

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) 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 will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual 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 certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

## VI. Conclusion

Based upon its evaluation of the 47 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(3):

Luciano Abreu (NJ)  
Louis I. Alonzo (TX)  
John P. Botcher (WI)  
Mark D. Breskey (IL)  
Cornelius T. Brooks (AR)  
Donald E. Brown (IL)  
Armando Camacho Nunez (WA)  
Robert P. Coutu (RI)  
John J. Crance, Jr. (NY)  
Frank Croce (NY)  
Kevin S. Cuberson (NC)  
William T. DeGarmo (OR)  
David J. Dionne (NH)  
Raymond J. Dionne (NH)

Steven W. Doult (PA)  
Brian J. Dunn (MA)  
Jason E. Earlywine (KY)  
William J. Evans (VA)  
Brandon J. Fonstad (WI)  
Raymond M. Garron (SC)  
Jill M. Hall (ME)  
Eugene C. Hamilton (NC)  
Robert C. Hanna (OH)  
Richard L. Hart (MI)  
Rafael Hecht (IN)  
Tony L. Hopper (IL)  
Robert J. Hough (MD)  
Curran P. Jones (AZ)  
Ryan W. Koski (MI)  
Forrest M. Land, Jr. (TX)  
Allan M. Lewis (ME)  
Jordan H. Little (NY)  
Nicolas G. Lopez (TX)  
Michael R. Ludowese (MN)  
Brian L. Lynch (CT)  
Marten L. Matuszewski (WI)  
Thomas W. Mitchell, III (OH)  
David M. Molnar (PA)  
Anthony G. Monaghan (NY)  
Jose N. Negron (NJ)  
Michael J. Perfect (WA)  
Lowell A. Reigel, Jr. (KY)  
Jennifer L. Schroeder (WI)  
Daniel M. Seguin (NH)  
Darren K. Vaughan (NC)  
Melvin E. Welton, Jr. (WA)  
Keith A. Williams (AL)

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption is valid for two years 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 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. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: March 22, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of random drug and alcohol testing rates for 2017.

**SUMMARY:** This notice announces the random testing rates for employers subject to the Federal Transit Administration's (FTA) drug and alcohol rules for 2017.

**DATES:** *Effective Date:* January 1, 2017.

**FOR FURTHER INFORMATION CONTACT:** Iyon Rosario, Drug and Alcohol Program Manager for the Office of Safety and Oversight, 1200 New Jersey Avenue SE., Washington, DC 20590 (telephone: 202-366-2010 or email: [Iyon.Rosario@dot.gov](mailto:Iyon.Rosario@dot.gov)).

**SUPPLEMENTARY INFORMATION:** On January 1, 1995, FTA required large transit employers to begin drug and alcohol testing employees performing safety-sensitive functions and submit annual reports by March 15 of each year beginning in 1996. The annual report includes the number of employees who had a verified positive for the use of prohibited drugs, and the number of employees who tested positive for the misuse of alcohol during the reported year. Small employers commenced their FTA-required testing on January 1, 1996, and began reporting the same information as the large employers beginning March 15, 1997.

The testing rules were updated on August 1, 2001, and established a random testing rate for prohibited drugs and the misuse of alcohol. The rule initially required employers to conduct random drug tests for prohibited drug use at a rate equivalent to at least 50 percent of their total number of safety-sensitive employees and a rate of at least 25 percent for the misuse of alcohol. However, in accordance with 49 CFR 655.45 both random testing rates may be lowered based on industry reported violations over preceding consecutive calendar years. Accordingly, in 2005 the Administrator reduced the random alcohol testing rate from 25 percent to 10 percent and reduced the random drug testing rate from 50 percent to 25 percent in 2007 (*see* 72 FR 1057).

Once lowered, the random drug testing rate may be increased to 50 percent if the positive rate equals or exceeds one percent for any one year ("positive rate" means the number of verified positive results for random drug tests conducted under 49 CFR part 655.45 plus the number of refusals of random tests, divided by the total number of random drug test results (*i.e.*, positive, negative, and refusals). Likewise, the alcohol random rate may be increased from 10 percent to 25 percent should the reported violation rate be equal to or greater than 0.5 percent, but less than 1 percent for any one year. Furthermore, the random alcohol rate will be increased to 50

percent if the confirmed violation rate is equal to or greater than 1 percent (“violation rate” means the number of covered employees found during random tests administered under 49 CFR 655.45 to have an alcohol concentration of .04 or greater, plus the number of employees who refuse a random test required by 49 CFR 655.49, divided by the total reported number of random alcohol tests).

Pursuant to 49 CFR 655.45(b), the Administrator’s decision to increase or decrease the minimum annual percentage rate for random drug and alcohol testing is based, in part, on the reported positive drug and alcohol violation rates for the entire public transportation industry. The information used for this determination is drawn from the drug and alcohol Management Information System (MIS) reports required by 49 CFR 655.72. In determining the reliability of the data, the Administrator considers the quality and completeness of the reported data, or may obtain additional information or reports from employers, and make appropriate modifications in calculating the industry’s verified positive results and violation rates.

For 2017, the Administrator has determined the random drug testing rate will remain at 25 percent based on a positive rate lower than 1.0 percent for random drug test data for calendar years 2014 and 2015. The random drug rates were .87 percent for 2014 and .90 percent for 2015. Further, the Administrator has determined that the random alcohol testing rate for 2017 will remain at 10 percent because the violation rate was again lower than 0.5 percent for calendar years 2014 and 2015. The random alcohol violation rates were 0.14 percent for 2014 and 0.14 percent for 2015.

Detailed reports on the FTA drug and alcohol testing data collected from transit employers may be obtained from the FTA, Office of Safety and Oversight, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366–2010 or at <http://transit-safety.fta.dot.gov/publications/Default.aspx>.

Issued in Washington, DC.

**Matthew J. Welbes,**  
Executive Director.

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**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Transfer of Federally Assisted Land or Facility

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of intent to transfer Federally assisted land or facility.

**SUMMARY:** Section 5334(h) of the Federal Transit Laws, as codified, 49 U.S.C. 5301, *et seq.*, permits the Administrator of the Federal Transit Administration (the “FTA”) to authorize a recipient of FTA funds to transfer land or a facility to a public body for any public purpose with no further obligation to the Federal Government if, among other things, no Federal agency is interested in acquiring the asset for Federal use. Accordingly, FTA is issuing this Notice to advise Federal Agencies that the Wisconsin Department of Transportation intends to transfer a building to the City of Rice Lake (the “City”). This transfer also includes a 31% interest in the real property. The building is located at 326 South Main Street, Rice Lake, Wisconsin (hereinafter the “Building”).

**DATES:** *Effective Date:* Any Federal agency interested in acquiring the Facility must notify the FTA Region V Office of its interest by April 28, 2017.

**ADDRESSES:** Interested parties should notify the Regional Office by writing to Marisol R. Simón, Regional Administrator, Federal Transit Administration, 200 West Adams, Suite 320, Chicago, IL 60606.

**FOR FURTHER INFORMATION CONTACT:** Kathryn Loster, Regional Counsel, at 312–353–3869.

#### SUPPLEMENTARY INFORMATION:

##### Background

49 U.S.C. 5334(h) provides guidance on the transfer of assets no longer needed. Specifically, if a recipient of FTA assistance decides an asset acquired at least in part with federal assistance is no longer needed for the purpose for which it was acquired, the Secretary of Transportation may authorize the recipient to transfer the asset to a local governmental authority to be used for a public purpose with no further obligation to the Government. 49 U.S.C. 5334(h)(l).

##### Determinations

The Secretary may authorize a transfer for a public purpose other than public transportation only if the Secretary decides:

(A) The asset will remain in public use for at least 5 years after the date the asset is transferred;

(B) There is no purpose eligible for assistance under this chapter for which the asset should be used;

(C) The overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

(D) Through an appropriate screening or survey process, that there is no interest in acquiring the asset for Government use if the asset is a facility or land.

#### Federal Interest in Acquiring Land or Facility

This document implements the requirements of 49 U.S.C. 5334(h)(l)(D). Accordingly, FTA hereby provides notice of the availability of the Facility further described below. Any Federal agency interested in acquiring the affected facility should promptly notify the FTA.

If no Federal agency is interested in acquiring the existing Facility, FTA will make certain that the other requirements specified in 49 U.S.C. 5334(h)(1)(A) through (C) are met before permitting the asset to be transferred.

The Building shares a 1.433-acre parcel zoned for general commercial use. It provides 159 feet of frontage along South Main Street, and has a depth of 459 feet along the south elevation. The site is bound on the south and west by Marketplace Foods, on the east by South Main Street, and on the north by an abandoned railroad line with a 9.5-foot wide right-of-way. Land along Main Street in close proximity to the Building is a mixture of single-tenant and multi-tenant commercial properties, primarily in the retail and food service sectors. The legal description is as follows: Outlots 149–1 and 149–6 being part of Outlot 149 as shown in Certified Survey Map Volume 6, Page 162 and part of railroad right-of-way as described in Deeds Volume 414, Page 736 of Outlots in the City of Rice Lake, Barron County, Wisconsin.

The Building has a total floor space of 27,130 square feet. It houses three spaces: (1) 4,839 Square feet of office space, including a meeting room break room, bathrooms and closets; (2) 4,808 square feet of shop space; and (3) 2,683 square feet of basement space, including storage and a bathroom. The Building is sited with minimal setback from the east and north property lines.

If no Federal agency is interested in acquiring the existing Facility, FTA will make certain that the other requirements