

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 specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

#### VTTI's Application for Exemption

VTTI has applied for an exemption from 49 CFR 393.60(e)(1) to allow the installation of DASs at the bottom of the windshield on 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.

VTTI has applied for the exemption because it wants to install DASs in up to 150 CMVs operating throughout the United States in support of research being conducted on behalf of NHTSA. VTTI contends that it must be able to mount the DASs lower than allowed under 49 CFR 393.60(e)(1) "because the safety equipment must have a clear forward facing view of the road, and low enough to accurately scan facial features for detection of impaired driving."

VTTI's mounting preference for the DASs and necessary mounting brackets is at the bottom of the windshield, and is best suited for mounting within and/or below 3 inches of the bottom of the

windshield wiper sweep, and out of the driver's sightlines to the road and highway signs and signals, to the extent practicable.

#### FMCSA Grant of Waiver to VTTI

Pursuant to 49 U.S.C. 31315(a) and 49 CFR part 381, subpart B, the FMCSA granted VTTI a 90-day waiver on January 26, 2015 to allow the placement of the DASs at the bottom of windshields on CMVs, outside of the area permitted by section 393.60 of the FMCSRs. This waiver is effective from January 26, 2015, through April 25, 2015. Up to 150 DASs will be installed and the affected motor carriers are listed as below:

1. USDOT # 32052.	Crosby Trucking Service Inc. in Mount Sydney VA.
2. USDOT # 369138.	Rush Trucking Corporation in Wayne Michigan.
3. USDOT # 1977980.	Kuperus Trucking Inc. in Jenison MI.
4. USDOT # 282628.	Stagecoach Cartage and Distribution, LP in El Paso TX.
5. USDOT # 184405.	J & M Tank Lines Inc. in Birmingham AL.
6. USDOT # 1243338.	P&S Transportation LLC in Ensley AL.
7. USDOT # 75827.	Modular Transport Company in Wyoming MI.

During the waiver period, these motor carriers participating in the NHTSA research program must ensure that the DASs are mounted within three inches of the bottom of the driver side windshield wiper sweep, and out of the driver's sightlines to the road and highway signs and signals as much as practicable. Vehicles participating in the study must carry a copy of this waiver in the vehicle.

#### Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on VTTI's application for an exemption from 49 CFR 393.60(e)(1). 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** section 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: February 9, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015-03239 Filed 2-17-15; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-25246; FMCSA-2006-26066; FMCSA-2008-0340; FMCSA-2010-0327; FMCSA-2010-0385; FMCSA-2012-0280; FMCSA-2012-0337; FMCSA-2012-0339]

#### 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 17 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 March 1, 2015. Comments must be received on or before March 20, 2015.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA-2006-25246; FMCSA-2006-26066; FMCSA-2008-0340; FMCSA-2010-0327; FMCSA-2010-0385; FMCSA-2012-0280; FMCSA-2012-0337; FMCSA-2012-0339], 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.

**Instructions:** 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 Federal Docket Management System (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:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**FOR FURTHER INFORMATION CONTACT:**

Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, 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:**

**I. 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.

**II. Exemption Decision**

This notice addresses 17 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 17 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Kreis C. Baldridge (TN)  
 Steven J. Clark (GA)  
 Thomas A. Crowell (NC)  
 Michael A. Fouch (NJ)  
 Wilfred J. Gagnon (VT)  
 Ricky G. Jacks (AL)  
 Scott A. Lambertson (MN)  
 Carl A. Lohrbach (OH)  
 Jay C. Naccarato (WA)  
 Jeffrey L. Olson (MN)  
 Gary J. Peterson (IL)  
 Donnie R. Riggs (AL)  
 James E. Savage (NV)  
 Randall S. Surber (WV)  
 Ernest W. Waff (VA)  
 Curtis E. Way (TX)  
 John E. Westbrook (LA)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements 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 provides 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 retains 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.

**III. 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 17 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (71 FR 63379; 71 FR 63380; 72 FR 180; 72 FR 1050; 72 FR 9397; 73 FR 75803; 73 FR 78422; 74 FR 980; 74 FR 6209; 74 FR 6211; 75 FR 65057; 75 FR 77492; 75 FR 79081; 75 FR 79083; 76 FR 4413; 76 FR 4414; 76 FR 5425; 76 FR 8809; 76 FR 9865; 77 FR 64839; 77 FR 70534; 77 FR 75494; 78 FR 800; 78 FR 1919; 78 FR 9772; 78 FR 11731; 78 FR 12813; 78 FR 12817). Each of these 17 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement 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 requirements.

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.

**IV. Public Participation and Request for Comments**

FMCSA encourages you to participate by submitting comments and related materials.

*Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA-2006-25246; FMCSA-2006-26066; FMCSA-2008-0340; FMCSA-2010-0327; FMCSA-2010-0385; FMCSA-2012-0280; FMCSA-2012-0337; FMCSA-2012-0339), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and put the docket number, “FMCSA-2006-25246; FMCSA-2006-26066; FMCSA-2008-0340; FMCSA-2010-0327; FMCSA-2010-0385; FMCSA-2012-

0280; FMCSA–2012–0337; FMCSA–2012–0339” in the “Keyword” box, and click “Search.” When the new screen appears, click on “Comment Now!” button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

#### Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> and in the search box insert the docket number, “FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2008–0340; FMCSA–2010–0327; FMCSA–2010–0385; FMCSA–2012–0280; FMCSA–2012–0337; FMCSA–2012–0339” in the “Keyword” box and click “Search.” Next, click “Open Docket Folder” button choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued On: February 6, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No. FTA–2014–0025]

#### Notice of Buy America Waiver for Track Turnout Components

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

**ACTION:** Notice of Buy America Waiver.

**SUMMARY:** In response to a request from the Long Island Rail Road Company (LIRR), a subsidiary of the New York Metropolitan Transportation Authority (MTA), for a Buy America waiver for

track turnout components, the Federal Transit Administration (FTA) hereby waives its Buy America requirements for LIRR’s procurement of the following track turnout components: Schwihag roller assemblies, Schwihag plates, ZU1–60 steel switch point rail sections, and movable point frogs. This waiver is limited to LIRR’s procurement of these track turnout components for the nine (9) turnouts that LIRR needs for VHL03 LIRR Stage 3 of the East Side Access Project and the one (1) turnout that LIRR needs for VHL04 LIRR Stage 4 of the East Side Access Project. The turnouts themselves, however, are subject to FTA’s Buy America requirements and, accordingly, the turnouts must be manufactured in the United States.

This Buy America waiver does not apply to the track turnout components for Phase I of LIRR’s Jamaica Capacity Improvements Project, and FTA will address that waiver request separately. Moreover, this Buy America waiver does not apply to the track turnout components for the Northeast Corridor Congestion Relief Project at Harold Interlocking, which is being addressed in a separate waiver decision published by the Federal Railroad Administration (FRA), as FRA funds are being used for that project.

**DATES:** This waiver is effective immediately.

**FOR FURTHER INFORMATION CONTACT:**

Richard L. Wong, FTA Attorney-Advisor, at (202) 366–4011 or [Richard.Wong@dot.gov](mailto:Richard.Wong@dot.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of this notice is to announce that FTA is granting a non-availability waiver for LIRR’s procurement of track turnout components—*i.e.*, Schwihag roller assemblies, Schwihag plates, ZU1–60 steel switch point rail sections, and movable point frogs (MPFs)—that are needed for VHL03 LIRR Stage 3 and VHL04 LIRR Stage 4 of the East Side Access (ESA) Project.

With certain exceptions, FTA’s Buy America requirements prevent FTA from obligating an amount that may be appropriated to carry out its program for a project unless “the steel, iron, and manufactured goods used in the project are produced in the United States.” 49 U.S.C. 5323(j)(1). A manufactured product is considered produced in the United States if: (1) All of the manufacturing processes for the product must take place in the United States; and (2) All of the components of the product must be of U.S. origin. 49 CFR 661.5(d). A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d)(2).

If, however, FTA determines that “the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality,” then FTA may issue a waiver (non-availability waiver). 49 U.S.C. 5323(j)(2)(B); 49 CFR 661.7(c).

On July 31, 2014, LIRR requested a non-availability Buy America waiver for the procurement of four specific track turnout components—*i.e.*, Schwihag roller assemblies, Schwihag plates, ZU1–60 steel switch point rail sections, and MPFs—that are needed for the ESA Project. MTA entered into an FTA Full Funding Grant Agreement in 2006 to build the ESA Project. As described by LIRR, the ESA Project will extend LIRR commuter rail service from Queens to the east side of Midtown Manhattan and will construct a new LIRR Terminal at Grand Central Terminal.

On February 4, 2015, LIRR submitted a letter to FTA indicating that it has become aware of alternate turnout designs that may be compatible with LIRR’s infrastructure, with some modifications, for the ESA Project and that may be available from a domestic source in the future. Accordingly, in its February 4, 2015 letter, LIRR narrowed its waiver request to apply only to VHL03 LIRR Stage 3 and VHL04 LIRR Stage 4 of the ESA Project. Specifically, LIRR explained that it critically needs the Buy America waiver for nine (9) turnouts that are necessary for VHL03 LIRR Stage 3 of the ESA Project in order for LIRR to meet its 2016 installation schedule and to thereby avoid delays to the overall ESA project schedule. Additionally, LIRR specified that it needs the track turnout components waiver so that it may procure one (1) unique turnout—No. 32.75—for VHL04 LIRR Stage 4 of the ESA Project.

LIRR has stated that the foreign-sourced MPFs are essential components of track turnouts for the following operational reasons: (1) turnouts with MPFs are necessary to withstand the frequent and heavy use by passenger and freight trains traveling along LIRR’s right of way; (2) turnouts with MPFs allow trains to travel through the turnouts at higher speeds, ultimately providing more throughput during rush hour; (3) turnouts with MPFs reduce impact loading to the turnouts; and (4) turnouts with MPFs provide for less wear and tear, thereby requiring less overall maintenance, extending the useful lives of the turnouts, and resulting in fewer outages and negative impacts on LIRR’s operations.

Based on previous solicitations, market research, and manufacturer outreach, as set forth below, LIRR