

the one hand, and points in China, on the other hand, via intermediate points, and beyond to any points outside of China.

*Docket Number:* OST-1996-1873.

*Date Filed:* May 7, 2002.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* May 28, 2002.

*Description:* Application of United Airlines, Inc., pursuant to 49 U.S.C. 41101, 14 CFR part 302, and subpart B, requesting renewal of its certificate of public convenience and necessity for Route 130, segments 1, 4, 6, 7, 9, and 10 which authorizes United to engage in scheduled foreign air transportation of persons, property and mail between various points in the United States and Japan, the Philippines and Vietnam.

*Docket Number:* OST-1997-2046.

*Date Filed:* May 7, 2002.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* May 28, 2002.

*Description:* Application of United Air Lines, Inc., pursuant to 49 U.S.C. 41101, 14 CFR parts 201 and 302, and subpart B, requesting renewal of its certificate of public convenience and necessity for Route 632, segments 1 and 6, which authorizes United to engage in scheduled foreign air transportation of persons, property, and mail between various named points in the United States and Sao Paulo, Rio de Janeiro, Brasilia and Belem, Brazil; Brranquilla, Colombia; and Buenos Aires, Argentina.

*Docket Number:* OST-2002-12274.

*Date Filed:* May 7, 2002.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* May 28, 2002.

*Description:* Application of Twinjet Aircraft Sales Limited, d/b/a Twinjet Aircraft, pursuant to 49 U.S.C. 41302, 14 CFR part 211, and subpart B, requesting a foreign air carrier permit to engage in ad hoc charter foreign air transportation of passengers (and their accompanying baggage) and cargo between: (1) Any point or points in the United Kingdom and any points in the United States; (2) between any point or points in the United States and any point or points in a third country or countries; and, (3) on any other charter flights authorized pursuant to Part 212.

*Docket Number:* OST-1997-2558.

*Date Filed:* May, 8, 2002.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* May 29, 2002.

*Description:* Application of Continental Micronesia, Inc., pursuant to 49 U.S.C. 41002 and subpart B, requesting renewal of its certificate authority for Route 171, segments 3, 4, 5, 6 and 12.

*Docket Number:* OST-2002-12295.

*Date Filed:* May, 8, 2002.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* May 29, 2002.

*Description:* Application of Continental Micronesia, Inc., pursuant to 49 U.S.C. 41002 and subpart B, requesting renewal of its certificate authority for Route 171, segments 3, 4, 5, 6 and 12.

**Dorothy Y. Beard,**

*Federal Register Liaison.*

[FR Doc. 02-13552 Filed 5-29-02; 8:45 am]

**BILLING CODE 4910-62-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[USCG-2002-12376]

#### Great Lakes Pilotage Advisory Committee; Vacancies

**AGENCY:** Coast Guard, DOT.

**ACTION:** Request for applications.

**SUMMARY:** The Coast Guard seeks applications for membership on the Great Lakes Pilotage Advisory Committee (GLPAC). GLPAC advises the Coast Guard on matters related to regulations and policies on the pilotage of vessels on the Great Lakes.

**DATES:** Application forms should reach us on or before July 1, 2002.

**ADDRESSES:** You may request an application form by writing to Commandant (G-MW), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001; by calling 202-267-6164; by faxing 202-267-4700; or by e-mailing jshort@comdt.uscg.mil. Send your completed application to the above street address. This notice and the application form are available on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Margie Hegy, Executive Director of GLPAC, at (202) 267-0415, fax (202) 267-4700.

**SUPPLEMENTARY INFORMATION:** The Great Lakes Pilotage Advisory Committee (GLPAC) is a Federal advisory committee under 5 U.S.C. App. 2. It advises the Secretary of Transportation, via the Commandant of the Coast Guard, on the rules and regulations that govern the registration of pilots, the operating requirements for U.S. registered pilots, pilot training policies, and the policies and regulations that establish rates charges and conditions for pilotage services.

GLPAC meets at least twice a year at various locations in the continental United States. It may also meet for

extraordinary purposes. Subcommittees or working groups may be designated to consider specific problems and will meet as required.

We will consider applications for two positions that expired on April 30, 2002. The two positions we are seeking to fill represent the interests of Great Lakes' ports, and the interests of shippers whose cargoes are transported through Great Lakes' ports. To be eligible, you must represent the interests of one of these two industry groups and have particular expertise, knowledge, and experience regarding the regulations and policies on the pilotage of vessels on the Great Lakes, and at least 5 years of practical experience in maritime operations.

Each member serves for a term of 3 years. A few members may serve consecutive terms. All members serve without compensation from the Federal Government, although travel reimbursement and per diem will be provided.

In support of the policy of the Department of Transportation on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

Dated: May 23, 2002.

**Jeffrey P. High,**

*Acting, Assistant Commandant for Marine Safety, Security and Environmental Protection.*

[FR Doc. 02-13514 Filed 5-29-02; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2002-11714]

#### 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 30 individuals from the vision requirement in 49 CFR 391.41(b)(10).

**DATES:** May 30, 2002.

**FOR FURTHER INFORMATION CONTACT:** For information about the vision exemptions in this notice, Ms. Sandra Zywokarte, Office of Bus and Truck Standards and Operations, (202) 366-2987; FMCSA, 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**

You may see all the comments online through the Document Management System (DMS) at: <http://dmses.dot.gov>.

**Background**

Thirty individuals petitioned FMCSA for an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of commercial motor vehicles (CMVs) in interstate commerce. They are: Ronald M. Aure, Steven S. Bennett, Joe W. Brewer, Trixie L. Brown, James D. Coates, Michael D. DeBerry, James W. Ellis, IV, John E. Engstad, Jose D. Espino, Dan M. Francis, David W. Grooms, Joe H. Hanniford, David A. Inman, Harry L. Jones, Teddie W. King, Richard B. Leonard, Robert P. Martinez, Michael L. McNeish, David E. Miller, Bobby G. Minton, Lawrence C. Moody, Stanley W. Nunn, William R. Proffitt, Charles L. Schnell, Charles L. Shirey, James R. Spencer, Sr., David E. Steinke, Kevin R. Stoner, Carl J. Suggs, and James A. Torgerson.

Under 49 U.S.C. 31315 and 31136(e), 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 30 petitions on their merits and made a determination to grant the exemptions to all of them. On April 2, 2002, the agency published notice of its receipt of applications from these 30 individuals, and requested comments from the public (67 FR 15662). The comment period closed on May 2, 2002. One comment was received, and its contents were carefully considered by FMCSA in reaching the final decision to grant the petitions.

**Vision And Driving Experience of the Applicants**

The vision requirement 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)).

Since 1992, the Federal Highway Administration (FHWA) has undertaken studies to determine if this vision standard should be amended. The final report from our medical panel recommends changing the field of vision standard from 70° to 120°, while leaving the visual acuity standard unchanged. (See Frank C. Berson, M.D., Mark C. Kuperwaser, M.D., Lloyd Paul Aiello, M.D., and James W. Rosenberg, M.D., "Visual Requirements and Commercial Drivers," October 16, 1998, filed in the docket, FHWA-98-4334.) The panel's conclusion supports FMCSA's (and previously FHWA's) view that the present standard is reasonable and necessary as a general standard to ensure highway safety. FMCSA also 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 30 applicants fall into this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, macular scar, and loss of an eye due to trauma. In most cases, their eye conditions were not recently developed. All but seven of the applicants were either born with their vision impairments or have had them since childhood. The seven individuals who sustained their vision conditions as adults have had them for periods ranging from 8 to 34 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. The doctor's opinions are supported by the applicant possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and performance tests designed to evaluate their qualifications to operate a CMV. All 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. The Federal interstate qualification standards, however, require more.

While possessing a valid CDL or non-CDL, these 30 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualifies them from driving in

interstate commerce. They have driven CMVs with their limited vision for careers ranging from 3 to 43 years. In the past 3 years, the 30 drivers had 13 convictions for traffic violations among them. Seven of these convictions were for Speeding, and four were for "Failure to Obey Traffic Sign." The other convictions consisted of: "Traveling in the Car Pool Lane"; and "Drive on Wrong Side of Undivided Street/Road." Two drivers were involved in an accident in a CMV, but did not receive a citation.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in an April 2, 2002, notice (67 FR 15662). Since there were no docket comments on the specific merits or qualifications of any applicant, we have not repeated the individual profiles here. Our summary analysis of the applicants as a group is supported by the information published at 67 FR 15662.

**Basis for Exemption Determination**

Under 49 U.S.C. 31315 and 31136(e), 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 these drivers to drive in interstate commerce as opposed to restricting them to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered not only the medical reports about the applicant's 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 or she has driven a commercial vehicle safely with the vision deficiency for 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 accidents and traffic violations. Copies of the studies have been added to the docket. (FHWA-98-3637)

We believe we can properly apply the principle to monocular drivers, because

data from the vision waiver 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 with good driving records in the waiver program demonstrated their ability to drive safely 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 accident 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 accident proneness from accident 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 accidents. (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 accident 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 30 applicants receiving an exemption, we note that cumulatively the applicants have had only 2 accidents and 13 traffic violations in the last 3 years. 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 applicant's 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 applicant's 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 are more compact than on highways. 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 or 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 will grant the exemptions for the 2-year period allowed by 49 U.S.C. 31315 and 31136(e).

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 30 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 is discussed below.

Advocates for Highway and Auto Safety (Advocates) expresses continued opposition to FMCSA's policy to grant exemptions from the Federal Motor Carrier Safety Regulations, 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 recent 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

After considering the comment to the docket and based upon its evaluation of the 30 exemption applications in accordance with *Rauenhorst v. United States Department of Transportation, Federal Highway Administration*, 95 F.3d 715 (8th Cir. 1996), FMCSA exempts Ronald M. Aure, Steven S. Bennett, Joe W. Brewer, Trixie L. Brown, James D. Coates, Michael D. DeBerry, James W. Ellis, IV, John E. Engstad, Jose D. Espino, Dan M. Francis, David W. Grooms, Joe H. Hanniford, David A. Inman, Harry L. Jones, Teddie W. King, Richard B. Leonard, Robert P. Martinez, Michael L. McNeish, David E. Miller, Bobby G. Minton, Lawrence C. Moody, Stanley W. Nunn, William R. Proffitt, Charles L. Schnell, Charles L. Shirey, James R. Spencer, Sr., David E. Steinke, Kevin R. Stoner, Carl J. Suggs, and James A. Torgerson from the vision requirement in 49 CFR 391.41(b)(10), subject to the following conditions: (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, so it may be presented to a duly authorized Federal, State, or local enforcement official.

In accordance with 49 U.S.C. 31315 and 31316(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 31316. 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 24, 2002.

**Brian M. McLaughlin,**

*Associate Administrator for Policy and Program Development.*

[FR Doc. 02-13553 Filed 5-29-02; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34203]

#### **Tri-City Railroad Company, L.L.C.— Lease and Operation Exemption— Hanford Site Rail System in Richland, WA**

Tri-City Railroad Company, L.L.C. (Tri-City), a Class III rail carrier, has filed a verified notice of exemption<sup>1</sup> under 49 CFR 1150.41 *et seq.* to lease and operate 37 miles of rail line, including connecting spur tracks, known as the Tri-City Railroad "Northern Connection," extending from milepost 28.3 at Horn Rapids Road, to milepost 0 at Susie Junction at the northwest end of the rail line within the U.S. Department of Energy's Hanford Site Rail System, in Richland, WA.

Tri-City certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier.

The transaction was scheduled to be consummated on or after May 15, 2002.

<sup>1</sup> The verified notice was filed on April 30, 2002, and was amended on May 10, 2002.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34203, must be filed with the Surface Transportation Board, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Randolph Peterson, 2355 Stevens Drive, P.O. Box 1700, Richland, WA 99352.

Board decisions and notices are available on our website at "[WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV)."

Decided: May 21, 2002.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 02-13385 Filed 5-29-02; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34196]

#### **Illinois Central Railroad Company— Trackage Rights Exemption—The City of New Orleans, LA**

The City of New Orleans, LA (NO), pursuant to a written trackage rights agreement among Illinois Central Railroad Company (IC or Applicant), NO, and the New Orleans Public Belt Railroad Commission for the City of New Orleans, has agreed to grant nonexclusive overhead trackage rights to IC over NO's rail line from a connection between NO's railroad and IC near Southport Junction interlocking to Union Passenger Terminal, including station tracks, via the Western Connection, the 2nd Main and the Outbound Main; from a connection between NO's railroad and IC at a point 580 feet north of the centerline of Dupre Street to Union Passenger Terminal via the Earhart Running Track and the Backup Main; and from North Wye Junction to South Wye Junction via the Wye Track-all in the City of New Orleans a distance of approximately 5.3 miles.

Applicant confirmed that the consummation of the transaction was anticipated to be on May 17, 2002, the

effective date of the exemption (7 days after the exemption was filed).<sup>1</sup>

The purpose of the trackage rights is to grant IC the right to operate its freight trains, locomotives, cabooses and rail cars (including business cars) and roadway equipment over the line, and to grant IC the right to operate business cars into the Union Passenger Terminal in the City of New Orleans. The trackage rights agreement will replace a 1947 agreement granting operations in and around that terminal.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—dash;BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34196, must be filed with the Surface Transportation Board, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Michael J. Barron, Jr., 455 North Cityfront Plaza Drive, Chicago, IL 60611-5317.

Board decisions and notices are available on our Web site at "[www.stb.dot.gov](http://www.stb.dot.gov)."

Decided: May 22, 2002.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 02-13506 Filed 5-29-02; 8:45 am]

**BILLING CODE 4915-00-P**

<sup>1</sup> Applicant initially indicated a proposed consummation date of May 14, 2002, but because applicant did not include the required filing fee, the applicable filing date was May 10, 2002, when the Board received the correct filing fee. Consummation could may not occur prior to May 17, 2002 (7 days after the May 10, 2002 filing date of the verified notice). IC's representative subsequently confirmed that consummation could not occur before May 17, 2002.