

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.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-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 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision, as well as their driving records and experience driving with the vision deficiency. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the November 24, 2021, **Federal Register** notice (86 FR 67112) and will not be repeated here.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 11 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, anterior synechiae, cataract, complete vision loss, corneal scarring, extropia, macular degeneration, macular retinal detachment, and prosthesis. In most cases, their eye conditions did not develop recently. Four of the applicants were either born with their vision impairments or have had them since childhood. The seven individuals that developed their vision conditions as adults have had them for a range of 4 to 33 years. Although each applicant has one eye that does not meet the vision requirement in § 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 a valid license to operate a CMV. By meeting

State licensing requirements, the applicants demonstrated their ability to operate a CMV with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for 3 to 49 years. In the past 3 years, one driver was involved in a crash, and no drivers were convicted of moving violations in CMVs. All the applicants achieved a record of safety while driving with their vision impairment that demonstrates the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

Consequently, FMCSA finds that in each case exempting these applicants from the vision requirement in § 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in § 391.41(b)(10) and (b) by a certified medical examiner (ME) who attests that the individual is otherwise physically qualified under § 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the ME 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, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. 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.

VII. Conclusion

Based upon its evaluation of the 11 exemption applications, FMCSA exempts the following drivers from the vision requirement, § 391.41(b)(10), subject to the requirements cited above:

Travis Crosson
George M. Hapchuk
Gerald E. Hartman
Derek E. Haynes
Dale O. Hoover
Michael R. Jackson
Silvian N. Jones
Mark S. Phillips
Jessie W. Shearer
Ryan K. Terrill
Darrin Wilson

In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (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 prior to being 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(b).

Larry W. Minor,

Associate Administrator for Policy.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2011-0009]

Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on November 7 and 8, 2021, the Nevada Northern Railway Museum (NNR) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain

provisions of the Federal railroad safety regulations contained at 49 CFR parts 215 (Railroad Freight Car Safety Standards) and 224 (Reflectorization of Rail Freight Rolling Stock). The relevant FRA Docket Number is FRA-2011-0009.

Specifically, NNR requested to extend its special approval pursuant to 49 CFR 215.203, *Restricted cars*, for a total of 13 cars, including 2 cabooses (NN 22 and NN 3), 2 flat cars (NN 23 and NN 100), 5 hopper cars (WSOR 102, WSOR 128, WSOR 134, WSOR 158, and WSOR 159), and 4 boxcars (NN 1021, NN 1023, NN 1024, and NN1025) that are more than 50 years from the date of original construction.¹ NNR also requests to extend its existing relief from 49 CFR 215.303, *Stenciling of restricted cars*, and 224.101, *General requirements*. NNR seeks to continue use of the cars in mobile storage, occasional tourist photographic events, and tourist excursion operations. In support of its request, NNR states that the relief would enable the cars to maintain historic integrity and that the cars would remain on NNR's track, not connected to the general railroad system.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by February 25, 2022 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association,

business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of www.regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

*Associate Administrator for Railroad Safety
Chief Safety Officer.*

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DEPARTMENT OF TRANSPORTATION

[Docket No. DOT-OST-2021-0166]

Agency Request for Emergency Approval of an Information Collection

AGENCY: Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Department of Transportation (DOT) provides notice that it will submit an information collection requests (ICR) to the Office of Management and Budget (OMB) for emergency approval of a proposed information collection. Upon receiving the requested six-month emergency approval by OMB, the Office of the Secretary (OST) will follow the normal PRA procedures to obtain extended approval for this proposed information collection. This collection involves applicants to submit a proposal for discretionary grant funding, under the "National Infrastructure Project Assistance Program, established by the Infrastructure Investment and Jobs Act of 2021, November 15, 2021, "Bipartisan Infrastructure Law", or "BIL". OST is requesting emergency approval due to the urgency of making the associated funds available to applicants that meet the eligibility requirements under the law. The continued viability of these funds is critical in supporting the transportation infrastructure needs across the United States. The statutory requirements of the BIL also establish a strict 90-day timeframe from the date of enactment to publish a Notice of Funding Opportunity.

DATES: Comments should be submitted as soon as possible upon publication of this notice in the **Federal Register**.

ADDRESSES: Comments and questions should be directed to the Office of Information and Regulatory Affairs (OIRA), Attn: OST OMB Desk Officer, 725 17th Street NW, Washington, DC 20503. Comments and questions about the ICR identified below may be transmitted electronically to OIRA at oira_submissions@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT:

Information related to this ICR, including applicable supporting documentation may be obtained by contacting John Augustine, Office of Infrastructure Finance and Innovation in the office of the Under Secretary for Transportation Policy (OST-P-40), W84-306, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 366-5437.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35; as amended) and 5 CFR part 1320 require each Federal agency to obtain OMB approval to initiate an information collection activity. DOT is seeking OMB approval for the following DOT information collection activity:

OMB Control Number: 2105-XXXX.

Title: National Infrastructure Project Assistance Program.

Form Numbers: New Collection.

Type of Review: Emergency information collection request.

Expected Number of Respondents: 100.

Frequency: One-time application, to be followed by grant agreement execution, reimbursement of funds, and project closeout.

Estimated Average Burden per Response: 100 (application submission, grant agreement execution, project management, and project evaluation/reporting).

Estimated Total Annual Burden: 10,000.

Abstract: On November 15, 2021 the Infrastructure Investment and Jobs Act of 2021 (Pub. L. 117-58) "Bipartisan Infrastructure Law (BIL)" was enacted. Section 6701 established the National Infrastructure Project Assistance Program, to provide capital investments in surface transportation infrastructure that will have a significant local or regional impact.

Application Stage

In order to be considered to receive a grant, a project sponsor must submit an application to OST containing a project narrative, as detailed in the Notice of Funding Opportunity. The project narrative should include the information necessary for the

¹ Along with its request to renew the relief in this docket, NNR submitted a request to extend the relief in Docket Number FRA-2016-0110 and combine that relief into the FRA-2011-0009 docket.