

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 19 applicants, we note that one of the applicants had a conviction for traffic violation, failure to obey a traffic sign. None of the applicants were involved in crashes. The applicants achieved this 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 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. 31315 and 31136(e) to the 19 applicants listed in the Notice of February 9, 2006 (71 FR 6826).

We recognize that the vision of an applicant may change and affect his/her ability to operate a commercial vehicle as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 19

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

Advocates for Highway and Auto Safety (Advocates) express continued opposition to FMCSA's policy to grant exemptions from the FMCSR, including the driver qualification standards. Specifically, Advocates: (1) Objects to the manner in which FMCSA presents driver information to the public and makes safety determinations; (2) objects to the Agency's reliance on conclusions drawn from the vision waiver program; (3) claims the Agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31315 and 31136(e)); and finally (4) suggests that a 1999 Supreme Court decision affects the legal validity of vision exemptions.

The issues raised by Advocates were addressed at length in 64 FR 51568 (September 23, 1999), 64 FR 66962 (November 30, 1999), 64 FR 69586 (December 13, 1999), 65 FR 159 (January 3, 2000), 65 FR 57230 (September 21, 2000), and 66 FR 13825 (March 7, 2001). We will not address these points again here, but refer interested parties to those earlier discussions.

Conclusion

Based upon its evaluation of the 19 exemption applications, FMCSA exempts Scott E. Ames, Otto J. Ammer, Jr., Harold J. Barley, Jr., Arthur L. Fields, John W. Foggy, Rupert G. Gilmore, III, George R. Gorsuch, Jr., Walter R. Hardiman, Sergio A. Hernandez, Burt A. Hughes, Fredrick C. Ingles, Clyde

Johnson, III, Paul E. Lindon, Aaron G. Lougher, Joe S. Nix, IV, Luis F. Saavedra, Raul R. Torres, Darwin J. Thomas and Darel G. Wagner 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. 31315 and 31136(e), 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. 31315 and 31136.

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: March 31, 2006.

Rose A. McMurray,

Associate Administrator, Policy and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA-99-6156, FMCSA-2002-11426]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 18 individuals. FMCSA has statutory authority to exempt individuals from its vision standards if the exemptions granted will not compromise safety. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the vision standard prescribed in 49 CFR 391.41(b)(10). 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 commercial motor vehicle (CMV) drivers.

DATES: This decision is effective April 23, 2006. Comments must be received on or before May 15, 2006.

ADDRESSES: You may submit comments identified by DOT Docket Management System (DMS) Docket Numbers FMCSA-99-6156 and FMCSA-2002-11426, using any of the following methods.

- Web site: <http://dmses.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- Fax: 1-202-493-2251.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Instructions: All submissions must include the Agency name and docket numbers for this Notice. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Please see the Privacy Act heading for further information.

Docket: For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The DMS is available 24 hours each day, 365 days each year. If you want us to tell you 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 the Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477; Apr. 11, 2000). This information is also available at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366-4001,

maggi.gunnels@fmcsa.dot.gov, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 8 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Exemption Decision

Under 49 U.S.C. 31315 and 31136(e), FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-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 procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381. This Notice addresses 18 individuals who have requested renewal of their exemptions in a timely manner. FMCSA has evaluated these 18 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Louis N. Adams
Lyle H. Banser
Lloyd J. Botsford
Joseph E. Buck, Sr.
Paul D. Gaither
Victor B. Hawks
Edward W. Hosier
Lucio Leal
Terry W. Lytle
Earl R. Mark
Richard W. Neyens
Anthony G. Parrish
Bill L. Percy
Robert H. Rogers
George L. Silvia
Mark J. Stevwing
Frankie A. Willborn
Jeffrey L. Wuollett

These exemptions are extended subject to the following conditions: (1) That each individual have an examination 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 and retain a copy of the certification on his/her person while driving for presentation to a duly authorized

Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded 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(e).

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two-year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 18 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (64 FR 54948; 65 FR 159; 67 FR 10475; 69 FR 8260; 67 FR 10471; 67 FR 19798; and 69 FR 19611). Each of these 18 applicants has requested timely renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31315 and 31136(e). However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by May 15, 2006.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31315 and 31136(e) can be satisfied by initially granting the renewal and then requesting and subsequently evaluating any comments submitted by interested parties. As indicated above, the Agency

previously published Notices of final disposition announcing its decision to exempt these 18 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant the exemption to each of these individuals was based on the merits of each case and only after careful consideration of the comments received to its Notices of applications. Those Notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties possessing information that would suggest that any, or all of these drivers, are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136(e), FMCSA will take immediate steps to revoke the exemption(s) in question.

Issued on: March 31, 2006.

Rose A. McMurray,

Associate Administrator, Policy and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Demonstration of Enhanced Human Service Transportation Models: Phase 1—System Development and Design

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice; request for proposals.

SUMMARY: This notice is a request for proposals (RFP) for system development and design of enhanced human service transportation models. The USDOT seeks up to 10 local communities to carry out detailed development and design of coordinated human service transportation systems that utilize Intelligent Transportation Systems capabilities. The expected results from Phase 1 include up to 10 “deployment-ready,” replicable and scalable system detailed designs for enhanced human service transportation delivery models in communities representing a variety of operational environments and scenarios.

DATES: Proposals will be accepted immediately, as of the issue date of this RFP. All proposals must be submitted

electronically to Grants.Gov by June 13, 2006, or postmarked by June 13, 2006, for consideration. All potential applicants are advised to begin the Grants.Gov registration process immediately, if they have not previously submitted grant applications through <http://www.Grants.Gov> in order to be able to meet the deadline.

ADDRESSES: Proposals should be submitted electronically to <http://www.Grants.Gov>. Grants.Gov allows organizations to electronically find and apply for competitive opportunities from all Federal grant-making agencies. Grants.Gov is the single access point for over 1,000 programs offered by the 26 Federal grant-making agencies.

Proposals can also be submitted in hard copy. Should the applicant elect this option, five hard copies and one unbound reproducible hard copy of the proposal, along with an electronic copy of the proposal contained on a CD-ROM should be submitted to Ms. Aletha Goodine, Office of Mobility Innovation, Room 9402, TRI-10, Federal Transit Administration, USDOT, 400 Seventh Street, SW., Washington, DC 20590. All proposals should reference “Enhanced Human Service Transportation System Development and Design.”

FOR FURTHER INFORMATION CONTACT: For program management and cooperative agreement administrative questions: Aletha Goodine at PH: 202-366-4148; FAX: 202-366-3765; Office of Mobility Innovation, Room 9402, TRI-10, Federal Transit Administration, USDOT, 400 Seventh Street, SW., Washington, DC 20590, or aletha.goodine@fta.dot.gov.

For technical questions: Yehuda Gross at PH: 202-366-1988; FAX: 202-493-2027; ITS Joint Program Office, Room 3416, HOIT-1, Federal Highway Administration, USDOT, 400 Seventh Street, SW., Washington, D.C. 20590, or Yehuda.gross@fhwa.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

There are 62 Federal programs that fund transportation services for the transportation disadvantaged. The February 2004 Presidential Executive Order on Human Service Transportation Coordination (Executive Order 13330) requested the establishment of the Federal Interagency Transportation Coordinating Council on Access and Mobility (CCAM) to enhance accessibility and mobility for persons who are transportation disadvantaged, especially individuals with low-incomes, people with disabilities, and older Americans. This Council is chaired by the Secretary of Transportation with representation from

11 executive departments or agencies of the Federal Government.

Currently, due to inefficiencies, limited resources, and a lack of coordination, delivery of human services transportation is challenging. New capabilities and opportunities are being created in both the transportation and health and human services communities through the use of emerging technologies and innovative services. However, the two communities are often unaware of the research, new approaches, and advances that each is making, and neither may have direct communication with the transportation disadvantaged community at large.

In response to the Presidential Executive Order to improve the effectiveness and efficiency of current human service transportation delivery, the United States Department of Transportation (USDOT) is leading two concurrent initiatives to bring the transportation and human service communities together to apply solutions to overcome service coordination and accessibility barriers for the transportation disadvantaged travelers, transportation service providers and human service program administrators.

The first of the two initiatives is United We Ride (UWR), an initiative of the CCAM, chaired by the Department of Transportation Secretary Norman Y. Mineta. This initiative has effectively engaged all 11 Federal departmental partners related to human service transportation delivery. It addresses policy implications and solutions of coordinated human service transportation systems from both technical and non-technical perspectives. Developed by an “expert panel” in 2003 as a key product of the UWR initiative, the Framework for Action is a comprehensive evaluation and planning tool designed to help state and community leaders and agencies involved in human service transportation and transit services, along with their stakeholders, assess and plan for coordinated transportation systems. It focuses on a series of core coordination elements (such as working together, needs assessment, putting customers first, funding adaptations, technology, and moving people efficiently) to help groups in states and communities assess their needs and plan their coordination efforts. The Framework for Action is actually two tools: one for communities and another for states. It is available at <http://www.unitedweride.gov>.

The second initiative is the Mobility Services for All Americans (MSAA) initiative. This initiative is funded through the USDOT Intelligent