

Telephone (651) 291-6120; or Claudia Dumont, Project Manager, Minnesota Department of Transportation—District 3, 3725 12th Street North, St. Cloud, Minnesota 56303, Telephone (320) 223-6530; (651) 296-9930 TTY.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Minnesota Department of Transportation (Mn/DOT) has terminated the Tier I EIS process begun in 2003 to address future transportation demand, safety problems, access management and interregional corridor status on TH 10 from 1.0 mile east of Big Lake to 0.75 mile west of Big Lake, Sherburne County, Minnesota. The purpose of the Tier I EIS was to preserve right of way for the proposed highway improvement. The Scoping Decision Document for the project was approved by Mn/DOT on April 23, 2004. On June 18, 2008, Mn/DOT notified federal, state and local agencies; tribal governments; interested parties; and the public that work on the Tier I EIS was being discontinued due to a lack of identified funding for any of the build alternatives. Mn/DOT will proceed with implementing more affordable and timely safety improvements on existing TH 10. Therefore, the Tier I EIS for this project has been terminated.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: October 3, 2008.

**Cheryl B. Martin,**

*Environmental Engineer, Federal Highway Administration, St. Paul, Minnesota.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-98-3637; FMCSA-99-6156; FMCSA-00-7006; FMCSA-00-7165; FMCSA-00-8203; FMCSA-02-12294; FMCSA-04-18885; FMCSA-06-23773; FMCSA-06-24783]

### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal

Motor Carrier Safety Regulations for 15 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals 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 November 9, 2008. Comments must be received on or before November 10, 2008.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-98-3637; FMCSA-99-6156; FMCSA-00-7006; FMCSA-00-7165; FMCSA-00-8203; FMCSA-02-12294; FMCSA-04-18885; FMCSA-06-23773; FMCSA-06-24783, using any of the following methods.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1-202-493-2251.

Each submission must include the Agency name and the docket number for this Notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

*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 the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at <http://DocketInfo.dot.gov>.

**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:

#### Background

Under 49 U.S.C. 31136(e) and 31315, 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.

#### Exemption Decision

This notice addresses 15 individuals who have requested a renewal of their exemption in accordance with FMCSA procedures. FMCSA has evaluated these 16 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Donald O. Clopton, Steven H. Heidorn, Jimmy E. Settle, Richard B. Eckert, Danny E. Hillier, Noel S. Wangerin, Charles B. Edwards, Jimmy D. Johnson, II, Hubert Whittenburg, Gary R. Evans, Gary L. Killian, George R. Gorsuch, Jr., Volga Kirkwood, Harlan L. Gunter, Garry R. Setters.

These exemptions are extended subject to the following conditions: (1) That each individual have a physical 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. 31136(e) and 31315.

### 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. 31136(e) and 31315, each of the 15 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 30285; 63 FR 54519; 63 FR 196; 64 FR 54948; 65 FR 159; 67 FR 67234; 69 FR 62741; 71 FR 62147; 65 FR 20245; 65 FR 57230; 67 FR 57266; 65 FR 33406; 65 FR 57234; 65 FR 66293; 67 FR 67234; 67 FR 46016; 67 FR 57267; 69 FR 53493; 69 FR 62742; 71 FR 62148; 71 FR 6826; 71 FR 19602; 71 FR 32183; 71 FR 41310). Each of these 15 applicants has requested 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. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by November 10, 2008.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 15 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an 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. The 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 or organizations possessing information that would otherwise show 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. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: October 2, 2008.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### **Paul S. Sarbanes Transit in Parks Program, Formerly Alternative Transportation in Parks and Public Lands Program**

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Announcement of project selections.

**SUMMARY:** The U.S. Department of Transportation (DOT) Federal Transit

Administration (FTA) announces the selection of projects to be funded under Fiscal Year (FY) 2008 appropriations for the Paul S. Sarbanes Transit in Parks program (formally the Alternative Transportation in Parks and Public Lands (ATPPL)) program, authorized by Section 3021 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users of 2005 (SAFETEA-LU) and codified in 49 U.S.C. 5320. The Paul S. Sarbanes Transit in Parks program funds capital and planning expenses for alternative transportation systems in parks and public lands. Federal land management agencies and State, tribal and local governments acting with the consent of a Federal land management agency are eligible recipients.

#### **FOR FURTHER INFORMATION CONTACT:**

Award recipients who are State, local, or tribal entities may contact the appropriate FTA Regional Administrator (See Appendix A) for grant-specific issues. Award Recipients who are a specific unit of the following Federal land management agencies should work with the contact listed below at their headquarters office to coordinate the availability of funds to that unit.

- *Bureau of Land Management:* Linda Force, *Linda\_Force@blm.gov*, 202-557-3567.

- *Fish and Wildlife Service:* Nathan Caldwell, *nathan\_caldwell@fws.gov*, 703-358-2376.

- *Forest Service:* Ellen LaFayette, *elafayette@fs.fed.us*, 703-605-4509.

- *National Park Service:* Kevin Percival, *Kevin\_Percival@nps.gov*, 303-969-2429.

Any other Federal land management agency, as specified by 49 U.S.C. 5320(b)(2), should contact Henrika Buchanan-Smith at (202) 366-2053 for instructions regarding receiving funds. For general information about the Paul S. Sarbanes Transit in Parks program, please contact Scott Faulk, Office of Program Management, Federal Transit Administration, at (202) 366-2053.

#### **SUPPLEMENTARY INFORMATION:**

A total of \$25,000,000 was appropriated for FTA's Paul S. Sarbanes Transit in Parks program in Fiscal Year (FY) 2008, and \$807,660 in FY 2007 funds remain available for allocation. Of this amount, \$1,250,000 has been reserved for oversight, planning, research, and technical assistance leaving \$24,557,660 available for project awards. A total of 84 applicants requested \$55.2 million in funding under the program, which was more than twice the amount available for projects. FTA, Department of the