

Subsequent to the signing of the cooperative agreement for a tolling project, and after all environmental requirements have been met and the project is ready to proceed to construction and/or implementation, a toll agreement will then be executed with the FHWA that addresses the use of revenues from the operation of the toll facility. As discussed previously, revenues must generally first be used to cover debt service, provide reasonable return on private party investments, and operate and maintain the facility. Any remaining revenues may then be used for other title 23 U.S.C. eligible purposes.

### Other Requirements

Prior to the FHWA approval of pricing project implementation, value-pricing programs must be shown to be consistent with Federal metropolitan and statewide planning requirements (23 U.S.C. 134 and 135; and, if applicable, 49 U.S.C. 5303 and 5304).

Implementation projects involving tolls outside metropolitan areas must be included in the approved statewide transportation improvement program and be selected in accordance with the requirements set forth in section 1204(f)(3) of the TEA-21.

Implementation projects involving tolls in metropolitan areas must be: (a) Included in, or consistent with, the approved metropolitan transportation plan (if the area is in nonattainment for a transportation related pollutant, the metropolitan plan must be in conformance with the State air quality implementation plan); (b) included in the approved metropolitan and statewide transportation improvement programs (if the metropolitan area is in a nonattainment area for a transportation related pollutant, the metropolitan transportation improvement program must be in conformance with the State air quality implementation plan); (c) selected in accordance with the requirements in section 1203(h)(5) or (i)(2) of TEA-21; and (d) consistent with any existing congestion management system in Transportation Management Areas, developed pursuant to 23 U.S.C. 134(i)(3).

(Authority: 23 U.S.C. 315; sec. 1216(a), Pub. L. 105-178, 112 Stat. 107; Pub. L. 109-59; 117 Stat. 1144 49 CFR 1.48)

Issued on: December 18, 2006.

**J. Richard Capka,**

*Federal Highway Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-25756]

#### Commercial Driver's License Standards; Application for Exemption; Volvo Trucks North America, Inc

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

**ACTION:** Notice of application for exemption; request for comments.

**SUMMARY:** The FMCSA announces that Volvo Trucks North America, Inc. (Volvo) has applied for an exemption from the Federal requirement that drivers of commercial motor vehicles (CMVs) have a commercial driver's license (CDL). Volvo requests that the exemption cover three Swedish engineers who will test-drive CMVs for Volvo within the United States. Each of the three Volvo employees currently holds a Swedish CDL. Volvo states that it requests the exemption to support Volvo field tests on future air-quality standards and to evaluate the performance of Volvo vehicles in "real world" environments.

**DATES:** Comments must be received on or before January 22, 2007.

**ADDRESSES:** Your comments may be submitted by any of the following methods:

- *Docket Management System (DMS) Web site at <http://dmses.dot.gov/submit>, under the last five digits of Docket No. FMCSA-2006-25756, and following the online instructions for submitting comments;*

- *Fax: 1-202-493-2251;*

- *Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001;*

- *Hand Delivery: Room PL-401 on the plaza level, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or*

- *Federal eRulemaking Portal at <http://www.regulations.gov> following the online instructions for submitting comments.*

*Docket:* To read background documents or comments received, go to <http://dms.dot.gov> at any time or Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The DMS is available 24 hours each day, 365 days each year. If you want to be notified that we

received your comments by mail or hand delivery, please include a self-addressed, stamped envelope or postcard. If you submit comments on line, you will be provided an opportunity to print an acknowledgement page.

*Privacy Act:* Anyone may view or download comments submitted in any of DOT's dockets by searching under the name of the commenter or name of the person signing the comment (if submitted on behalf of an association, business, labor union, or other entity). You may view DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, at 65 FR 19477. It is also available at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations, MC-PSD, Federal Motor Carrier Safety Administration, DOT, 400 Seventh Street, SW., Washington, DC 20590; Telephone: 202-366-4009. E-mail: [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

### SUPPLEMENTARY INFORMATION:

#### Background

The Federal Motor Carrier Safety Administration (FMCSA) may grant exemptions from its safety regulations based on 49 U.S.C. Chapter 313 and 31136. The Agency has published procedures for submission and handling of requests for exemption (49 CFR Part 381). Upon receipt of a request, FMCSA must publish a notice of it in the **Federal Register**. This provides the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted, and to comment on the request for exemption.

The Agency must review the safety analyses and the public comments and determine whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). If this standard is not satisfied, we cannot grant the request. The FMCSA must publish the Agency's decision in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, we must state the reason for doing so. If the Agency grants the exemption, we must specify the person or class of persons receiving the exemption, the regulatory provision or provisions from which exemption is being granted, the effective period of the exemption (up to 2 years), and the terms and conditions of the exemption. An exemption may be renewed (49 CFR 381.300(b)).

On two recent occasions, FMCSA has published notices concerning similar Volvo requests. The first notice was the granting of an exemption to Volvo for 11 Swedish CDL drivers permitting them to operate CMVs in the United States (71 FR 27780, May 12, 2006). The second notice sought public comment on another application by Volvo seeking exemption for seven Swedish CDL drivers for similar purposes (71 FR 45095, August 8, 2006).

### Volvo's Application for Exemption

Volvo has applied for an exemption from 49 CFR 383.23, one of the CDL rules. This section sets forth the licensing requirements for drivers operating CMVs in excess of 26,000 pounds gross vehicle weight rating in interstate or intrastate commerce. Volvo wishes to operate such CMVs in the United States and requests an exemption because its driver-employees are citizens and residents of Sweden and as such cannot obtain a CDL in any State of the United States. A copy of the application is in Docket No. FMCSA-2006-25756.

The exemption would allow three drivers to operate CMVs as part of a team of drivers supporting a Volvo field test of U.S. air-quality standards and test-driving prototype Volvo vehicles. Locations include Volvo's test site and the vicinity of Phoenix, Arizona, thereby allowing Volvo to obtain test results in "real world" environments.

The drivers are: Hans Leif Esbjorn Berg, Lars Ingemar Karlsson, and Rolf Stefan Wikner. Each holds a valid Swedish CDL and has driving experience in large trucks. Volvo has submitted a copy of the Swedish driving record of each of these drivers, and each has a driving record free of violations.

The FMCSA has previously determined that the process for obtaining a Swedish-issued CDL adequately assesses the driver's ability to operate CMVs in the United States. The standards for a Swedish CDL are comparable to, and as demanding as, the Federal requirements of Part 383.

### Request for Comments

FMCSA requests public comment from all interested persons on Volvo's application for an exemption for these three drivers from the CDL requirement of 49 CFR 383.23. See 49 U.S.C. 31315(b)(4) and 31136(e). The Agency will consider all comments received by close of business on January 22, 2007. Comments will be available for examination in the docket.

We will consider comments received after the comment closing date to the extent practicable.

Issued on: December 15, 2006.

**John H. Hill,**  
*Administrator.*

[FR Doc. E6-21913 Filed 12-21-06; 8:45 am]

**BILLING CODE 4910-EX-P**

## 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 Federal railroad safety regulations. 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.

#### Burlington Northern Santa Fe Corporation

*Docket Number FRA-2006-24812*

Burlington Northern Santa Fe Corporation (BNSF) seeks a permanent waiver of compliance with the certain provisions of 49 CFR Part 232, *Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment*. Specifically, they are requesting a waiver from the mileage and inspection requirements for 49 CFR 232.213, *Extended Haul Trains*.

BNSF would like to perform the 1,500-mile extended haul inspection for 13 designated trains at points that slightly exceed the 1,500-mile point for inbound and outbound inspections. On July 14, 2006, the FRA granted BNSF a 6-month temporary waiver from the requirements for which the railroad is presently seeking permanent relief. BNSF believes that the relief is critical given the increased demand for coal by the utility industry, and that the increase will not compromise railroad safety. BNSF believes that granting this waiver petition will significantly improve their ability to transport coal without any degradation to the safe operation of the following designated trains: E-PAMATM, E-PAMBAM, E-PAMBTM, E-PAMFNAM, E-PAMSMBM, E-PAMEBM, E-MHSATM, E-MHSBKM, E-MHSCAM, E-MHSEBM, E-MHSJRM, E-MHSNAM, and E-MHSRWM.

BNSF states that they will provide mechanical and operating forces with the list of trains allowed to operate past the 1,500-mile threshold. Additionally, BNSF would maintain records of defective conditions discovered during

inspections, as currently required, including any defective equipment set out en route.

Interested parties are invited to participate in these proceedings by submitting written 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-2006-24812) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, Washington, DC. 20590-0001. All communications concerning this petition should identify the appropriate docket number (FRA-2006-26029) and may be submitted by one of the following methods:

- *Web site:* <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic site;

- *Fax:* 202-493-2251;

• *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001; or

• *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communication received within 30 days of the date of this notice will be considered by FRA prior to final action being taken. Comments received after that date will be considered to the extent 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>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78). The Statement may also be found at <http://dms.dot.gov>.