

a codeshare route on which U.S. Carrier A operates the flight.

*Answer 26:* Other U.S. air carriers, including U.S. Carrier A, have no obligation under section 145 to provide alternate transportation to passengers ticketed by Carrier B, because it is a foreign carrier. Our interpretation here with respect to U.S. Carrier A is limited to its obligation pursuant to section 145, however, and does not consider any other obligation that it may have to carry the passengers of its code share partner, Foreign Carrier B.

*Question 27 (U.S. and Foreign air carriers):* Carrier A, a U.S. air carrier, and Carrier B, a foreign air carrier, have a code share agreement in which Foreign Carrier B operates the flight. U.S. Carrier A ceases operations by reason of bankruptcy or insolvency. What requirements exist, pursuant to section 145, with regard to passengers of U.S. Carrier A and Foreign Carrier B?

*Answer 27:* Other U.S. air carriers have an obligation under section 145 to provide transportation to passengers ticketed by U.S. Carrier A, because it ceased operations on a route due to bankruptcy. Foreign Carrier B has no obligation under section 145 to transport the passengers of U.S. Carrier A, because section 145 applies only to U.S. carriers. Our interpretation here is limited to Foreign Carrier B's obligation pursuant to section 145, however, and does not consider any other obligation that it may have to carry the passengers of its code share partner, U.S. Carrier A.

*Question 28 (U.S. and Foreign air carriers):* Same as Question 27, except that Foreign Carrier B ceases operations due to bankruptcy on a code share route on which it operates the flight, leaving passengers ticketed by U.S. Carrier A without lift.

*Answer 28:* Other U.S. air carriers have no obligation under section 145 to provide transportation to passengers ticketed by U.S. Carrier A, because it has not ceased operations on a route due to insolvency or bankruptcy and no obligation to transport passengers ticketed by Foreign Carrier B, since it is a foreign carrier. Carrier A would, however, have obligations to the passengers holding tickets for transportation on it as set forth in its contract of carriage.

[FR Doc. 05-11537 Filed 6-9-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending May 27, 2005

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart B (formerly subpart Q) of the Department of Transportation's Procedural Regulations (*see* 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number* OST-2005-21348.

*Date Filed* May 26, 2005.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope* June 16, 2005.

#### *Description*

Application of Gulfstream Air Charter, Inc. requesting authority to operate scheduled passenger service as a commuter air carrier.

**Maria Gulczewski,**

*Acting Program Manager, Docket Operations, Alternate Federal Register Liaison.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA-98-4334, FMCSA-2000-7006, FMCSA-2000-7363, FMCSA-2001-9258, FMCSA-2002-13411, FMCSA-2003-14504]

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

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

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

**SUMMARY:** This notice publishes the FMCSA decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 31 individuals. The FMCSA has statutory authority to exempt individuals from vision standards if the exemptions granted will

not compromise safety. The agency has 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.

**DATES:** This decision is effective June 26, 2005. Comments from interested persons should be submitted by July 11, 2005.

**ADDRESSES:** You may submit comments identified by DOT DMS Docket Numbers FMCSA-98-4334, FMCSA-2000-7006, FMCSA-2000-7363, FMCSA-2001-9258, FMCSA-2002-13411, and FMCSA-2003-14504, by any of the following methods:

- Web site: <http://dms.dot.gov>.

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 on-line instructions for submitting comments.

*Instructions:* All submissions must include the agency name and docket numbers for this notice. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the SUPPLEMENTARY INFORMATION section of this document. 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 under Regulatory Notices.

*Docket:* For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to 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.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Office of Bus and Truck Standards and Operations, (202) 366-4001, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

*Public Participation:* The DMS is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help guidelines under the "help" section of the DMS Web site. If you want us to notify you 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 is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or 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 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

**Exemption Decision**

Under 49 U.S.C. 31315 and 31136(e), the 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. This notice addresses 31 individuals who have requested renewal of their exemptions in a timely manner. The FMCSA has evaluated these 31 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Gary A. Barrett  
Donald L. Jensen  
James H. Opplinger  
Ivan L. Beal  
Daryl A. Jester  
Richard S. Rehbein  
Johnny A. Beutler  
Robert L. Joiner, Jr.  
Bernard E. Roche  
Daniel R. Brewer  
James P. Jones  
David E. Sanders  
Lynn A. Childress  
Loras G. Knebel  
David B. Speller  
Brett L. Condon  
Larry J. Lang  
Lynn D. Veach

Mark W. Coulson  
Dennis D. Lesperance  
Dale R. Wheeler  
Thomas W. Craig  
John W. Locke  
Charles M. Wilkins  
Myron D. Dixon  
Herman G. Lovell  
Michael C. Wines  
Terry W. Dooley  
Ronald L. Maynard  
Alfred C. Jenkins  
William A. Moore, Jr.

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

**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. 31315 and 31136(e), each of the 31 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 66226; 64 FR 16517; 66 FR 17994; 68 FR 35772; 65 FR 20245; 65 FR 57230; 67 FR 57266; 65 FR 45817; 65 FR 77066; 67 FR 71610; 66 FR 17743; 66 FR 33990; 67 FR 76439; 68 FR 10298; 68 FR 19598; 68 FR 33570). Each of these 31 applicants has requested timely 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, the 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.

**Comments**

The 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. 31315 and 31136(e). However, the FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by July 11, 2005.

In the past the FMCSA has received comments from Advocates for Highway and Auto Safety (Advocates) expressing continued opposition to the FMCSA's procedures for renewing exemptions from the vision requirement in 49 CFR 391.41(b)(10). Specifically, Advocates objects to the agency's extension of the exemptions without any opportunity for public comment prior to the decision to renew, and reliance on a summary statement of evidence to make its decision to extend the exemption of each driver.

The issues raised by Advocates were addressed at length in 69 FR 51346 (August 18, 2004). The FMCSA continues to find its exemption process appropriate to the statutory and regulatory requirements.

Issued on: June 3, 2005.

**Pamela M. Pelcovits,**

*Office Director, Policy, Plan, and Regulation.*  
[FR Doc. 05-11491 Filed 6-9-05; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[STB Finance Docket No. 34705]

**Soo Line Railroad Company D/B/A  
Canadian Pacific Railway—Temporary  
Trackage Rights Exemption—BNSF  
Railway Company**

BNSF Railway Company (BNSF) has agreed to grant temporary overhead