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These exemptions are extended subject to the following conditions: (1) That each individual have a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) 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 (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was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. 31315 and 31136(e).

#### Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 31 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (64 FR 68195; 65 FR 20251; 67 FR 38311; 69 FR 26921; 65 FR 20245; 65 FR 57230; 69 FR 17263; 69 FR 31447; 65 FR 33406; 67 FR 15662; 67 FR 37907; 69 FR 26921). Each of these 31 applicants has requested timely renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision

impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

#### Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31315 and 31136(e). However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by June 8, 2006.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31315 and 31136(e) can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequently comments submitted by interested parties. As indicated above, the Agency previously published Notices of final disposition announcing its decision to exempt these 31 individuals from the vision requirement in 49 CFR 391.41(b)(10). That final decision to grant the exemption to each of these individuals was based on the merits of each case and only after careful consideration of the comments received to its Notices of applications. Those Notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all of these drivers, are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136(e), FMCSA will take

immediate steps to revoke the exemption of a driver.

**Rose A. McMurray,**  
*Associate Administrator for Policy and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### Lackawanna County Railroad Authority ("LCRA") (Supplement and Extension to Waiver Docket Number FRA-2000-7275)

As a supplement to Lackawanna County Railroad Authority's (LCRA) Petition for Approval of Shared Use and Waiver of Certain FRA Regulations (the original shared use waiver was granted by the FRA Railroad Safety Board on November 24, 2000, and a six month extension was granted by the FRA Railroad Safety Board on April 7, 2006). LCRA seeks a permanent waiver of compliance from an additional section of Title 49 of the CFR, specifically part 240, *Qualification and Certification of Locomotive Engineers*, part 229.129 *FRA Horn Rule: Audible Warning Devices*. LCRA also seeks a five year extension of this amended shared use waiver for continued safe operation of its historic light rail trolley operations on shared trackage with the general railroad system of transportation (Delaware-Lackawanna Railroad).

LCRA is including in this modified waiver request four route miles added to the historic trolley excursion since 2002, and is informing the FRA of the upcoming 1870 feet trolley route extension from its current terminus at VC Station (VC Stub Switch MP 4.78) to the newly constructed Historic Trolley Maintenance Building (this portion will be used exclusively by trolleys). LCRA submits that this request is consistent with the waiver process for Shared Use. See *Statement of Agency Policy Concerning Jurisdiction Over the Safety of Railroad Passenger Operations and*

*Waivers Related to Shared Use of the Tracks of the General Railroad System by Light Rail and Conventional Equipment, 65 FR 42529 (July 10, 2000); see also Joint Statement of Agency Policy Concerning Shared Use of the Tracks of the General Railroad System by Conventional Railroads and Light Rail Transit Systems, 65 FR 42626 (July 10, 2000).*

LCRA operates the historic "Lackawanna County Electric Trolley Station and Museum" light rail operation that is connected to the general railroad system of transportation. The original waiver was granted for the initial 1.2 mile operation over the Brady Line and Scranton Yard in Scranton, PA. Freight and light rail operations are temporally separated on this portion of track. In 2002 and in 2004, a total of four additional route miles were added to this excursion operation, terminating at SS VC MP 4.81. LCRA is requesting a waiver from CFR part 240 because qualification for trolley Motormen is governed by the Delaware-Lackawanna's "Trolley Motorman Certification Program." As per the new FRA Horn Rule, LCRA seeks relief from CFR 229.129 due to the historically accurate nature of the equipment and its inability to reach the minimum decibel level required by this rule. (Section 229.129(d) clearly excepts locomotives of rapid transit operations, notwithstanding preamble discussion in the final rule to the contrary; accordingly this portion of the request for relief will be dismissed and comment is not requested on this aspect of the request for relief.).

LCRA states that all trolley movements over the three public highway-rail grade crossings on the route of the Historic Trolley will comply with the requirements of the FRA Horn Rule, CFR part 222. Although the new 1870 feet extension will not feature shared use operation and will be used exclusively by trolleys, LCRA voluntarily entered agreement to have the Delaware-Lackawanna Railroad provide all railroad related maintenance services on this extension (track, signal, highway-grade crossing appurtenances, etc), in accordance with FRA standards.

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, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communication concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2000-7275) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Issued in Washington, DC on May 3, 2006

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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applied to permit loading of twenty-foot and forty-foot intermodal containers.

None of the cars covered by this petition have reached an age of fifty years, measured from the date of original construction, as of this date. However, TTX requests that these two series of cars be permitted to operate in revenue service, up to a maximum of sixty-five years as measured from the date of original construction.

To ensure the safety of these cars, for their extended service life, TTX is conducting a rigorous analysis and testing program to validate that the carbody structure of these sixty-foot cars is capable of a maximum sixty-five year life. Typical cars from the subject series were placed in service with on-board instrumentation to record the service environment over various routes. This data will be used by the Transportation Technology Center, Incorporated (TTCI) to develop the test protocol for the Simuloader (hydraulic test apparatus) to simulate the additional years of service. At the end of testing, TTCI will prepare a final report, and submit the results to FRA for evaluation; therefore, TTX requests a waiver from the requirements of 49 CFR 215.203(a)(1) to allow for the submission of the design analysis and test data to support an increased service life of the subject cars from fifty to sixty-five years, prior to obtaining an age of fifty years from the date of original construction.

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, 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 (e.g., Waiver Petition Docket Number FRA-2005-21832) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, Washington, DC. 20590-0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 Seventh Street SW., Washington. All documents

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#### TTX Company

[Docket Number FRA-2005-21832]

The TTX Company (TTX), seeks a waiver of compliance from the requirements of Title 49 Code of Federal Regulations (CFR) 215.203(a)(1) *Restricted Cars*, for two series of sixty-foot long, seventy-ton capacity general service flat cars. These cars were built by two manufacturers, Pullman-Standard, car numbers 90000–94217 and Thrall car numbers 97100–98225. The subject cars were originally built as wood deck, general service cars, but some were modified by TTX for intermodal service. The modified cars had no changes made to their underframe structure, but they did have the required transverse crossmembers