11	\$3,566,606	\$3,575,162	03/01/08	03/01/08
09-05-C-01-BRO Brownsville, TX .....	03/03/11	3,055,366	3,485,972	07/01/18	04/01/20
02-06-C-10-MSY New Orleans, LA .....	03/11/11	287,977,095	293,951,336	12/01/19	06/01/20
06-08-C-02-MSY New Orleans, LA .....	03/11/11	1,023,858	1,000,000	10/01/18	07/01/25
09-10-C-02-MSY New Orleans, LA .....	03/11/11	52,805,580	40,592,406	06/01/26	02/01/26

Issued in Washington, DC, on May 5, 2011.

**Joe Hebert,**

Manager, Financial Analysis and Passenger Facility Charge Branch.

[FR Doc. 2011-11574 Filed 5-12-11; 8:45 am]

**BILLING CODE M**

## DEPARTMENT OF TRANSPORTATION

## Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2011-0024]

## Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 16 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision standard. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to, or greater than, the

level of safety maintained without the exemptions for these CMV drivers.

**DATES:** The exemptions are effective May 13, 2011. The exemptions expire on May 13, 2013.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:****Electronic Access**

You may see all the comments online through the Federal Document Management System (FDMS) at <http://www.regulations.gov>.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your

comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf>.

**Background**

On March 29, 2011, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (76 FR 17481). That notice listed 16 applicants' case histories. The 16 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 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.” The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 16 applications on their merits and made a determination to grant exemptions to each of them.

### **Vision and Driving Experience of the Applicants**

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle 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 standard red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision standard, but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 16 exemption applicants listed in this notice are in this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, complete loss of vision, optic atrophy, macular scar, macular degeneration, cataract, retinal detachment and prosthesis. In most cases, their eye conditions were not recently developed. 10 of the applicants were either born with their vision impairments or have had them since childhood. The 6 individuals who sustained their vision conditions as adults have had them for periods ranging from 13 to 40 years.

Although each applicant has one eye which does not meet the vision standard in 49 CFR 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 valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing standards for their State of residence. By meeting State licensing requirements, the applicants

demonstrated their ability to operate a commercial vehicle, with their limited vision, to the satisfaction of the State. While possessing a valid CDL or non-CDL, these 16 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 2 to 58 years. In the past 3 years, two of the drivers were involved in crashes or convicted of moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the March 29, 2011 notice (76 FR 17481).

### **Basis for Exemption Determination**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered not only the medical reports about the applicants' vision, but also their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision standard, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA-1998-3637.

We believe we can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers

collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., “Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,” Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 16 applicants, one of the applicants was convicted for moving violations and one of the applicants was involved in a crash. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe 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 traffic 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 veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision standard in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 16 applicants listed in the notice of March 29, 2011 (76 FR 17481).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 16 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that 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 the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

### Discussion of Comments

FMCSA received one comment in this proceeding. The comment was considered and discussed below.

The Pennsylvania Department of Transportation is in favor of granting a Federal vision exemption to David Kibble, they indicated that they have reviewed the driving histories of this applicant and have no objections to FMCSA granting him a vision exemption.

### Conclusion

Based upon its evaluation of the 16 exemption applications, FMCSA exempts, David W. Bennett, Toby L. Carson, Fredrick M. DeHoff, Jr., Raul Donozo, Rick A. Ervin, Clifford D. Johnson, Dionicio Mendoza, David Kibble, Raymond J. Paiz, Tyler R. Peebles, Alfredo Reyes, Ronald M. Robinson, J. Bernardo Rodriguez, Esequiel Rodriguez, Jr., David I. Sosby and Donald E. Stone from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

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

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: May 9, 2011.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2010-0162]

### Petition for Waiver of Compliance

In accordance with part 211 of title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that by a document dated October 15, 2010, the Union Pacific Railroad Company (UP), has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at

Title 49 Code of Federal Regulations (CFR) part 231 (Safety Appliance Standards). FRA assigned the petition Docket Number FRA-2010-0162.

Specifically § 231.24(b)(3) *End platforms (3) Location. One (1) on each end of car not more than eight (8) inches above center sill.* UP requests relief on cars where the dimensional requirements of eight inches above the center sill are not in compliance and contend all other measurements are in compliance within Plate "U" of Appendix D of the Motive Power and Equipment Compliance Manual.

UP stated twenty-one different car owners are affected by this requirement with the potential of exceeding 18,000 cars that are involved to correct the problem for cars constructed in 49 CFR 231.24. UP contends that in order to correct the problem, many cars require extensive modifications which are time consuming and labor intensive. Additionally, UP stated that private car owners are concerned with service delays associated with the necessary car modifications and repairs. In addition, UP believes its review of safety and personal injury records indicated no underlying safety issues that would prevent the requested provided relief.

UP states that other dimensional requirements for end platforms cover other cars beyond 49 CFR 231.24(b)(3). UP respectfully restates the waiver request to grant relief from the provisions of 49 CFR 231 Safety Appliance Standards with reference to end platforms be not more than eight inches above the car center sill.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at <http://www.regulations.gov> and in person at the Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave., SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods: