

request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption (49 CFR 381.315(c)). The exemption may be renewed (49 CFR 381.300(b)).

#### **DriveCam's Application for Exemption**

On April 14, 2008, DriveCam applied for an exemption from 49 CFR 393.60(e)(1) to allow the installation of video event recorders on all CMVs. A copy of the application is included in the docket referenced at the beginning of this notice.

Section 393.60(e)(1) of the FMCSRs prohibits the obstruction of the driver's field of view by devices mounted at the top of the windshield. Antennas, transponders and similar devices (devices) must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield. These devices must be located outside the area swept by the windshield wipers and outside the driver's sight lines to the road and highway signs and signals.

DriveCam believes that the current restrictions on the location of devices mounted in the windshield area significantly degrade the ability of video event recorders to capture the proper viewing area in CMVs. DriveCam states that manufacturers have voluntarily installed larger windshield wipers on the windshields of CMVs that increase the swept area beyond that which is minimally required by Federal Motor Vehicle Safety Standard (FMVSS) No. 104, "Windshield wiping and washing systems." FMVSS No. 104 establishes the requirements applicable to vehicle and equipment manufacturers for windshield wiper system coverage for

passenger cars, multi-purpose passenger vehicles, trucks and buses.

DriveCam believes that video event recorders, for optimal effectiveness, should be mounted on the vehicle windshield on the interior of the vehicle in a position that enables the video-capture of what is happening in front of the vehicle as well as an internal video-capture of the driver. The view of what is happening in front of the vehicle requires that the forward lens of the recorder be in the swept area of the windshield for a clear view in inclement weather. DriveCam states:

"Section 393.60(e)(1) was designed to avoid placement of devices on the windshield that would obstruct a driver's useful view of the roadway. However, because of the increase of the size \* \* \* of the area swept by the windshield wipers, video event recorders now must be mounted so high on the window as to limit the view of drivers, passengers, and collision events. Thus, the level of safety that can be produced by use of video event recorders is limited by the current regulation. By comparison, the proposed alternative will enable commercial vehicle operators to lower the placement of the video event recorders to a level, which will maximize the external and internal views of the recorders while still having them mounted high enough so as not to limit the field of vision of the driver."

DriveCam notes in its exemption application that the Commercial Vehicle Safety Alliance (CVSA) submitted a petition for rulemaking to FMCSA on October 18, 2007, to amend 49 CFR 393.60(e). The CVSA petition requests that the FMCSRs be amended to permit video event recorders and similar devices that require a clear forward facing visual field to be mounted not more than 50 mm (2 inches) below the upper edge of the area swept by the windshield wipers, provided that they are located outside the driver's sight lines to the road and highway signs and signals. In its exemption application, DriveCam proposes to comply with the language proposed by CVSA in the October 2007 petition during the period of the exemption if it is granted. A copy of the CVSA petition has been placed in the docket referenced at the beginning of this notice.

#### **Request for Comments**

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on DriveCam's application for an exemption from 49 CFR 393.60(e)(1). Please note that this application is very similar to one filed by Greyhound Lines Inc., and published in the **Federal Register** on August 11, 2008 [73 FR 46704]. All comments received before the close of business on the comment

closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** caption of this notice.

Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: October 24, 2008.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

[FR Doc. E8-26060 Filed 10-30-08; 8:45 am]

**BILLING CODE 4910-EX-P**

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-00-7165; FMCSA-04-17984; FMCSA-05-23238; FMCSA-06-24783]

#### **Qualification of Drivers; Exemption Renewals; Vision**

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA previously announced its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 13 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has reviewed the comments submitted in response to the previous announcement and concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**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>.

**Background**

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. The comment period ended on October 9, 2008.

**Discussion of Comments**

FMCSA received no comments in this proceeding.

**Conclusion**

The Agency has not received any adverse evidence on any of these drivers that indicates that safety is being compromised. Based upon its evaluation of the 13 renewal applications, FMCSA renews the Federal vision exemptions for Robert L. Aurandt, Donald Bostic, Jr., Harry R. Brewer, Clarence N. Florey, Jr., Joseph H. Fowler, Donald R. Hiltz, Kelly R. Konesky, Gregory T. Lingard, Hollis J. Martin, Kevin C. Palmer, Charles O. Rhodes, Gordon G. Roth, and Daniel A. Sohn.

In accordance with 49 U.S.C. 31136(e) and 31315, each renewal 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.

Issued on: October 21, 2008.

Larry W. Minor,

*Associate Administrator for Policy and Program Development.*

[FR Doc. E8-26059 Filed 10-30-08; 8:45 am]

BILLING CODE 4910-EX-P

**DEPARTMENT OF TRANSPORTATION****Federal Transit Administration****Federal Fiscal Year 2009 Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements**

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

**ACTION:** Notice.

**SUMMARY:** Pursuant to 49 U.S.C. 5323(n), FTA is authorized to consolidate the certifications and assurances required by Federal law or regulations for its programs into a single document. FTA is also required by 49 U.S.C. 5323(n) to publish a list of those certifications and assurances annually.

Appendix A of this Notice contains the comprehensive compilation of FTA's Certifications and Assurances for Federal Fiscal Year (Federal FY) 2009 applicable to the various Federal assistance programs that FTA will administer during that Federal FY. FTA's Certifications and Assurances for Federal FY 2009 reflect Federal statutory, regulatory, and programmatic changes that have now become effective.

**DATES:** *Effective Date:* These FTA Certifications and Assurances are effective on October 1, 2008, the first day of Federal FY 2009.

**FOR FURTHER INFORMATION CONTACT:** FTA staff in the appropriate FTA Regional Office or FTA Metropolitan Office listed below. For copies of other related documents, see the FTA Web site at <http://www.fta.dot.gov> or contact FTA's Office of Administration at 202-366-4022.

**Region 1: Boston**

States served: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Telephone # 617-494-2055.

**Region 2: New York**

States served: New York and New Jersey. Telephone # 212-668-2170.

**Region 3: Philadelphia**

States served: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia. Telephone # 215-656-7100.

**Region 4: Atlanta**

States served: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the U.S. Virgin Islands. Telephone # 404-865-5600.

**Region 5: Chicago**

States served: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. Telephone # 312-353-2789.

**Region 6: Dallas/Ft. Worth**

States served: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. Telephone # 817-978-0550.

**Region 7: Kansas City**

States served: Iowa, Kansas, Missouri, and Nebraska. Telephone # 816-329-3920.

**Region 8: Denver**

States served: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. Telephone # 720-963-3300.

**Region 9: San Francisco**

States served: Arizona, California, Hawaii, Nevada, Guam, American Samoa, and the Northern Mariana Islands. Telephone # 415-744-3133.

**Region 10: Seattle**

States served: Alaska, Idaho, Oregon, and Washington. Telephone # 206-220-7954.

**Lower Manhattan Recovery Office**

Area served: Lower Manhattan. Telephone # 212-668-1770.

**New York Metropolitan Office**

Area served: New York Metropolitan Area. Telephone # 212-668-2201.

**Philadelphia Metropolitan Office**

Area served: Philadelphia Metropolitan Area. Telephone # 215-656-7070.

**Washington DC Metropolitan Office**

Area served: Washington DC Metropolitan Area. Telephone # 202-219-3562/219-3565.

**Chicago Metropolitan Office**

Area served: Chicago Metropolitan Area. Telephone # 312-886-1616.

**Los Angeles Metropolitan Office**

Area served: Los Angeles Metropolitan Area. Telephone # 213-202-3950.

**SUPPLEMENTARY INFORMATION:****1. Purposes**

- The purposes of this Notice are to:
- Publish FTA's Federal FY 2009 Certifications and Assurances for Applicants for Federal assistance administered by FTA and the Projects for which they seek Federal assistance.
  - Highlight new changes to the FTA Certifications and Assurances now in effect.
  - Identify locations where these FTA Certifications and Assurances may be viewed, and
  - Provide directions for submitting these FTA Certifications and Assurances.

**2. Background**

*a. FTA's Responsibilities.* Since Federal FY 1995, FTA has been