

Study is to collect safety data from roadside inspections on vehicles exceeding certain weight levels to determine if there are any associations between higher vehicle weights and motor carrier safety violations, particularly those with out-of-service conditions.

Detailed information on applicant expectations and the application process for these cooperative agreements will be provided in a Notice of Funding Availability to be released April 16, 2012 or soon thereafter. The FMCSA intends to enter into these cooperative agreements by June 1, 2012 or as soon thereafter as administratively practicable.

The FMCSA uses the standard grant application form and quarterly reporting process. The FMCSA requires the Standard Form 424 (Application for Federal Assistance). Applicants for this cooperative agreement will be expected to also complete a Project Narrative and Budget Narrative to support their application. FMCSA uses GrantSolutions, a grants management information technology system, to provide all cooperative agreement documents electronically to its financial processing office. GrantSolutions is a comprehensive grants management system provided by the Grants Center of Excellence (COE). The Grants COE serves as one of three consortia leads under the Grants Management Line of Business E-Gov initiative offering government-wide grants management system support services. Electronic signature of grant documents in GrantSolutions is the Agency's preferred method for executing grant agreement. Additional information will be provided to grantees during the grant award process. Grantees will, however, be required to submit the completed Automated Clearing House (ACH) Vendor Payment Form (SF-3881) directly to FMCSA's financial processing office by U.S. Postal Service, courier service or secure fax. All SHVI Study cooperative agreement applications must be submitted electronically through Grants.gov.

#### Application Information for FY 2012 Grants

**Eligible Entities:** State agencies with the responsibility to conduct large truck roadside safety inspections.

**Evaluation Factors:** The following evaluation factors will be used in reviewing the applications for all FMCSA discretionary grants:

(1) Prior performance—Completion of identified programs and goals per the project plan.

(2) Effective Use of Prior Grants—Demonstrated timely use and expensing of available funds.

(3) Ability of the applicant to support the strategies and activities in the proposal for the entire project period of performance.

(4) Use of innovative approaches in executing a project plan to address identified safety issues.

(5) Feasibility of overall program coordination and implementation based upon the project plan.

**Application Due Date:** May 4, 2012.

Applications submitted after due dates may be considered on a case-by-case basis and are subject to availability of funds.

Issued on: April 5, 2012.

**Kelly Leone,**

*Associate Administrator, Research and Information Technology.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2011-0324]

#### 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 eleven individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement. 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 CMV drivers.

**DATES:** The exemptions are effective April 12, 2012. The exemptions expire on April 12, 2014.

**FOR FURTHER INFORMATION CONTACT:** Elaine M. Papp, Chief, Medical Programs Division, (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>.

**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 acknowledgement 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 DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf>.

### Background

On February 13, 2012, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (77 FR 7657). That notice listed eleven applicants' case histories. The eleven individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

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. Accordingly, FMCSA has evaluated the eleven applications on their merits and made a determination to grant exemptions to each of them.

### 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 a 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 requirement red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The eleven exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, retinal detachment, reduced vision, prosthesis, macular scar, pituitary tumor and esotropia. In most cases, their eye conditions were not recently developed. Seven of the applicants were either born with their vision impairments or have had them since childhood. The four individuals sustained their vision conditions as adults and have had them for a period of 18 to 30 years.

Although each applicant has one eye which does not meet the vision requirement 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. 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 skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these eleven drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 4 to 52 years. In the past 3 years, none of the drivers were involved in crashes, and one of the drivers was convicted of a moving violation in a CMV.

The qualifications, experience, and medical condition of each applicant

were stated and discussed in detail in the February 13, 2012 notice (77 FR 7657).

#### **Basis for Exemption Determination**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement 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 each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 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 crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA-1998-3637.

We believe we can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study 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 demonstrated safe driving records in the waiver program 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 crash 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 crash proneness from crash 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 crashes (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 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 eleven applicants, none of the drivers were involved in crashes and one of the drivers was convicted of a moving violation in a CMV. All the applicants achieved a 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 that 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 requirement 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. 31136(e) and 31315 to the eleven applicants listed in the notice of February 13, 2012 (77 FR 7657).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the eleven 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 requirement 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 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 Pennsylvania Department of Transportation is in favor of granting Federal vision exemptions to Daniel I. Miller and Roger L. Courson.

#### Conclusion

Based upon its evaluation of the eleven exemption applications, FMCSA exempts John E. Chitty (FL), Roger L. Courson (PA), Revis D. Durbin (IL), James D. Evans (MD), Lowell S. Johnson (MN), Chet A. Keen (UT), Julian A. Mancha (TX), Daniel I. Miller (PA), Elijah Mitchell (TX), Gregory M. Quilling (VA), and Donald L. Schaeffer (MO) 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. 31136(e) and 31315, 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. 31136 and 31315.

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: April 3, 2012.

Larry W. Minor,

Associate Administrator for Policy.

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### FTA Section 5307 Urbanized Area Formula Program: Allocation of Funding Caps for Treating Fuel and Electric Utility Costs for Vehicle Propulsion as a Capital Maintenance Expense

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

**ACTION:** Notice.

**SUMMARY:** The Consolidated and Further Continuing Appropriations Act, 2012 (Pub. L. 112-055) permits the Federal Transit Administration (FTA) to treat fuel costs for vehicle operations, including utility costs for the propulsion of electrical vehicles, as a capital maintenance item for grants made in FY 2012 under the Urbanized Area Formula Program, up to a total of \$100,000,000. FTA announced this provision and its implementation in the *FTA Fiscal Year 2012 Notice of Apportionments, Allocations, and Program Information*, published in the **Federal Register** on January 11, 2012 (Vol. 77, No. 7 1786-1856). Since total obligations for this purpose are limited to \$100,000,000, FTA is limiting the use of funds for this purpose to program recipients that responded to an announcement which was posted at [www.grants.gov](http://www.grants.gov) on January 25 and closed on February 29. Based on the \$100,000,000 cap on use of this provision, FTA has allocated funding caps to program recipients that responded to this announcement based on their relative share of the FY 2012

Section 5307/5340 formula apportionment. Recipients are advised that this provision does not provide any funding in addition to their Section 5307/5340 program apportionment.

**FOR FURTHER INFORMATION CONTACT:** For general information about this notice contact David Schneider, Acting Director, Office of Transit Programs, at (202) 493-0175. Please contact the appropriate FTA regional office for any specific requests for information or technical assistance.

**SUPPLEMENTARY INFORMATION:** The Consolidated and Further Continuing Appropriations Act, 2012, permits FTA to treat fuel costs for vehicle operations, including utility costs for the propulsion of electrical vehicles, as a capital maintenance item for grants made in FY 2012 under the Urbanized Area Formula Program, up to a total of \$100,000,000. FTA announced this provision and its implementation in the *FTA Fiscal Year 2012 Notice of Apportionments, Allocations, and Program Information*, published in the **Federal Register** on January 11, 2012 (Vol. 77, No. 7 1786-1856). Program recipients in the identified urbanized areas are eligible for reimbursement of fuel and electrical utility costs for vehicle propulsion under this provision at an 80/20 Federal/local share.

Since total obligations for this purpose are limited to \$100,000,000, the use of funds for this purpose is limited to urbanized areas that responded to the solicitation that was announced in the January 11, 2012 *FTA Fiscal Year 2012 Notice of Apportionments, Allocations, and Program Information*. Applications were received between January 25 and February 29 via [www.grants.gov](http://www.grants.gov).

Eligible respondents were required to be either the designated recipient of Section 5307 formula apportionments in urbanized areas over 200,000 in population or a State Department of Transportation or other designee for urbanized areas under 200,000 in population. FTA received requests from 70 large UZAs and 24 States, on behalf of 106 small UZAs. The total amount requested was \$237,168,845. To allocate the available resources, FTA has determined funding caps for all requesting UZAs and States (see Table 1 and 2) proportional to the Section 5307/5340 formula apportionment. Where a UZA or State requested less than the calculated cap amount, the funding reflects the requested amount. Table 1 includes the name of each requesting urbanized area over 200,000 in population, the name of the requesting designated recipient(s), and the dollar cap on reimbursements for all