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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 Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was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. 31136(e) and 31315, each of the 23 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (64 FR 40404; 64 FR 66962; 67 FR 10475; 69 FR 26206; 64 FR 54948; 65 FR 159; 69 FR 17267; 67 FR 17102; 64 FR 68195; 65 FR 20251; 69 FR 19611; 65 FR 20245; 67 FR 15662; 67 FR

37907; 67 FR 10471; 67 FR 19798; 67 FR 15662; 68 FR 74699; 69 FR 10503). Each of these 23 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. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by June 5, 2006.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published Notices of final disposition announcing its decision to exempt these 23 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. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: April 28, 2006.

**Rose A. McMurray,**

*Associate Administrator, Policy and Program Development.*

[FR Doc. E6-6786 Filed 5-4-06; 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 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.

#### **Golden Pacific Railroad, Inc.**

[Waiver Petition Docket Number FRA-2006-23741]

The Golden Pacific Railroad, Inc. (GPRR), seeks a waiver of compliance from certain provisions of the Safety Glazing Standards, 49 CFR part 223, that requires certified glazing, for six (6) coaches. Specifically, these are coach numbers TPHX 800, TPHX 801, TPHX 813, TPHX 817, TPHX 821 and TPHX 835. The GPRR plans to use the subject cars in a local non commuter train service at speeds of less than 40 miles per hour.

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 2006-23741) 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

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 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, 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 (Volume 65, Number 70; Pages 19477–78). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on May 1, 2006.

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

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

[FR Doc. E6–6785 Filed 5–4–06; 8:45 am]

**BILLING CODE 4910–06–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 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.

#### **Sacramento Regional Transit District**

[Petition Docket Number FRA–2006–24216]

As a supplement to Sacramento Regional Transit District's (SRTD) Petition for Approval of Shared Use (Shared Corridor) and waiver of Certain FRA Regulations (the original shared corridor waiver was granted by the FRA Railroad Safety Board on September 1, 2003), SRTD seeks a permanent waiver of compliance from additional sections of Title 49 of the CFR for continued safe operation of its 18.3-mile Light Rail Transit (RT System) everywhere it shares a corridor and corresponding highway-rail grade crossings with the

Union Pacific Railroad (UPRR). SRTD 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).

The RT System operates on its own tracks in certain rail corridors also used by UPRR for freight rail operations over adjacent tracks. The RT System and the UPRR share 18 public highway-rail grade crossings on the Placerville Branch, a rail corridor owned by Sacramento-Placerville Transportation Corridor Joint Powers Authority (SPTC-JPA) that extends between milepost (MP) 97.0 and MP 110. The RT System and UPRR also share 11 public highway-rail grade crossings on the UPRR mainline between approximately MP 131 and MP 137.9.

SRTD states that since it began light rail service in 1987, the RT System utilized a 75 dbA gong on its vehicles to sound an audible warning at highway-rail grade crossings. On June 24, 2005, the RT System began using a 95–100 dbA vehicle horn instead of the 75 dbA gong. In March, 2006, SRTD finished installing new 75dbA “clatter” gongs in its vehicle fleet, which are being sounded at highway-rail grade crossings in place of the 95–100 dbA horn.

On April 27, 2005, the FRA issued the Final Rule on Use of Locomotive Horns at Highway-Rail Grade Crossings, 69 FR 21844 (2005), with an effective date on June 24, 2005. SRTD is working with the City of Rancho Cordova and the County of Sacramento to evaluate the feasibility of establishing Quiet Zones along portions of the RT System, but is concerned about the anticipated costs of implementing such Zones. With the exception of the Quiet Zone established by the City of Sacramento between C street downtown and Meadowview Road between 7AM and 6AM (previously filed as a Pre-Rule Partial Quiet Zone Notice), RT System LRVs along all shared public highway-rail grade crossings with the UPRR are sounding either a 95–100 dbA horn or 75 dbA “clatter” gong that complies with the Final Horn Rule sound pattern requirements of CFR part 222. Because the RT System is running through residential areas, SRTD is receiving

complaints from local residents about the noise of these horns and “clatter” gongs and would like to return to its historical practice of using 75 dbA gongs. SRTD states that the 75 dbA gong complies with all applicable sound level requirements of the California Public Utilities Commission (CPUC) as set forth in General Order 143–B. The proposed 75 dbA gong sounding practice at shared highway-rail grade crossings has been the standard operating practice from 1987 until June 2005, and in such time, has had only 20 reportable accidents or incidents. SRTD further states that light rail operations are significantly different in character from freight rail operations and the audible warning procedures for the RT System's LRVs reflect those differences. Accordingly, SRTD seeks a waiver of compliance with certain sections of CFR part 229.129 (minimum horn decibel requirements) and CFR part 222.21 regarding start time, pattern, and duration requirements. (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.)

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–2006–24216) 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>.