

transfer of CMV safety data and information—and coordination procedures with Federal inspection agencies and others;

- Design innovative initiatives to improve the safety of CMVs, drivers, and carriers entering the United States from Canada or Mexico; and
- Ensure southern border States meet all requirements to allow Mexico-domiciled carriers access beyond the border commercial zones.

### Application and Selection Process

The Secretary may make a grant to a State under this section only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of amounts from the United States, for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years of the State or the Federal Government ending before October 1, 2005, whichever the State designates.

The applicant must submit an application form (SF-424, SF-424A, and SF-424B) no later than March 15, 2006 to the Division Administrator of the FMCSA Division Office in the State in which the applicant is domiciled.

If funds remain available after allocations are made for applications submitted by March 15, 2006, additional applications may be submitted and will be considered for funding until all available funds have been allocated.

In addition to the application form, the application package must include a border enforcement program plan containing the following:

- Detailed budget,
- Scope of project,
- Purpose,
- Performance goals,
- Objectives,
- Implementation strategies,
- Performance measures,
- Monitoring and evaluation plan,

and

- Status and evaluation of FY2005 border enforcement plan, if appropriate.

The border enforcement program plan must be coordinated with the State lead MCSAP agency, as appropriate.

SF-424, SF-424A, and SF-424B can be downloaded from [http://www.whitehouse.gov/omb/grants/grants\\_forms.html](http://www.whitehouse.gov/omb/grants/grants_forms.html). Addresses of the FMCSA Division Offices are available on the Internet at <http://www.fmcsa.dot.gov/about/contact/offices/displayfieldroster.asp>.

As an alternative, applicants can apply for BEG funding using the

grants.gov electronic application process. To use the process, the applicant must have a DUNS number and be registered with grants.gov. To obtain a DUNS number or register with grants.gov, go to <http://www.grants.gov/GetStartedRoles?type=ao>.

To apply for a grant using the grants.gov process, the applicant must download a grant application package, complete the selected grant application package, and submit the completed grant application package. This can be done on the Internet at <http://www.grants.gov/Apply?campaignid=tabnavtracking081105>. The CFDA number for BEG is 20.233.

It is anticipated the grants.gov application process will be available for use by the BEG program by March 1, 2006.

Upon receipt, the applications will be reviewed by FMCSA and prioritized for potential funding. The review will consider consistency with national priorities, as noted above; performance with respect to previous year border grant programs, if applicable; coordination with MCSAP, if applicable; Division Administrator recommendations; and other criteria that FMCSA deems appropriate.

Funds will be allocated based on availability and on the applications review conducted by FMCSA. Those applicants approved for funding will be required to enter into a grant agreement with FMCSA, which will be executed by a Division Administrator on behalf of FMCSA.

Issued on: January 20, 2006.

**Annette M. Sandberg,**  
Administrator.

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2005-23238]

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

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

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

**SUMMARY:** FMCSA announces receipt of applications from 14 individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor

vehicles (CMVs) in interstate commerce without meeting the Federal vision standard.

**DATES:** Comments must be received on or before March 2, 2006.

**ADDRESSES:** You may submit comments identified by DOT Docket Management System (DMS) Docket Number FMCSA-2005-23238 using any of the following methods:

- Web site: <http://dmses.dot.gov/submit>. Follow the instructions for submitting comments on the DOT electronic docket site.
- Fax: 1-202-493-2251.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.
- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

*Instructions:* All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://dms.dot.gov> including any personal information provided. Please see the Privacy Act heading for further information.

*Docket:* For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The DMS 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 online.

*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 Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477; Apr. 11, 2000). This information is also available at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Chief, Physical

Qualifications Division, (202) 366-4001, [maggi.gunnels@fmcsa.dot.gov](mailto:maggi.gunnels@fmcsa.dot.gov), FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 8 a.m. to 5 p.m., e.s.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Background

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." FMCSA can renew exemptions at the end of each 2-year period. The 14 individuals listed in this notice each have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

##### Qualifications of Applicants

###### *Nick D. Bacon*

Mr. Bacon, 29, has had refractive amblyopia strabismus in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/200. His ophthalmologist examined him in 2005 and noted, "In my opinion, Mr. Bacon has sufficient vision including visual field, to perform the driving tasks required to operate a commercial motor vehicle." Mr. Bacon reported that he has driven straight trucks for 6 years, accumulating 120,000 miles. He holds a Class B CDL from Kentucky. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

###### *Donald G. Bostic, Jr.*

Mr. Bostic, 47, has had age related macular degeneration in his right eye for 23 years. The best corrected visual acuity in his right eye is 20/200 and in the left, 20/20. Following an examination in 2005, his ophthalmologist noted, "In my opinion, Mr. Bostic has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Bostic reported that he has driven straight trucks for 13 years, accumulating 780,000 miles, and tractor-trailer combinations for 2.5 years, accumulating 75,000 miles. He holds a Class A CDL from West Virginia. His driving record for the last 3 years

shows no crashes or convictions for moving violations in a CMV.

###### *Johnny W. Bradford*

Mr. Bradford, 57, has a prosthetic right eye due to trauma he sustained in 1980. The best corrected visual acuity in his left eye is 20/20. His ophthalmologist examined him in 2005 and noted, "In my opinion, Johnny is sufficient with his eye sight and glasses to drive a commercial vehicle." Mr. Bradford reported that he has driven tractor-trailer combinations for 3 years, accumulating 85,500 miles. He holds a Class A CDL from Kentucky. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

###### *Aaron C. Buck*

Mr. Buck, 36, has a prosthetic left eye due to trauma he sustained in 1979. The visual acuity in his right eye is 20/20. Following an examination in 2005, his optometrist noted, "I believe, Mr. Aaron Buck has sufficient vision to perform the driving tasks to operate a commercial vehicle." Mr. Buck reported that he has driven straight trucks for 8 years, accumulating 280,000 miles. He holds a Class 1 operator's license from Vermont, which qualifies him to drive all non-commercial motor vehicles except motorcycles and school buses. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

###### *James C. Davis*

Mr. Davis, 63, has had stable loss of vision in his left eye due to an unknown cause since 1981. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/400. Following an examination in 2005, his ophthalmologist noted, "Given that Mr. Davis has a visual acuity of 20/20 with a normal full vision field in the right, it appears that Mr. Davis has significant vision to perform the driving tasks required to operate a commercial vehicle." Mr. Davis reported that he has driven straight trucks for 40 years, accumulating 600,000 miles, and tractor-trailer combinations for 27 years, accumulating 270,000 miles. He holds a Class C operator's license from Florida. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

###### *James H. Eldridge Jr.*

Mr. Eldridge, 63, has had choroidal revascularization in his right eye since 1997. The best corrected visual acuity in his right eye is count-finger-vision at 5 feet and in the left, 20/25. His optometrist examined him in 2005 and

noted, "Despite the central vision loss in the right eye, I feel he has adequate vision to operate a commercial vehicle." Mr. Eldridge reported that he has driven straight trucks for 45 years, accumulating 1.3 million miles and tractor-trailer combinations for 15 years, accumulating 375,000 miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

###### *Michael G. Gould*

Mr. Gould, 49, has had angle recession glaucoma in his right eye since 2000. The best corrected visual acuity in his right eye is 20/80 and in the left, 20/20. Following an examination in 2005, his optometrist noted, "Mr. Gould has a full 120 degree field in the left eye and a nearly full 110 depth field in the right eye. I believe that represents excellent vision for Mr. Gould and should cause no problem for him operating a commercial motor vehicle." Mr. Gould reported that he has driven straight trucks for 21 years, accumulating 525,000 miles. He holds a Class C chauffeur license from Michigan. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

###### *Albert L. Gschwind*

Mr. Gschwind, 55, has an idiopathic subfoveal subretinal neovascular membrane in his left eye since 1999. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/50. Following an examination in 2005, his ophthalmologist noted, "I feel that based on his current visual function and examination, that he has sufficient vision to perform the driving task required to operate a commercial vehicle." Mr. Gschwind reported that he has driven straight trucks for 34 years, accumulating 272,000 miles, and tractor-trailer combinations for 33 years, accumulating 1.4 million miles. He holds a Class A CDL from Wisconsin. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

###### *Bruce A. Homan*

Mr. Homan, 50, has had central vision loss in his left eye since 1998. The best visual acuity in his right eye is 20/25 and in the left, 20/400. His optometrist examined him in 2005 and noted, "It is my medical opinion that Mr. Homan can perform the driving tasks required to operate a commercial vehicle as he has been doing." Mr. Homan reported that he has driven tractor-trailer combinations for 20 years, accumulating 600,000 miles. He holds a Class A CDL

from Washington. His driving record for the last 3 years shows no crashes and one conviction for a moving violation, speeding in a CMV. He exceeded the speed limit by 12 mph.

*Matthew J. Konecki*

Mr. Konecki, 37, has had anisometropic amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/15-2 and in the left, 20/200. His ophthalmologist examined him in 2005 and noted, "It is my opinion that Mr. Konecki has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Konecki reported that he has driven straight trucks for 7 years, accumulating 91,000 miles. He holds a Class A CDL from Montana. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*Rick P. Moreno*

Mr. Moreno, 42, has a macular hole in his right eye due to an injury he sustained in 1987. The best corrected visual acuity in his right eye is 20/200 and in the left, 20/20. Following an examination in 2005, his optometrist noted, "In my medical opinion, I feel Rick has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Moreno reported that he has driven straight trucks for 1 year, accumulating 24,000 miles and tractor-trailer combinations for 3 years, accumulating 2.8 million miles. He holds a Class A CDL from Washington. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*Roy J. Oltman*

Mr. Oltman, 47, is blind in the left eye due to trauma he sustained at the age of 7. The best corrected visual acuity in his right eye is 20/20. His ophthalmologist examined him in 2005 and noted, "From a visual standpoint, I see no limitations for Mr. Oltman. As I explained to him, I do not know all activities needed for operating a commercial vehicle, but for a person with only one eye, his visual function is excellent in the right eye." Mr. Oltman reported that he has driven straight trucks for 5 years, accumulating 10,000 miles and buses for 7 years, accumulating 10,500 miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes or convictions for a moving violation in a CMV.

*Monte L. Purciful*

Mr. Purciful, 53, has a cataract in his right eye due to a traumatic injury that occurred at age 11. The best corrected visual acuity in his right eye is hand motion and in the left, 20/20. His ophthalmologist examined him in 2005 and noted, "In my professional opinion, Mr. Purciful has adequate vision to safely operate a commercial vehicle." Mr. Purciful reported that he has driven straight trucks for 36 years, accumulating 108,000 miles and tractor-trailer combinations for 2 years, accumulating 2,000 miles. He holds a Class C operator's license from Georgia. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

*Bernard J. Wood*

Mr. Wood, 59, has a prosthetic right eye due to a traumatic injury at age 2. The best corrected visual acuity in his left eye is 20/15-1. Following an examination in 2005, his ophthalmologist noted, "In my opinion, Mr. Wood is capable and qualified to operate a commercial vehicle for interstate travel." Mr. Wood reported that he has driven straight trucks for 10 years, accumulating 400,000 miles. He holds a Class A CDL from Wisconsin. His driving record for the last 3 years shows one crash, for which he was not cited, for violating any traffic laws and no convictions for moving violations in a CMV.

#### Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The agency will consider all comments received before the close of business March 2, 2006. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The agency will file comments received after the comment closing date in the public docket, and will consider them 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 monitor the public docket for new material.

Issued on: January 23, 2006.

**Rose A. McMurray**,

*Associate Administrator, Policy and Program Development.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No. FTA-2006-23511]

#### Joint Development Guidance

**AGENCY:** Federal Transit Administration, Department of Transportation.

**ACTION:** Notice of Guidance; request for comments.

**SUMMARY:** This guidance would implement additional authority provided in the Safe, Accountable, Flexible and Efficient Transportation Equity Act, a Legacy for Users (SAFETEA-LU) for public transportation agencies undertaking joint development projects. In addition, this notice seeks comment on two issues: a clarification of what is "physically or functionally related" to a transit project; and a proposed limitation on the amount of space that might be leased under "incidental use." Finally, this guidance would provide additional information in a question-and-answer format to assist grantees in developing and submitting project proposals for FTA review.

**DATES:** Comments should be received on or before March 2, 2006.

**ADDRESSES:** Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590, or submit electronically at <http://dmses.dot.gov/submit>. All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.s.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or you may print the acknowledgment page that appears after submitting comments electronically.

**FOR FURTHER INFORMATION CONTACT:** Paul Marx, 202-366-1675, or Paula Schwach, 816-329-3935. FTA is located at 400 Seventh Street, SW., 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 and Filing

You may submit or retrieve comments online through the Document Management System (DMS) at: <http://dmses.dot.gov/submit>. Acceptable formats include: MS Word (versions 95