

provides a blueprint to help achieve a coordinated and balanced regional transportation system in the SCAG region.

The Proposed 2012–2035 RTP/SCS provides land use and transportation recommendations to help achieve a coordinated balance of land uses and transportation improvements such that vehicle trips and vehicle trip lengths are reduced and land is used efficiently and sustainably, thereby minimizing energy and water consumption. The 2012–2035 RTP/SCS contains transportation and urban form strategies that encourage compact growth, increased jobs/housing balance and transit-oriented development, where feasible, in all parts of the region.

The Draft PEIR will be available on SCAG's Web site at [www.scag.ca.gov/peir](http://www.scag.ca.gov/peir) <<http://www.scag.ca.gov/peir>>

Issued on: January 18, 2012.

**Shawn E. Oliver,**

*Transportation Engineer, Federal Highway Administration, Sacramento, California 95814-4708.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA–2006–26367 and FMCSA–2011–0131]

#### Motor Carrier Safety Advisory Committee (MCSAC): Public Meeting Medical Review Board: Joint Public Meeting With MCSAC

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

**ACTION:** Notice of Meeting of Motor Carrier Safety Advisory Committee (MCSAC) and Joint Meeting with the Medical Review Board (MRB).

**SUMMARY:** FMCSA announces that MCSAC will hold a meeting on Monday–Thursday, February 6–9, 2012, which will include a joint meeting on Monday, February 6, 2012, with the MRB to finalize recommendations of the joint MCSAC–MRB subcommittee to the FMCSA Administrator on obstructive sleep apnea. The MCSAC will meet separately on Tuesday–Thursday, February 7–8, 2012, where it will consider issues relating to the prevention of harassment of truck and bus drivers through electronic on-board recorders (EOBRs). On Thursday, February 9, there will be a preliminary discussion of ideas and concepts the MCSAC believes the Agency should consider concerning motorcoach hours-

of-service (HOS). All four days of the meeting will be open to the public.

**Time and Dates:** The meetings will be held on Monday–Wednesday, February 6–8, 2012, from 8:30 a.m. to 5 p.m., Eastern Time (E.T.), and on Thursday, February 9, 2012, from 8:30 a.m. to 12 p.m., E.T. The meetings will be held at the Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314 in the Washington and Jefferson Rooms on the 2nd floor. The Hilton Alexandria Old Town is located across the street from the King Street Metro station.

Copies of all MCSAC Task Statements and an agenda for the entire 4-day meeting will be made available in advance of the meeting at <http://mcsac.fmcsa.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Shannon L. Watson, Senior Advisor to the Associate Administrator for Policy, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 385-2395, [mcsac@dot.gov](mailto:mcsac@dot.gov).

#### Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Elizabeth Turner at (617) 494-2068, [elizabeth.turner@dot.gov](mailto:elizabeth.turner@dot.gov), by Wednesday, February 1, 2012.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

###### MCSAC

Section 4144 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU, Pub. L. 109–59, 119 Stat. 1144, August 10, 2005) required the Secretary of Transportation to establish the MCSAC. The MCSAC provides advice and recommendations to the FMCSA Administrator on motor carrier safety programs and regulations, and operates in accordance with the Federal Advisory Committee Act (FACA, 5 U.S.C. App. 2).

###### MRB

Section 4116 of the SAFETEA–LU requires the Secretary of Transportation, with the advice of the MRB, to “establish, review, and revise medical standards for operators of CMVs [commercial motor vehicles] that will ensure that the physical condition of operators of CMVs is adequate to enable them to operate the vehicles safely.” On November 2, 2010, the Secretary of Transportation announced the five medical experts who serve on the MRB.

FMCSA is planning revisions to the physical qualification regulations of CMV drivers, and the MRB will provide the necessary science-based guidance to establish realistic and responsible medical standards. The MRB operates in accordance with FACA.

#### *Sleep Apnea and Other Sleep Disorders*

The MCSAC and the MRB joint subcommittee on obstructive sleep apnea will report to the full MCSAC and MRB committees its recommendations on ideas and concepts the Agency should consider for a future rulemaking on obstructive sleep apnea. The full committees will consider the report and submit recommendations to the FMCSA Administrator.

#### *Hours-of-Service (HOS) for Drivers of Passenger-Carrying CMVs*

The MCSAC will begin consideration of Task 11–06, concerning ideas and concepts the Agency should consider in deciding whether to initiate a rulemaking to amend or revise the HOS requirements for drivers of passenger-carrying CMVs.

#### *Driver Harassment*

On August 26, 2011, the Seventh Circuit Court of Appeals vacated the Agency's April 2010 final rule concerning EOBRs because the agency failed to consider a statutory mandate to “ensure that [EOBRs] are not used to harass vehicle operators” *Owner-Operator Indep. Drivers Ass'n et al. v. Fed. Motor Carrier Safety Admin.*, 656 F.3d 580 (7th Cir. 2011). The FMCSA has requested that the MCSAC provide ideas and concepts on how the Agency could address the statutory mandate in a future EOBR rulemaking.

#### II. Meeting Participation

Oral comments from the public will be heard during the last hour of the meetings on Monday–Wednesday, and during the last 15 minutes of the meeting on Thursday. Members of the public may submit written comments on the topics to be considered during the meeting by Wednesday, February 1, 2012, to Federal Docket Management System (FDMS) Docket Number FMCSA–2006–26367 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <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, Room W12–140, Washington, DC 20590.

• *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12-140, Washington, DC, between 9 a.m. and 5 p.m., E.T. Monday through Friday, except Federal holidays.

Issued on: January 19, 2012.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2011-0299]

#### 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 eight 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 January 24, 2012. The exemptions expire on January 24, 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 November 29, 2011, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (76 FR 73769). That notice listed eight applicants' case histories. The eight 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 eight 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 at 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 eight 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, complete loss of vision, and a completely detached retina. 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. One individual sustained his vision condition as an adult and has had it for a period of 4 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 eight 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 5 to 35 years. In the past 3 years, none of the drivers was involved in crashes, two were convicted of moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the November 29, 2011, notice (76 FR 73769).

#### 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