

commercial vehicle." Mr. Hines reported that he has driven straight trucks for 18 years, accumulating 216,000 miles, and tractor-trailer combinations for 18 years, accumulating 216,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*John H. Holmberg*

Mr. Holmberg, 63, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/70. Following an examination in 2008 his optometrist noted, "I would concur with these results and agree that Mr. Holmberg has adequate vision to operate a commercial vehicle." Mr. Holmberg reported that he has driven straight trucks for 20 years, accumulating 50,000 miles. He holds a Class A CDL from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Gary R. Lomen*

Mr. Lomen, 49, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/50. Following an examination in 2008, his optometrist noted, "In my opinion, Mr. Lomen can operate a commercial vehicle safely with his current vision, based on years of success with his visual condition." Mr. Lomen reported that he has driven straight trucks for 16 years, accumulating 542,400 miles. He holds an operator's license from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Leonardo Lopez, Jr.*

Mr. Lopez, 36, has complete loss of vision in his right eye due to chronic retinal detachment. The best corrected visual acuity in his left eye is 20/30. Following an examination in 2007 his ophthalmologist noted, "I believe that Mr. Lopez has sufficient vision to perform driving tasks required to operate a commercial vehicle." Mr. Lopez reported that he has driven straight trucks for 9 years, accumulating 126,000 miles. He holds a Class D operator's license from New Jersey. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Jeffrey F. Meier*

Mr. Meier, 50, has had a macular scar in his left eye due to toxoplasmosis

since birth. The best corrected visual acuity in his right eye is 20/25 and in the left, 20/150. Following an examination in 2008 his ophthalmologist noted, "My opinion is that he has sufficient vision to operate a commercial vehicle." Mr. Meier reported that he has driven straight trucks for 30 years, accumulating 675,000 miles. He holds a Class D operator's license from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*James G. Mitchell*

Mr. Mitchell, 41, has a prosthetic left eye due to a traumatic injury that occurred in 1993. The visual acuity in his left eye is 20/20. Following an examination in 2007 his optometrist noted, "I feel Mr. Mitchell is visually able to operate a motor vehicle in all lighting conditions with a driver's side mirror." Mr. Mitchell reported that he has driven tractor-trailer combinations for 16 years, accumulating 2.2 million miles. He holds a Class D operator's license from Alabama. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Billy R. Pierce*

Mr. Pierce, 59, has a decreased right eye due to a severe infection that occurred in 2004. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/400. Following an examination in 2008, his optometrist noted, "It is my opinion, that Mr. Pierce has the ability and visual ability to operate a commercial vehicle." Mr. Pierce reported that he has driven straight trucks for 43 years, accumulating 1.3 million miles, and tractor-trailer combinations for 29 years, accumulating 435,000 miles. He holds a Class D operator's license from Alabama. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*James A. Rapp*

Mr. Rapp, 46, has had loss of vision in his left eye due to childhood glaucoma. The visual acuity in his right eye is 20/20 and in the left, count-finger vision. Following an examination in 2008, his ophthalmologist noted, "In my opinion, he has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Rapp reported that he has driven straight trucks for 18 years, accumulating 374,400 miles. He holds a Class D operator's license from Ohio. His driving record for the last 3 years

shows one crash, which he was cited for, and no other convictions for moving violations in a CMV.

*Thomas P. Shank*

Mr. Shank, 41, has had exotropia in his right eye since birth. The best corrected visual acuity in his right eye is count-finger vision and in the left, 20/16. Following an examination in 2008, his optometrist noted, "In my medical opinion, Mr. Shank has sufficient vision to perform the driving tasks required to operate a commercial vehicle at any time of day or night." Mr. Shank reported that he has driven straight trucks for 5 years, accumulating 250,000 miles, and tractor-trailer combinations for 19 years, accumulating 1.7 million miles. He holds a Class A CDL from New York. His driving record for the last 3 years shows no crashes and two convictions for moving violations in a CMV; unsafe lane changes, and speeding in a CMV. He exceeded the speed limit by 9 mph.

**Request for Comments**

In accordance with 49 U.S.C. 31136(e) and 31315, 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 September 11, 2008. 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: August 7, 2008,

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

[FR Doc. E8-18613 Filed 8-11-08; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Transit Administration**

[Docket No: FTA-2008-0009]

**National Transit Database: Policy on Reporting of Coordinated Human Services Transportation Data**

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

**ACTION:** Notice of Proposed New Policy on Reporting of Coordinated Human Services Transportation Data to the National Transit Database.

**SUMMARY:** This notice provides interested parties with the opportunity to comment on changes to the Federal Transit Administration's (FTA) National Transit Database (NTD) policy on the reporting of coordinated human services transportation data. For many years, it has been FTA's policy to require transit agencies reporting demand response service to the NTD to exclude service data for certain sponsored trips from their reports. These trips were typically arranged and paid for by a third party for a specific group of clients (such as participants in programs like Medicaid, Head Start, sheltered workshops, or assisted living centers), and were often not open to the general public at large. Data for these trips were thus excluded from the calculation of the apportionment of Urbanized Area Formula Grants. In light of FTA's policies and guidance on Coordinated Human Services Transportation, FTA is proposing to clarify this policy for the 2008 NTD Report Year to specify that transit agencies are to report data for all of their demand response service as public transportation, except for those services that are defined as charter service under FTA's recently revised charter rule (49 CFR Part 604, 73 FR 2326, January 14, 2008). FTA also proposes to require transit agencies in urbanized areas to separately report their "regular unlinked passenger trips" and their "sponsored demand response unlinked passenger trips" for demand response service. FTA invites the public to comment on this proposed policy change.

**DATES:** Comments must be received on or before September 11, 2008. FTA will consider comments filed after this date to the extent practicable.

**ADDRESSES:** You may submit comments [identified by DOT Docket ID Number FTA-2008-0009] at the Federal eRulemaking Portal at: <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Fax: 202-493-2251.

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: U.S. Department of Transportation, 1200 New Jersey Ave., SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9

a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

**Instructions:** When submitting comments, you must use docket number FTA-2008-0009. This will ensure that your comment is placed in the correct docket. If you submit comments by mail, you should submit two copies and include the above docket number.

Note that all comments received will be posted, without change, to

Note that all comments received will be posted, without change, to <http://www.regulations.gov> including any personal identifying information.

**FOR FURTHER INFORMATION CONTACT:** For program issues, John D. Giorgis, Office of Budget and Policy, (202) 366-5430 (telephone); (202) 366-7989 (fax); or [john.giorgis@dot.gov](mailto:john.giorgis@dot.gov) (e-mail). For legal issues, Richard Wong, Office of the Chief Counsel, (202) 366-0675 (telephone); (202) 366-3809 (fax); or [richard.wong@dot.gov](mailto:richard.wong@dot.gov) (e-mail).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The National Transit Database (NTD) is the Federal Transit Administration's (FTA's) primary database for statistics on the transit industry. Congress established the NTD to "help meet the needs of \* \* \* the public for information on which to base public transportation service planning. \* \* \*" (49 U.S.C. 5335). Currently, over 650 transit providers in urbanized areas report to the NTD through an Internet-based reporting system. Each year, performance data from these submissions are used to apportion over \$5 billion of FTA funds under the Urbanized Area Formula Grants and the Fixed Guideway Modernization Grants Programs. These data are also used in the annual National Transit Summaries and Trends report, the biennial Conditions and Performance Report to Congress, and in meeting FTA's obligations under the Government Performance and Results Act.

##### **II. Proposed Policy Change**

For many years, it has been FTA's policy to require transit providers reporting demand response service to the NTD to exclude certain trips that were sponsored by a third party from their reports. A "trip sponsor" refers to a third party that reimbursed the transit provider in whole or in part for the trip, and in many cases, handled all or part of the trip arrangements. These trips were typically arranged and paid for by some third party for a specific group of clients (such as participants in programs like Medicaid, Head Start, sheltered workshops, or assisted living centers),

and were often not open to the general public at large. Data for these trips were thus excluded from the calculation of the apportionment of Urbanized Area Formula Grants.

FTA proposes to clarify this policy in light of FTA's policy and guidance on Coordinated Human Services Transportation, and in light of PTA's recently revised charter rule (49 CFR Part 604, 73 FR 2326, January 14, 2008). FTA proposes in this notice that transit providers reporting to the NTD for the 2008 NTD Report Year, should report all of their demand response services to individuals as public transportation services, regardless of whether the trip was sponsored in whole or in part by a third party. Trips that meet the definition of charter service at 49 CFR 604.3(c) must be reported on a quarterly basis on the charter registration Web site, as required by the charter rule, and data for these trips should not be reported as revenue service to the NTD.

A key component of FTA's charter rule is the concept of "exclusivity." Charter service is defined, in part, as "transportation provided \* \* \*, at the request of a third party for the exclusive use of a bus or van at a negotiated price," with the caveat that "charter service \* \* \* does not include demand response service to individuals." Transit providers reporting to the NTD may distinguish their demand response services, particularly their sponsored demand response service, from charter service a number of ways: (1) Charter service is exclusive, whereas demand response service is *shared-ride*. If the transit provider may mix passengers from a trip sponsor with other demand response passengers on the same trip, then the trip is on shared-ride service, and service data for that trip should be reported to the NTD as public transportation. (2) Charter service is *service to a group*, whereas demand response service is *service to individuals*. Service to individuals can be identified by a vehicle trip that includes multiple origins, multiple destinations, or both, even when the clients have exclusive use of the vehicle. Some demand response sponsored trips carried out as part of a Coordinated Human Services Transportation Plan, such as trips for Head Start, assisted living centers, or sheltered workshops, may be provided on an exclusive basis, but are provided to service multiple origins to a single destination, a single origin to multiple destinations, or even multiple origins to multiple destinations. Transit providers should report service data for these trips to the NTD as public transportation. (3) Charter service is *for a specific event or*

*function*, whereas demand response service is *regular and continuing*. Some demand response sponsored trips carried out as part of a Coordinated Human Services Transportation Plan may be exclusive, and may be for a group from a single origin to a single destination, but may occur on a frequently reoccurring basis, such as daily, weekly, biweekly, or monthly. Transit providers should report service data for these trips to the NTD as public transportation. Demand response service that is exclusive, from a single origin to a single destination, and that reoccurs on a less-frequent basis that once per month should be considered to be charter service. Transit providers should report these services to the charter registration Web site.

Transit providers reporting to the NTD must specifically exclude from their reports on revenue service any service that meets the definition of "charter service" under the charter rule, and thus, must be reported to the charter registration Web site. This exclusion includes charter service legally provided to a Qualified Human Services Organization (QHSO), as provided for by the charter rule.

To implement this policy, FTA proposes to require transit providers reporting to the NTD to report their regular unlinked passenger trips and their sponsored unlinked passenger trips separately for demand response service. Reporters would not have to make this distinction for any other modes of service. Regular unlinked passenger trips would refer to those demand response trips that are arranged and paid for by individuals, even when those individuals pay the fare with user-side subsidies, such as coupons or passes provided a QHSO. Regular unlinked passenger trips would include all demand response trips provided pursuant to the requirements of the Americans with Disabilities Act of 1990. Sponsored unlinked passenger trips would include all trips where the transit provider is directly reimbursed in whole or in part by some third party that has helped arrange for the trips. This distinction would make reporting of these services for urbanized area transit agencies consistent with the reporting of these services for transit agencies in rural areas. Since this proposal is being announced late in the 2008 Report Year, FTA will grant a waiver from reporting separately regular and sponsored unlinked passenger trips for the 2008 Report Year to any NTD Reporter that requests such a waiver.

Issued in Washington, DC, this 1st day of August 2008.

**James S. Simpson,**  
*Administrator.*

[FR Doc. E8-18388 Filed 8-11-08; 8:45 am]

**BILLING CODE 4910-57-M**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 60-Day Notice and Request for Comments

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** 60-day notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* (PRA), the Surface Transportation Board (Board) gives notice of its intent to request from the Office of Management and Budget (OMB) approval without change of the seven existing collections described below.

Comments are requested concerning each collection as to (1) Whether the particular collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility; (2) the accuracy of the Board's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate. Submitted comments will be included and/or summarized in the Board's request for OMB approval.

**DATES:** Written comments are due on October 14, 2008.

**ADDRESSES:** Direct all comments to Marilyn Levitt, Surface Transportation Board, Suite 1260, 395 E Street, SW., Washington, DC 20423-0001, or to [levittm@stb.dot.gov](mailto:levittm@stb.dot.gov). Comments should be identified as "Paperwork Reduction Act Comments, and should refer to the title and control number of the specific collection(s) commented upon.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection(s) contact Scott Decker at (202) 245-0330 or [deckers@stb.dot.gov](mailto:deckers@stb.dot.gov). [Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877-8339.]

**Subjects:** In this notice the Board is requesting comments on the following information collections:

#### Collection Number 1

*Title:* Class I Railroad Annual Report  
*OMB Control Number:* 2140-0009.

*Form Number:* R1.

*Type of Review:* Extension without change.

*Respondents:* Class I railroads.

*Number of Respondents:* Fewer than 10.

*Estimated Time per Response:* As long as 800 hours, based on information provided by the railroad industry during the 1990's. This estimate includes time spent reviewing instructions; searching existing data sources; gathering and maintaining the data needed; completing and reviewing the collection of information; and converting the data from the carrier's individual accounting system to the Board's Uniform System of Accounts (USOA), which ensures that the information will be presented in a consistent format across all reporting railroads, see 49 U.S.C. 11141-43, 11161-64, 49 CFR 1200-1201. It is likely that the estimated time to produce this report is overstated, given the advances made in computerized data collection and processing systems.

*Frequency of Response:* Annual.

*Total Annual Hour Burden:* Up to 5,600 hours annually.

*Total Annual "Non-Hour Burden" Cost:* No "non-hour cost" burdens associated with this collection have been identified.

*Needs and Uses:* Annual reports are required to be filed by Class I railroads under 49 U.S.C. 11145. The reports show operating expenses and operating statistics of the carriers. Operating expenses include costs for right-of-way and structures, equipment, train and yard operations, and general and administrative expenses. Operating statistics include such items as car-miles, revenue-ton-miles, and gross ton-miles. The reports are used by the Board, other Federal agencies, and industry groups to monitor and assess railroad industry growth, financial stability, traffic, and operations, and to identify industry changes that may affect national transportation policy. Information from this report is also entered into the Board's Uniform Rail Costing System (URCS), which is a cost measurement methodology. URCS, which was developed by the Board pursuant to 49 U.S.C. 11161, is used as a tool in rail rate proceedings, in accordance with 49 U.S.C. 10707(d), to calculate the variable costs associated with providing a particular service. The Board also uses this information to more effectively carry out other of its regulatory responsibilities, including: Acting on railroad requests for authority