

approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before August 24, 2004.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208-2307;

Gulfport-Biloxi International Airport, Gulfport-Biloxi Regional Airport Authority Office, 14035-L Airport Road, Gulfport, MS 39503.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Jackson, Mississippi, on February 26, 2004.

**Rans D. Black,**

*Manager, Jackson Airports District Office, Southern Region.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Revised Noise Compatibility Program Notice, Austin-Bergstrom International Airport, Texas; Austin, TX

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the revision to the Noise Compatibility Program (NCP) submitted by the city of Austin, Texas, under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and

14 CFR part 150. These findings are made in recognition of the description of Federal and non-Federal responsibilities in Senate Report No. 96-52 (1980). The revised NCP was submitted subsequent to a determination by the FAA that associated Noise Exposure Maps (NEM) submitted under 14 CFR part 150 for Austin-Bergstrom International Airport were in compliance with applicable requirements effective April 29, 2000. On February 11, 2004, the FAA approved the Austin-Bergstrom International Airport revised NCP. All of the revised recommendations of the program were approved.

**EFFECTIVE DATE:** The effective date of the FAA's approval of the Austin-Bergstrom International Airport revised NCP is February 11, 2004.

**FOR FURTHER INFORMATION CONTACT:** Mr. Paul E. Blackford, Department of Transportation, Federal Aviation Administration, 2601 Meacham Blvd., Fort Worth, TX 76137-4298, (817) 222-5607. Documents reflecting this FAA action may be reviewed at this same location.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA has given its overall approval to the revised NCP for the city of Austin, Austin-Bergstrom International Airport effective February 11, 2004.

Under section 47504 of the Act, an airport operator who has previously submitted a NEM may submit to the FAA a NCP which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the NEM. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport NCP developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

- a. The NCP was developed in accordance with the provisions and procedures of FAR part 150;
- b. Program measures are reasonably consistent with achieving the goals of

reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to the FAA's approval of an airport NCP are delineated in FAR part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and a FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA regional office in Fort Worth, Texas.

The FAA has determined the NEM, previously submitted for the Austin-Bergstrom International Airport, and approved by the FAA on May 8, 2000, continue to represent the present noise environment and an update to the NEM is not required.

On November 7, 2000, the FAA approved the Austin-Bergstrom International Airport NCP. The program was comprised of five measures designed for phased implementation by airport management and adjacent jurisdictions.

The city of Austin submitted a revised NCP to the FAA and requested the FAA evaluate and approve this material as a revision to the existing NCP as described in section 47504 of the Act. The FAA began its review of the program on August 15, 2003, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of

new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

Outright approval was granted for two proposed action elements in the revised NCP where the city of Austin requested Federal approval. Approved action items include land mitigation measures consisting of a land acquisition program and a sound insulation program.

These determinations are set forth in a Record of Approval signed by the Associate Administrator for Airports on February 11, 2004. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the administrative offices of: City of Austin, Department of Aviation, Austin-Bergstrom International Airport, 3600 Presidential Boulevard, Austin, Texas 78719.

Issued in Fort Worth, Texas, February 19, 2004.

**Joseph G. Washington,**

*Acting Manager, Airports Division.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2003-16564]

#### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of final disposition.

**SUMMARY:** The FMCSA announces its decision to exempt 29 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). 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).

**DATES:** March 5, 2004.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sandra Zywokarte, Office of Bus and Truck Standards and Operations, (202) 366-2987, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001. 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

On December 24, 2003, the FMCSA published a notice of receipt of exemption applications from 29 individuals, and requested comments from the public (68 FR 74699). The 29 individuals petitioned the FMCSA for exemptions from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. They are: Lee A. Burke, Barton C. Caldara, Terrance F. Case, Lawrence M. Daley, Allan Darley, Charley Davis, Ray L. Emert, Robin S. England, Jessie W. Ford, Richard Hailey, Jr., Spencer N. Haugen, Thomas R. Hedden, William G. Hix, Robert V. Hodges, Jay W. Jarvis, George R. Knavel, John R. Knott, III, Duane R. Krug, Eric M. Moats, Sr., Lester T. Papke, Edward D. Pickle, Charles D. Pointer, Richard A. Pruitt, Kent S. Reining, Bruce K. Robb, James J. Rouse, Ronald D. Ulmer, Mitchell A. Webb, and Jerry L. Wilder.

Under 49 U.S.C. 31315 and 31136(e), the 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, the FMCSA has evaluated the 29 applications on their merits and made a determination to grant exemptions to all of them. The comment period closed on January 23, 2004. No comments were received.

#### 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)).

Since 1992, the agency 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 the agency's view that the present visual acuity standard is reasonable and necessary as a general standard to ensure highway safety. The 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 29 applicants fall into this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, corneal scars, and loss of an eye due to trauma. In most cases, their eye conditions were not recently developed. All but six of the applicants were either born with their vision impairments or have had them since childhood. The six individuals who sustained their vision conditions as adults have had them for periods ranging from 16 to 49 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 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 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.

While possessing a valid CDL or non-CDL, these 29 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 6 to 42 years. In the past 3 years, two of the drivers have had convictions for traffic violations. Two of these convictions were for speeding and one was for "failure to obey traffic sign." One driver was involved in two crashes but did not receive a citation in either.