

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than April 21, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36601, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on Great Basin's representative, Jeffrey O. Moreno, Thompson Hine LLP, 1919 M Street NW, Suite 700, Washington, DC 20036.

According to Great Basin, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: April 11, 2022.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Kenyatta Clay,**  
*Clearance Credit.*

[FR Doc. 2022-08004 Filed 4-13-22; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Rescission of the Notice of Intent for a Supplemental Environmental Impact Statement: Erie and Cattaraugus Counties, NY

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** The FHWA is issuing this notice to advise the public that we are rescinding the Notice of Intent (NOI) to prepare a Supplemental Environmental Impact Statement (SEIS) for the highway improvement project: US Route 219 Springville to Salamanca, NY Route 39 to NY Route 17 (Interstate 86), Erie and Cattaraugus Counties, New York [New York State Department of Transportation (NYSDOT) Project Identification Number 5101.84].

**FOR FURTHER INFORMATION CONTACT:** Richard J. Marquis, Division Administrator, FHWA, New York Division, Leo W. O'Brien Federal Building, 11A Clinton Avenue, Suite

719, Albany, New York 12207, Telephone: (518) 431-4127; or Francis P. Cirillo, Regional Director, New York State Department of Transportation, 100 Seneca Street, Buffalo, New York 14203, Telephone: (716) 847-3238.

**SUPPLEMENTARY INFORMATION:** The FHWA issued a Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) for the US Route 219 Springville to Salamanca project in 2003. The FHWA, in cooperation with the NYSDOT, subsequently intended to prepare a SEIS to supplement the 2003 FEIS. The NOI to prepare a SEIS was published in the **Federal Register** on August 18, 2009, at 74 FR 41781.

The purpose of the project, as presented in the 2003 FEIS, was to improve capacity, address safety deficiencies, and eliminate a two-lane corridor gap between Springville and Salamanca. The SEIS would have evaluated the effects of a proposal to improve the US Route 219 highway between the Town of Ashford and I-86 near the City of Salamanca, all in Cattaraugus County, New York. As stated in the NOI to prepare the SEIS, alternatives under consideration included: (1) The Null Alternative, taking no action; (2) the Upgrade Alternative, widening the existing two-lane highway to four lanes with the possible inclusion of population center by-passes; and (3) the Freeway Alternative, constructing a four-lane limited access freeway on new location. As stated in the NOI, the proposed improvement would have involved the construction of a new route or the upgrade and rehabilitation of the existing route for a distance of about 25 miles.

Due to economic considerations and the increased demand for funding of vital infrastructure improvement projects in the region, the NOI to prepare a SEIS is hereby rescinded. In accordance with 23 CFR 771.129, the FHWA and NYSDOT will re-evaluate the 2003 FEIS and ROD to determine whether or not the conclusions in the approved NEPA Document and final project decision remain valid. Comments and questions concerning the proposed action should be directed to the NYSDOT or FHWA at the addresses provided above.

**Richard J. Marquis,**  
*Division Administrator, HDA-NY, Federal Highway Administration.*

[FR Doc. 2022-07981 Filed 4-13-22; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2022-0032]

#### Qualification of Drivers; Exemption Applications; Hearing

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 18 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

**DATES:** The exemptions are applicable on April 11, 2022. The exemptions expire on April 11, 2022.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation

###### A. Viewing Comments

To view comments go to [www.regulations.gov](http://www.regulations.gov). Insert the docket number, FMCSA-2022-0032, in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

###### B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, without edit, including any personal

information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

## II. Background

On February 16, 2022, FMCSA published a notice announcing receipt of applications from 18 individuals requesting an exemption from the hearing requirement in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (87 FR 8916). The public comment period ended on March 18, 2022, and two comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person 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.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 3, 1971).

## III. Discussion of Comments

FMCSA received two comments in this proceeding. One comment was in support of Wallace Bostrom obtaining a hearing exemption and the other comment requests granting the exemption be based on the applicant's driving history. FMCSA reviews the driving record of each applicant to ensure each applicant demonstrates a safe driving history.

## 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 current medical information and literature, and the 2008 Evidence Report, "Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety." The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) No studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver's license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant's driving record found in the Commercial Driver's License Information System, for commercial driver's license (CDL) holders, and inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency. Each applicant's record demonstrated a safe driving history. Based on an individual assessment of each applicant that focused on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce, the Agency believes the drivers granted this exemption have demonstrated that they do not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the hearing standard in § 391.41(b)(11) 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 report any crashes or accidents as defined in § 390.5; (2) each driver must report all citations and convictions for disqualifying offenses under 49 CFR 383 and 49 CFR 391 to FMCSA; and (3) each driver is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for

presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements.

## 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 18 exemption applications, FMCSA exempts the following drivers from the hearing standard, § 391.41(b)(11), subject to the requirements cited above:

Michael Beam (MI)  
Nathaniel Borton (WI)  
Wallace Bostrom (MN)  
Daniel Cohen (VT)  
Thomas Cook (VA)  
Lee Desoto (NM)  
Ruben Faulkwell (TX)  
Christopher Gibbons (MO)  
Renier Gonzalez (FL)  
Leonie Hall (IL)  
Dylan Lewis (DE)  
Waylon Mathern (MD)  
Randall Norton (TX)  
Adem Rexhepi (IL)  
Fernando Rizo (CA)  
ZanDraya Schwab (UT)  
Arnold Vega (TX)  
Larry West (TN)

In accordance with 49 U.S.C. 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.*

[FR Doc. 2022–07962 Filed 4–13–22; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA–2020–0031]

### Petition for Approval: Union Pacific Railroad

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).