

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 for up to five years from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

In reaching the decision to grant these exemption requests, FMCSA considered the 2007 recommendations of the Agency's Medical Expert Panel (MEP). The January 15, 2013, **Federal Register** notice (78 FR 3069) provides the current MEP recommendations which is the criteria the Agency uses to grant seizure exemptions.

The Agency's decision regarding these exemption applications is based on an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System (CDLIS) for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information System (MCMIS). For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA). A summary of each applicant's seizure history was discussed in the February 21, 2019, **Federal Register** notice (84 FR 5552) and will not be repeated in this notice.

These six applicants have been seizure-free over a range of 24 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last two years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) 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 remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) 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 of 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 six exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition, 49 CFR 391.41(b)(8), subject to the requirements cited above:

John D. Archer (MO)
Travis W. Flowers (VA)
Stephen T. Root (NY)
Jeffrey L. Slagan (WI)
Dereck Welch (FL)
Mark D. Wray (NY)

In accordance with 49 U.S.C. 31315(b)(1), each exemption will be valid for two 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 and 31315.

Issued on: April 11, 2019.

Larry W. Minor,

Associate Administrator for Policy.

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BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA-2019-0002]

Joint Development: Proposed Updated Circular

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of availability of update to joint development circular and request for comments.

SUMMARY: The Federal Transit Administration (FTA) has placed in the docket and on its website proposed changes to an existing Circular (7050.1A) on joint development projects using FTA funds or FTA-funded property. The purpose of these proposed changes is to increase flexibility for project sponsors to pursue joint development projects, reduce FTA oversight of joint development agreements negotiated between project sponsors and their partners, streamline FTA's project eligibility review process, and clarify prior guidance in FTA Circular 7050.1A: *FTA Guidance on Joint Development*. If proposed changes are approved, the revised document will be renumbered as Circular 7050.1B: *FTA Guidance on Joint Development*. By this notice, FTA seeks public comment on proposed changes, which are at pages III-6, VI-1, VI-2, VI-4, VI-5, and VI-6 of the Circular.

DATES: Comments must be submitted by June 3, 2019. Late filed comments will be considered to the extent practicable.

ADDRESSES: Please submit your comments by only one of the following methods, identifying your submission by DOT Docket Number FTA-2019-0002. All electronic submissions must be made to the U.S. Government electronic site at <http://www.regulations.gov>.

Federal e-Rulemaking Portal: Go to <http://www.regulations.gov> and 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 or Courier: West
Building Ground Floor, Room W12-140,
1200 New Jersey Avenue SE, between 9
a.m. and 5 p.m. Eastern time, Monday
through Friday, except Federal holidays.

Fax: 202-493-2251.

Instructions: You must include the
agency name (Federal Transit
Administration) and Docket number
(FTA-2019-0002) for this notice at the
beginning of each submission of your
comments. Submit two copies of your
comments if you submit them by mail.
For confirmation that FTA received
your comments, include a self-
addressed stamped postcard. All
comments received will be posted
without change to www.regulations.gov
including any personal information
provided and will be available to
internet users. You may review DOT's
complete Privacy Act Statement
published in the **Federal Register** on
April 11, 2000 (65 FR 19477) or [http://
DocketsInfo.dot.gov](http://DocketsInfo.dot.gov).

Docket: For access to the docket to
read background documents and
comments received, go to
www.regulations.gov at any time or to
the U.S. Department of Transportation,
1200 New Jersey Avenue SE, Docket
Operations, M-30, West Building
Ground Floor, Room W12-140,
Washington, DC 20590 between 9:00
a.m. and 5:00 p.m. Eastern Standard
Time, Monday through Friday, except
Federal holidays.

FOR FURTHER INFORMATION CONTACT: For
policy guidance questions, Daniel
Schned, Office of Budget and Policy,
Federal Transit Administration, 1200
New Jersey Ave. SE, Room E52-314,
Washington, DC 20590, phone: (202)
366-1652, or email, [daniel.schned@
dot.gov](mailto:daniel.schned@dot.gov). For legal questions, Kathryn
Loster, Office of Chief Counsel, 200
West Adams Street, Suite 320, Chicago,
IL 60606, phone: (312) 353-3869; or
email: kathryn.loster@dot.gov.

SUPPLEMENTARY INFORMATION: This
notice provides a summary of the
proposed changes to Circular 7050.1A.
The Circular itself is not included in
this notice; instead, an electronic
version may be found on FTA's website
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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I. Overview

The proposed changes to Circular
7050.1A regarding joint development
affect: (1) The minimum threshold for
the statutory "fair share of revenue"
requirement; and (2) the submission and
review process for FTA-assisted joint
development projects.

II. Proposed Changes to Circular 7050.1A

A. Fair Share of Revenue

Section 5302(3)(G)(iii) of title 49,
United States Code, requires FTA-
assisted joint development projects to
provide a "fair share of revenue that
will be used for public transportation."
Prior to the October 1, 2014 effective
date of Circular 7050.1A, FTA generally
deferred to a project sponsor's
assessment of a "fair share" of revenue,
and did not require any specific amount
of revenue for transit from a joint
development project. FTA defined "fair
share of revenue" in Circular 7050.1A to
incorporate a minimum threshold that a
joint development project must produce
revenue for transit purposes that at least
equals the federal government's initial
investment in the joint development
project. (79 FR 50,728; 50,731-32).

Over time, FTA has found that
defining a fair share of revenue
minimum threshold unnecessarily
limits the pool of potential projects by
reducing flexibility for project sponsors
and their partners to determine what
amounts to a fair share of revenue.
Accordingly, FTA proposes to no longer
define a minimum revenue threshold, or
set a monetary requirement from a joint
development project for transit
purposes.

Although FTA proposes to allow the
amount and form of revenue received by
the project sponsor to be negotiated
between the joint development parties,
consistent with Circular 7050.1A, the
project sponsor must continue to report
to FTA the amount and source of the
revenue it will receive, and the revenue
must be used for transit purposes.

B. Submission and Review Process

Circular 7050.1A prescribes a process
by which project proposals are
submitted to FTA for review. Currently,
formal project proposals must include:
(1) A completed project request form
that contains pertinent information
about the joint development project,
including how the eligibility criteria are
to be satisfied, (2) all proposed
agreements between the project sponsor
and project partners, (3) an executed

certificate of compliance, and (4) two
forms identifying other required and
supplemental documentation, including
a baseline market analysis to
demonstrate a good faith effort to
provide a fair share of revenue to the
project sponsor.

FTA proposes to update the project
request form to reflect the changes
described in Section (A) above. The
revised project request form will be
published on FTA's website at
www.transit.dot.gov/jointdevelopment.

FTA has also determined that
elimination of the fair share of revenue
minimum threshold makes the
submission of a baseline market analysis
and certificate of compliance
unnecessary. Accordingly, FTA
proposes to no longer require project
sponsors to submit either document.
FTA encourages project sponsors to
conduct baseline market analyses to
better understand current market
conditions and evaluate the viability of
joint development projects.

The proposed changes will streamline
the review of FTA-assisted joint
development projects by reducing the
amount of paperwork that project
sponsors must prepare and FTA must
review.

FTA recommends that interested
stakeholders review the proposed
changes to the Circular carefully and
provide comment on any impacts these
proposed changes may have on future
joint development projects.

K. Jane Williams,

Acting Administrator.

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DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Supporting Statement of Ownership for Overdue United States Bearer Securities

ACTION: Notice and request for
comments.

SUMMARY: The Department of the
Treasury, as part of its continuing effort
to reduce paperwork and respondent
burden, invites the general public and
other Federal agencies to take this
opportunity to comment on proposed
and/or continuing information
collections, as required by the
Paperwork Reduction Act of 1995.
Currently the Bureau of the Fiscal
Service within the Department of the
Treasury is soliciting comments
concerning the Supporting Statement of