

diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) 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 (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

### Conclusion

Based upon its evaluation of the seventeen exemption applications, FMCSA exempts, Alvin Acevedo (NJ), Jerry D. Baughn (KS), Bobby D. Bennett (GA), Mark S. Clemence (KS), Larry G. Foley (WV), Elwood F. Gorom (WA), Larry A. Grizzel (IN), Mike W. Holland (IL), Steven M. Lewis, Sr. (NC), Dan M. McAllister (WI), Meredith M. McCabe (GA), Paul F. Rivers (MN), Marcus V. Romo (ID), Gary L. Siverson (ND), Wayne L. Snyder (OH), William F. Watkins, Jr. (PA) and Justin K. Zimmerschied (KS) from the ITDM requirement in 49 CFR 391.41(b)(3), subject to the conditions listed under "Conditions and Requirements" above.

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption will be valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (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(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: April 16, 2012.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2012-0031]

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated March 14, 2012, the City of Sacramento, CA (City), has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 222. FRA assigned the petition Docket Number FRA-2012-0031.

The City is seeking a waiver from the provisions of 49 CFR 222.9, the definition of a non-traversable curb, so that an existing public crossing, Power Inn Road (DOT #752887F), can be deemed an acceptable supplementary safety measure (SSM). The Power Inn Road crossing is equipped with flashing lights, gates, and medians that comply with all of the requirements necessary to be an SSM with non-traversable curbs; except for the fact that the posted highway speed limit is 45 mph instead of 40 mph, as required in the definition.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

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 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.

Communications received by June 11, 2012 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and 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), or online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on April 23, 2012.

**Ron Hynes,**

*Acting Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2012-10234 Filed 4-26-12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2012-0030]

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated March 1, 2012, the City of Sacramento, CA (City), has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 222. FRA assigned the petition Docket Number FRA-2012-0030.

The City is seeking a waiver from the provisions of 49 CFR 222.9, the definition of a non-traversable curb, so that an existing public crossing, Elkhorn Boulevard (DOT #833694G), can be deemed an acceptable supplementary safety measure (SSM). The Elkhorn Boulevard crossing is equipped with flashing lights, gates, and medians that comply with all of the requirements necessary to be an SSM with non-traversable curbs; except for the fact that the posted highway speed limit is 45 mph instead of 40 mph, as required in the definition.

The City is also seeking approval of an engineering alternative safety