

Programmatic Environmental Assessment for the Bipartisan Infrastructure Law-funded Airport Traffic Control Tower Replacement Program is available for public review and comment.

**DATES:** Comments on or before July 31, 2023.

**ADDRESSES:** Send comments identified by docket number FAA–2023–1368 to the Federal Regulations portal at [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** For technical questions concerning this notice, contact Aaron W. Comrov, Environmental Team Lead, FAA CSA ES EOSH Center (AJW–2C16E), 2300 East Devon Avenue, Room 450, Des Plaines, IL 60018; telephone (847) 294–7665, email [aaron.comrov@faa.gov](mailto:aaron.comrov@faa.gov).

**SUPPLEMENTARY INFORMATION:** The Draft Programmatic Environmental Assessment (PEA) considers the conditions and potential environmental impacts from the Proposed Action to replace numerous FAA-owned airport traffic control towers (ATCTs) with modern facilities under the Bipartisan Infrastructure Law-funded ATCT Replacement Program. Many existing ATCTs at municipal or general aviation airports are outdated and operating past their design life. The purpose and need for the proposed program is to replace select FAA-owned ATCTs across the nation with modern ATCTs while providing uninterrupted air traffic control services. The FAA has prepared the Draft PEA in conformance with the requirements of the National Environmental Policy Act of 1969 (NEPA) and FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*. The Draft PEA analyzes the potential environmental impacts that may result from construction and operation of the proposed new ATCTs and decommissioning and removal of the existing ATCTs (the Proposed Action), as well as the No Action Alternative (*i.e.*, not constructing and operating the proposed new ATCTs).

The Proposed Action would provide for modern, operationally efficient ATCTs, which would be designed to meet the energy and sustainability requirements of FAA's *Terminal Facilities Design Standard* while adhering to the Council on Environmental Quality's *Guiding Principles for Sustainable Federal Buildings and Associated Instructions*. The proposed replacement ATCTs would enable the installation of modern air traffic control equipment, provide adequate space and an enhanced work environment for FAA personnel, lower operating costs, and improve

environmental performance resulting in energy savings, water efficiency, reduced carbon emissions, and improved indoor air quality while meeting applicable FAA requirements.

Based on this analysis, the FAA has preliminarily determined there will not be a significant impact to the human environment from implementation of the Proposed Action. The FAA intends for the PEA to create efficiencies by establishing a “tiering” framework, where appropriate, to project-specific actions that require additional analysis. As decisions on specific project sites are made, to the extent additional NEPA analysis is required, environmental reviews would be conducted to supplement the analysis set forth in this PEA.

The Draft PEA is available for review on the project website ([https://www.faa.gov/air\\_traffic/atf](https://www.faa.gov/air_traffic/atf)), and the Federal Regulations portal ([www.regulations.gov](http://www.regulations.gov)) with Docket No.: FAA–2023–1368. The FAA will address comments received on the Draft PEA within the Final PEA.

Issued in Des Plaines, Illinois, on June 23, 2023.

**Aaron W. Comrov,**

*Environmental Team Lead, FAA CSA ES EOSH Center, AJW–216E.*

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**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on the Central Business District Tolling Program, New York, New York

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

**ACTION:** Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

**SUMMARY:** This notice announces action taken by FHWA and other Federal agencies that are final. The actions relate to the Central Business District Tolling Program in New York, New York.

**DATES:** By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before November 27, 2023. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

#### FOR FURTHER INFORMATION CONTACT:

Richard J. Marquis, Division Administrator, Federal Highway Administration, Leo W. O'Brien Federal Building, 11A Clinton Avenue, Suite 719, Albany, New York 12207, Telephone (518) 431–4127.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FHWA and other Federal agencies have taken final agency actions by issuing approvals for the following highway project in the State of New York: Central Business District Tolling Program, New York, New York. The Project purpose is to reduce traffic congestion in the Manhattan Central Business District in a manner that will generate revenue for future transportation improvements, pursuant to acceptance into FHWA's Value Pilot Pricing Program.

The objectives of the Project are to:

- Reduce daily vehicle-miles traveled (VMT) within the Manhattan Central Business District by at least 5 percent.
- Reduce the number of vehicles entering the Manhattan CBD daily by at least 10 percent.
- Create a funding source for capital improvements and generate sufficient annual net revenues to fund \$15 billion for capital projects for the MTA Capital Program.

• Establish a tolling program consistent with the purposes underlying the New York State legislation entitled the MTA Reform and Traffic Mobility Act.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the FHWA Final Environmental Assessment (EA) for the project, signed May 5, 2023, in the Finding of No Significant Impact (FONSI) for the project, issued on June 23, 2023, and in other documents in the FHWA administrative record. The Final EA, FONSI, and other documents in the FHWA administrative record files are available by contacting FHWA at the address provided above. The Final EA and FONSI can also be viewed and downloaded from the project website: <https://new.mta.info/project/CBDTP>.

This notice applies to FHWA agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. National Environmental Policy Act [42 U.S.C. 4321–4351].
2. Federal-Aid Highway Act [23 U.S.C. 109].
3. Clean Air Act [42 U.S.C. 7401–7671(q)].
4. Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].

5. Endangered Species Act [16 U.S.C. 1531–1544 and 1536].
6. Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)].
7. Migratory Bird Treaty Act [16 U.S.C. 703–712].
8. Bald and Golden Eagle Protection Act [16 U.S.C. 668–668c].
9. Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470].
10. Farmland Protection Policy Act [7 U.S.C. 4201–4209].
11. Clean Water Act (Section 319, Section 401, Section 402, Section 404) [33 U.S.C. 1251–1377].
12. Safe Drinking Water Act [42 U.S.C. 300(f) *et seq.*].
13. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 *et seq.*].
14. Noise Control Act of 1972 [42 U.S.C. 4901 *et seq.*].
15. Resource Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].
16. Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675].
17. Americans with Disabilities Act of 1990 [42 U.S.C. 12101].
18. Executive Order 11990 Protection of Wetlands.
19. Executive Order 11988 Floodplain Management.
20. Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
21. Executive Order 11593 Protection and Enhancement of Cultural Resources.
22. Executive Order 13007 Indian Sacred Sites.
23. Executive Order 13287 Preserve America.
24. Executive Order 13175 Consultation and Coordination with Indian Tribal Governments.
25. Executive Order 11514 Protection and Enhancement of Environmental Quality.
26. Executive Order 13112 Invasive Species.
27. Executive Order 13166 Improving Access to Services for Persons with Limited English Proficiency.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

*Authority:* 23 U.S.C. 139(l)(1).

Issued on: June 23, 2023.

**Richard J. Marquis,**  
Division Administrator, Albany, NY.  
[FR Doc. 2023–13709 Filed 6–27–23; 8:45 am]  
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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0136; FMCSA–2021–0013]

### 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 renew exemptions for eight individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on May 14, 2023. The exemptions expire on May 14, 2025.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001, (202) 366–4001, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov). Office hours are 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–2018–0136 or FMCSA–2021–0013) 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 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

requests. 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 (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>, the comments are searchable by the name of the submitter.

#### II. Background

On May 15, 2023, FMCSA published a notice announcing its decision to renew exemptions for 8 individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (88 FR 31096). The public comment period ended on June 14, 2023, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would likely achieve a level of safety that is 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 8, 1971), respectively).

#### III. Discussion of Comments

FMCSA received no comments in this proceeding.

#### IV. Conclusion

Based upon its evaluation of the eight renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the hearing requirement in section 391.41(b)(11).

As of May 14, 2023, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following eight individuals have satisfied the renewal conditions for obtaining an exemption