

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 adverse 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. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: February 5, 2008.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

[FR Doc. E8-2605 Filed 2-12-08; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA-99-5578, FMCSA-99-6480, FMCSA-00-7363, FMCSA-01-10578, FMCSA-02-11426, FMCSA-05-21711, FMCSA-05-22194]

### Qualification of Drivers; Exemption Renewals; Vision

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA previously announced its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 26 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has reviewed the comments submitted in response to the previous announcement and concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

## SUPPLEMENTARY INFORMATION:

### Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at <http://www.regulations.gov>.

### Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statutes also allow the Agency to renew exemptions at the end of the 2-year period. The Notice was published on December 19, 2007. The comment period ended on January 18, 2008.

### Discussion of Comments

FMCSA received one comment in this proceeding. The comment is considered and discussed below.

Advocates for Highway and Auto Safety (Advocates) expressed opposition to FMCSA's policy to grant exemptions from the FMCSR, including the driver qualification standards. Specifically, Advocates: (1) Objects to the manner in which FMCSA presents driver information to the public and makes safety determinations; (2) objects to the Agency's reliance on conclusions drawn from the vision waiver program; (3) claims the Agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31136(e) and 31315); and finally (4) suggests that a 1999 Supreme Court decision affects the legal validity of vision exemptions.

The issues raised by Advocates were addressed at length in 64 FR 51568 (September 23, 1999), 64 FR 66962 (November 30, 1999), 64 FR 69586 (December 13, 1999), 65 FR 159 (January 3, 2000), 65 FR 57230 (September 21, 2000), and 66 FR 13825 (March 7, 2001). We will not address these points again here, but refer interested parties to those earlier discussions.

### Conclusion

The Agency has not received any adverse evidence on any of these drivers that indicates that safety is being compromised. Based upon its evaluation of the 26 renewal applications, FMCSA renews the Federal vision exemptions for, Bruce W. Barrett, Anthony Brandano, Stanley E. Elliott, Elmer E. Gockley, Glenn T. Hehner, Edward E. Hooker, Vladimir Kats, Alfred Keehn, Martin D. Keough, Randall B. Laminack, Norman R. Lamy, Robert W. Lantis, James A. Lenhart, Dennis L. Lockhart, Sr., Jerry J. Lord,

Raymond P. Madron, Ronald S. Mallory, Eldon Miles, Jack E. Potts, Jr., Neal A. Richard, John E. Rogstad, Rene R. Trachsel, John H. Voigts, Kendle F. Waggle, Jr., DeWayne Washington, and Daniel G. Wilson.

In accordance with 49 U.S.C. 31136(e) and 31315, each renewal exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked 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. 31136 and 31315.

Issued on: February 5, 2008.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2007-0023, Notice No. 1]

### Federal Railroad Administration Review of the New Quiet Zone in Little Falls, MN

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of quiet zone review.

**SUMMARY:** In accordance with 49 CFR 222.51(c), FRA is providing notice of its intent to review the New Quiet Zone that has been established in Little Falls, MN. According to recent quiet zone risk calculations, the Quiet Zone Risk Index (QZRI) for the New Quiet Zone in Little Falls has undergone a dramatic increase and is now at a level above the Risk Index With Horns (RIWH). As it appears that safety systems and measures implemented within the quiet zone do not fully compensate for the absence of the locomotive horn due to a substantial increase in risk, FRA intends to review existing conditions within the New Quiet Zone to determine whether the quiet zone should be terminated or whether additional safety measures may be necessary to ensure motorist safety.

**DATES:** *Written Comments:* Comments must be received by March 14, 2008. Comments received after this date will be considered to the extent possible without incurring additional expense or delay.

**ADDRESSES:** All communications concerning these proceedings should

identify the appropriate docket number (Docket Number FRA-2007-0023) and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

• *Fax:* 202-493-2251.

• *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.

• *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

*Privacy Act:* 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, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-19478), or you may visit <http://DocketsInfo.dot.gov>.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ronald Ries, Office of Safety, FRA, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: 202-493-6299); or

Ms. Kathryn Shelton, Office of Chief Counsel, FRA, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: 202-493-6038).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The City of Little Falls established a New Quiet Zone for the following four highway-rail grade crossings through submission of a Notice of Quiet Zone Establishment:

1. 9th Avenue NW;
2. Broadway Avenue W;
3. Minnesota Power Company (a private highway-rail grade crossing); and
4. Highland Avenue (8th Avenue SE).

According to the Notice of Quiet Zone Establishment, which was dated October 24, 2006, this crossing corridor qualified for quiet zone status on the basis of having a QZRI that was below

the RIWH. (The Notice of Quiet Zone Establishment indicated that the QZRI was 64,457 and that the RIWH was 69,396.) In other words, the Notice of Quiet Zone Establishment indicated that the City of Little Falls had taken sufficient measures to compensate for the excess risk that results from silencing routine train horn sounding at the four highway-rail grade crossings that were identified in the notice. Therefore, the Little Falls New Quiet Zone took effect on November 14, 2006.

##### **Recent FRA Calculations**

According to recent quiet zone calculations performed by FRA, the QZRI (i.e., the measure of risk to the motoring public at highway-rail grade crossings within the quiet zone) for the Little Falls New Quiet Zone has increased to 92,176. It appears that this increase in the quiet zone risk has been caused by several factors pertaining to the Broadway Avenue W Crossing, including increased highway traffic counts and a train/pedestrian incident that occurred at the crossing on September 9, 2006. This new QZRI is well over the RIWH that was used to establish the quiet zone.

Since the QZRI is now at a level above the RIWH (i.e., the measure of risk to the motoring public that would exist if locomotive horns were routinely sounded at every public highway-rail grade crossing within the quiet zone), it appears that safety systems and measures implemented within the New Quiet Zone in Little Falls fail to fully compensate for the absence of the locomotive horn. Therefore, FRA is initiating a review of existing conditions within the Little Falls New Quiet Zone, pursuant to 49 CFR 222.51(c), in order to determine whether the New Quiet Zone should be terminated or whether additional safety measures may be necessary to ensure motorist safety.

Interested parties are therefore invited to submit written comments on the Little Falls New Quiet Zone to the electronic docket. In particular, FRA is interested in obtaining information about any "near-hit" incidents involving train crews and motorists that may have occurred at the Broadway Avenue W Crossing during recent months, as well as information about the frequency with which crossing gate arms are being replaced due to motorist intrusion. FRA is also interested in obtaining information about any proposed safety improvements for the quiet zone that may be under serious consideration by the City of Little Falls. Please refer to the **ADDRESSES** section above for guidance on the submission of

written comments to the electronic docket.

Issued in Washington, DC, on February 8, 2008.

**Michael J. Logue,**

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Railroad Administration**

#### **Notice of 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) has received a request for a temporary waiver of compliance from 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 argument in favor of relief.

#### **South Carolina Public Railways**

[Docket Number FRA-2008-0004]

South Carolina Public Railways (SCPR) has submitted a request for a temporary waiver from the requirements of 49 CFR Part 236, Subpart H, in order to allow SCPR to utilize Railsoft System, Inc.'s TrackAccess Electronic Block Register System in the autonomous mode on approximately 15.3 miles of track belonging to its subsidiary, the East Cooper & Berkeley Railroad (ECBR), until a Railroad Safety Program Plan (RSPP) and a Product Safety Plan (PSP) are completed, submitted to FRA, and approved. The TrackAccess system is presently utilized on ECBR in the assisted mode. Maximum speed on TrackAccess controlled track will be 20 mph.

Neither an RSPP, PSP, or an Informational Filing to allow testing, as are required under 49 CFR 236.905, 236.907, or 236.913 respectively, have yet been submitted. SCPR anticipates the necessary RSPP and PSP will be completed and submitted to FRA no later than June 2008.

As described by SCPR, the TrackAccess system is a computer application that is capable of electronically generating and/or delivering exclusive track occupancy permission for both trains and roadway workers on designated track. TrackAccess may be operated in one of two modes-assisted or autonomous. In