First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

49 CFR 391.41(b)(11) was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

The three individuals listed in this notice have requested renewal of their exemptions from the hearing standard in 49 CFR 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

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. In accordance with 49 U.S.C. 31136(e) and 31315, each of the three applicants has satisfied the renewal conditions for obtaining an exemption from the hearing requirement (78 FR 22772; 80 FR 22768; 80 FR 57032). In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce.

The three drivers in this notice remain in good standing with the Agency and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. FMCSA has concluded that renewing the exemptions for each of these applicants is likely to achieve a level of safety equal to that existing without the exemption. Therefore, FMCSA has decided to renew each exemption for a two-year period. In accordance with 49 U.S.C. 31136(e) and 31315, each driver has received a renewed exemption.

As of August 22, 2016, Byron Smith (TX) has satisfied the renewal conditions for obtaining an exemption from the hearing requirement in 49 CFR 391.41(b)(11), from driving CMVs in interstate commerce (78 FR 22772). This driver was included in FMCSA–2012–0332. The exemption was effective on August 22, 2016, and will expire on August 22, 2018.

As of August 26, 2016, James Dignan (IL) and Ervin Mitchell (AL), have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in 49 CFR 391.41(b)(11), from driving CMVs in interstate commerce (80 FR 22768; 80 FR 57032)). The drivers were included in FMCSA–2014–0102; FMCSA–2014–0103). The exemptions were effective on August 26, 2016, and will expire on August 26, 2018.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must report any crashes or accidents as defined in 49 CFR 390.5; and (2) report all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391 to FMCSA. In addition, the driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The driver is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The exemption does not exempt the individual from meeting the applicable CDL testing requirements. 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.

V. Conclusion

Based upon its evaluation of the three exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the hearing requirement in 49 CFR 391.41 (b)(11). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: December 21, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016–31550 Filed 12–28–16; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–5748; FMCSA–1999–6156; FMCSA–2001–11426; FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2005–23099; FMCSA–2006–23773; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2007–0017; FMCSA–2007–0071; FMCSA–2007–29010; FMCSA–2008–0021; FMCSA–2009–0011; FMCSA–2009–0291; FMCSA–2010–0050; FMCSA–2010–0082; FMCSA–2011–0379; FMCSA–2012–0040; FMCSA–2012–0104; FMCSA–2012–0106; FMCSA–2013–0166; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0005; FMCSA–2014–0006]

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 exemptions for 88 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before January 30, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *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., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–1999–5748; FMCSA–1999–6156; FMCSA–2001–11426; FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2005–23099; FMCSA–2006–23773; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2007–0017; FMCSA–2007–0071; FMCSA–2007–29010; FMCSA–2008–0021; FMCSA–2009–0011; FMCSA–2009–0291; FMCSA–2010–0050; FMCSA–2010–0082; FMCSA–2011–0379; FMCSA–2012–0040; FMCSA–2012–0104; FMCSA–2012–0106; FMCSA–2013–0166; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0005; FMCSA–2014–0006 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online 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:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

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., e.t., Monday through Friday, except Federal holidays. The 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 online.

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 *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for two years 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 two-year period.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV 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 a 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 red, green, and amber.

The 88 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

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. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 88 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (64 FR 40404; 64 FR 54948; 64 FR 66962; 65 FR 159; 66 FR 63289; 67 FR 10471; 67 FR 10475; 67 FR 19798; 68 FR 64944; 68 FR 74699; 69 FR 8260; 69 FR 10503; 69 FR 19611; 70 FR 57353; 70 FR 67776; 70 FR 72689; 71 FR 4194; 71 FR 6824; 71 FR 6828; 71 FR 6829; 71 FR 13450; 71 FR 14567; 71 FR 19604; 71 FR 26602; 71 FR 30229; 71 FR 32183; 71 FR 41310; 72 FR 58362; 72 FR 64273; 72 FR 67340; 72 FR 67344; 73 FR 1395; 73 FR 6242; 73 FR 11989; 73 FR 15254; 73 FR 15255; 73 FR 15567; 73 FR 16950; 73 FR 27015; 73 FR 27017; 73 FR 27018; 73 FR 28187; 73 FR 36955; 74 FR 62632; 74 FR 65842; 74 FR 65845; 75 FR 9477; 75 FR 9481; 75 FR 9482; 75 FR 14656; 75 FR 19674; 75 FR 20881; 75 FR 20882; 75 FR 22178; 75 FR 25917; 75 FR 25918; 75 FR 27621; 75 FR 28684; 75 FR 36778; 75 FR 36779; 75 FR 39729; 76 FR 70215; 77 FR 7233; 77 FR 10606; 77 FR 13689; 77 FR 15184; 77 FR 17115; 77 FR 23797; 77 FR 23799; 77 FR 23800; 77 FR 27847; 77 FR 27849; 77 FR 27850; 77 FR 33017; 77 FR 33558; 77 FR 36338; 77 FR 38384; 77 FR 38386; 77 FR 44708; 78 FR 62935; 78 FR 64280; 78 FR 76395; 79 FR 1908; 79 FR 10606; 79 FR 14328; 79 FR 14331; 79 FR 14333; 79 FR 14571; 79 FR 17641; 79 FR 18390; 79 FR 18392; 79 FR 22000; 79 FR 22003; 79 FR 23797; 79 FR 27365; 79 FR 27681; 79 FR 28588; 79 FR 29495; 79 FR 29498; 79 FR 35212; 79 FR 35218; 79 FR 35220; 79 FR 37843; 79 FR 38649; 79 FR 47175). They have 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.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of July and are discussed below:

As of July 8, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 40 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (64 FR 40404; 64 FR 66962; 66 FR 63289; 67 FR 10471; 67 FR 19798; 68 FR 64944; 69 FR 19611; 70 FR 57353; 70 FR 67776; 70 FR 72689; 71 FR 26602; 72 FR 58362; 72 FR 64273; 72 FR 67340; 72 FR 67344; 73 FR 1395; 73 FR 6242; 73 FR 15254; 73 FR 15567; 73 FR 16950; 73 FR 27015; 73 FR 27017; 74 FR 62632; 74 FR 65842; 74 FR 65845; 75 FR 9477; 75 FR 9482; 75 FR 14656; 75 FR 19674; 75 FR 20881; 75 FR 27621; 75 FR 28684; 76 FR 70215; 77 FR 7233; 77 FR 10606; 77 FR 13689; 77 FR 17115; 77 FR 23799; 77 FR 23800; 77 FR 27847; 77 FR 27849; 77 FR 33558; 77 FR 38386; 78 FR 62935; 78 FR 64280; 78 FR 76395; 79 FR 1908; 79 FR 10606; 79 FR 14328; 79 FR 14331; 79 FR 14333; 79 FR 14571; 79 FR 17641; 79 FR 18390; 79 FR 18392; 79 FR 22000; 79 FR 22003; 79 FR 23797; 79 FR 27365; 79 FR 27681; 79 FR 28588; 79 FR 29495; 79 FR 29498; 79 FR 38649):

Guy M. Alloway (OR)
Roger E. Anderson (TX)
Alan A. Andrews (NE)
William C. Christy (FL)
David F. Cialdea (MA)
Gerard J. Cormier (MA)
Travis C. Denzler (MN)
Barent H. Eliason (MO)
Sean O. Feeny (FL)
Paul W. Fettig (SD)
Hector O. Flores (MD)
Brian R. Gallagher (TX)
Todd C. Grider (IN)
Jimmy G. Hall (NC)
Taras G. Hamilton (TX)
Donald W. Holt (MA)
William D. Jackson (MN)
Darryl J. Johnson (MN)
Gregory R. Johnson (SC)
Glenn K. Johnson, Jr. (NC)
John Lucas (NC)
Albert E. Malley (MN)
Steven Martin (IL)
Charles E. Meis (TX)
Carlos A. Mendez-Castellon (VA)
Michael R. Moore (MD)
Charles R. Morris, Jr. (OH)
Hassan Ourahou (KY)
James M. Nohl (MN)
Enoc Ramos III (TX)
Jamey D. Reed (OK)
Christopher A. Reineck (OH)
James T. Rohr (MN)
Joe Sanchez (TX)
James S. Seeno (NV)
Steven S. Smith, Jr. (PA)
Thomas L. Tveit (SD)
Kevin R. White (NC)
Richard W. Wylie (CT)
Steven E. Young (MO)

The drivers were included in one of the following dockets: Docket Nos. FMCSA–1999–5748; FMCSA–2001–11426; FMCSA–2005–22194; FMCSA–2007–0017; FMCSA–2007–0071; FMCSA–2007–29019; FMCSA–2008–0021; FMCSA–2009–0291; FMCSA–2010–0050; FMCSA–2012–0040; FMCSA–2012–0104; FMCSA–2013–0166; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0005. Their exemptions are effective as of July 8, 2016, and will expire on July 8, 2018.

As of July 12, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 7 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (71 FR 4194; 71 FR 13450; 73 FR 15255; 75 FR 9481; 75 FR 20882; 75 FR 22178; 75 FR 25917; 75 FR 25918; 75 FR 39729; 77 FR 15184; 77 FR 27847; 77 FR 27850; 77 FR 36338; 77 FR 38386; 79 FR 35220):

Walter M. Brown (SC)
Chadwick S. Chambers (AL)
William C. Dempsey, Jr. (MA)
Miguel H. Espinoza (CA)
Ricky P. Hastings (TX)
Leland B. Moss (VT)
Markus Perkins (LA)

The drivers were included in one of the following dockets: Docket No. FMCSA–2005–23099; FMCSA–2009–0011; FMCSA–2010–0082; FMCSA–2011–0379; FMCSA–2012–0104. Their exemptions are effective as of July 12, 2016, and will expire on July 12, 2018.

As of July 20, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 17 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (64 FR 5948; 65 FR 159; 67 FR 10471; 67 FR 10475; 67 FR 19798; 68 FR 74699; 69 FR 8260; 69 FR 10503; 69 FR 19611; 70 FR 57353; 70 FR 72689; 71 FR 6824; 71 FR 6828; 71 FR 6829; 71 FR 14567; 71 FR 19604; 71 FR 26602; 71 FR 30229; 71 FR 32183; 71 FR 41310; 73 FR 11989; 73 FR 15567; 73 FR 27017; 73 FR 27018; 73 FR 28187; 73 FR 36955; 75 FR 36778; 75 FR 36779; 77 FR 38384; 79 FR 35212; 79 FR 35218; 79 FR 47175):

Delmas C. Bergdoll (WV)
Kenneth J. Bernard (LA)
Harvis P. Cosby (MD)
Daniel R. Franks (OH)
Walter D. Hague, Jr. (VA)
William G. Hix (AR)
Timothy B. Hummel (KY)
Clarence H. Jacobsma (IN)
Charles E. Johnston (MO)
Aaron C. Lougher (OR)
William F. Mack (WA)
Patrick E. Martin (WA)
Leland K. McAlhaney (IN)
Ronald M. Price (MD)
Scott D. Russell (WI)
Alton M. Rutherford (FL)
Sandra J. Sperling (WA)

The drivers were included on the following docket: Docket No. FMCSA–1999–6156; FMCSA–2001–11426; FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2006–23773; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2008–0021; FMCSA–2014–0006. Their exemptions are effective as of July 20, 2016, and will expire on July 20, 2018.

As of July 22, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 15 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (79 FR 35212; 79 FR 47175):

Abdulahi Abukar (KY)
Gregory K. Banister (SC)
Amanuel W. Behon (WA)
Kenneth W. Bos (MN)
Brian L. Elliot (MO)
Bradley C. Hansell (OR)
Samuel L. Klaphake (MN)
Timothy L. Klose (PA)
Phillip E. Mason (MO)
Kenneth A. Orrino (WA)
Ruel W. Smith (SD)
Loren Smith (SD)
Seth D. Sweeten (ID)
Ronald L. Weiss (MN)
John T. White, Jr. (NC)

The drivers were included on the following docket: Docket No. FMCSA–2014–0006. Their exemptions are effective as of July 22, 2016, and will expire on July 22, 2018.

As of July 30, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 9 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (71 FR 32183; 71 FR 41310; 73 FR 36955; 75 FR 25917; 75 FR 36779; 75 FR 39729; 77 FR 33017; 77 FR 36338; 77 FR 38384; 77 FR 44708; 79 FR 37843; 79 FR 38661):

Dale W. Coblentz (MT)
Lester M. Ellingson, Jr.
Damon G. Gallardo (CA)
Daniel L. Grover (KS)
James E. Modaffari (OR)
Larry A. Nienhaus (MI)
Gregory A. Reinert (MN)
Scott J. Schlenker (WA)
Joseph B. Shaw, Jr. (VA)

The drivers were included on the following docket: Docket No. FMCSA–2006–24783; FMCSA–2010–0082; FMCSA–2012–0106. Their exemptions are effective as of July 30, 2016, and will expire on July 30, 2018.

Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (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 certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must 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) each driver must 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. 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.

IV. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 88 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: December 19, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016–31559 Filed 12–28–16; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2016–0045]

Joint Development: Updated Circular

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of update to joint development circular.

SUMMARY: The Federal Transit Administration (FTA) has issued and placed in the docket and on its Web site updated guidance, in the form of a circular, on joint development projects making use of FTA funds or FTA-funded property. The purpose of the update is to implement recent statutory changes and clarify guidance in FTA Circular 7050.1: *FTA Guidance on Joint Development.* Because the update reflects existing statute and imposes no new requirements on recipients, FTA is not soliciting public comment.

DATES: The prohibition on the outfitting of commercial space as part of FTA-assisted joint development projects ended when the Fixing America's Surface Transportation (FAST) Act (Pub. L. 114–94) took effect on October 1, 2015. The policy guidance regarding the ''fair share of revenue'' for affordable housing as part of FTA-assisted joint development projects will be effective February 13, 2017.

FOR FURTHER INFORMATION CONTACT: For policy guidance questions, Daniel Schned, Office of Budget and Policy, Federal Transit Administration, 1200 New Jersey Ave. SE., Room E52–313, Washington, DC 20590, phone: (202) 366–1652, or email, *daniel.schned@dot.gov.* For legal questions, Christopher T. Hall, Office of Chief Counsel, same address, Room E56–311 phone: (202) 366–5218; or email: *Christopher.Hall@dot.gov.*

SUPPLEMENTARY INFORMATION: This notice provides a summary of the updates to Circular 7050.1. The Circular itself is not included in this notice; instead, an electronic version may be found on FTA's Web site, at *www.transit.dot.gov,* and in the docket, at *www.regulations.gov.* Paper copies of the Circular may be obtained by contacting FTA's Administrative Services Help Desk, at (202) 366–4865.

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II. Updates to Circular 7050.1
  A. Outfitting Commercial Space
  B. Affordable Housing

I. Overview

FTA is publishing updates to Circular 7050.1, regarding joint development, that affect: (1) the eligibility of outfitting space for commercial use under the FAST Act; and (2) the ''fair share of revenue'' for affordable housing as part of FTA-assisted joint development projects.

II. Updates to Circular 7050.1

A. Outfitting Commercial Space

Section 3002(2)(B) of the FAST Act amended Section 5302 of title 49, United States Code, by striking Section 5302(3)(G)(vi). Section 5302(3)(G)(vi) had specified that, for the purpose of programs under Chapter 53, a capital project for joint development ''does not include outfitting of commercial space (other than an intercity bus or rail station or terminal) or a part of a public facility not related to public transportation.''

FTA has determined that the best way to comply with Section 3002(2)(B) of the FAST Act is to strike Section 5, ''Ineligible Activities,'' of Chapter III of Circular 7050.1 and all references to the section.

B. Affordable Housing

Section 5302(3)(G)(iii) of title 49, United States Code, requires FTA-funded joint development projects to provide a ''fair share of revenue that will be used for public transportation.'' Prior to the effective date of Circular 7050.1 on October 1, 2014, FTA generally deferred to a project sponsor's assessment of what is a ''fair share'' of revenue, and did not require any specific amount of transit funding from a joint development project. With Circular 7050.1, FTA determined that a fair share of revenue means that a joint development project must produce revenue for transit at least equal to the Federal Government's initial investment in the joint development. (79 FR 50,728; 50,731–32 August 25, 2014).

At the same time, FTA recognized that the revenue generated by below-market-rate development would be less compared to market-rate commercial, residential, or mixed-use development. So as not to impede these developments, Circular 7050.1 included an exception for joint development projects that are ''community service'' or ''publicly-operated'' facilities, thereby exempting them from the minimum fair share of revenue requirement. FTA also acknowledges that many transit agencies have incorporated affordable housing goals into their joint development policies. Similar to community service and publicly-operated facilities, affordable housing also may generate less revenue than market-rate development. Accordingly, FTA will allow the fair share of revenue provided by joint development projects including certain affordable housing to be less than the minimum threshold established in Circular 7050.1.

FTA defines the term ''affordable housing'' to mean legally binding affordability restricted housing units available to renters with incomes below 60 percent of the area median income or owners with incomes below the area median.