

Dated: August 4, 2008.

Emily Yee,

Designated Federal Officer, Department of State.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2007-28055]

Demonstration Project on NAFTA Trucking Provisions

AGENCY: Federal Motor Carrier Safety Administration (FMCSA).

ACTION: Notice; request for public comment.

SUMMARY: FMCSA announces and requests public comment on data and information concerning the Pre-Authority Safety Audits (PASAs) for motor carriers that have applied to participate in the Agency's project to demonstrate the ability of Mexico-domiciled motor carriers to operate safely in the United States beyond the commercial zones on the U.S.-Mexico border. This action is required by the "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007."

DATES: Comments must be received on or before August 27, 2008.

ADDRESSES: You may submit comments identified by FDMS Docket ID Number FMCSA-2007-28055 by any of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the

online instructions for submitting comments.

Alternatively, you can file comments using the following methods:

- Mail: Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590.
- Hand Delivery or Courier: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- Fax: 202-493-2251.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Request for Comments heading of the **SUPPLEMENTARY INFORMATION** section of this document. 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 19476).

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

FOR FURTHER INFORMATION CONTACT: Mr. Milt Schmidt, Division Chief, North American Borders Division, Telephone (202) 366-4049; e-mail milt.schmidt@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

On May 25, 2007, the President signed into law the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (the Act), (Pub. L. 110-28). Section 6901 of the Act requires that certain actions be taken by the Department of Transportation (the Department) as a condition of obligating or expending appropriated funds to grant authority to Mexico-domiciled motor carriers to operate beyond United States municipalities and commercial zones on the United States-Mexico border (border commercial zones).

Section 6901(b)(2)(B)(i) of the Act requires FMCSA to publish comprehensive data and information on the PASAs conducted before and after the date of enactment of the Act of motor carriers domiciled in Mexico that are granted authority to operate beyond the border commercial zones. As of July 16, 2008, 27 carriers have been granted authority to operate beyond the border commercial zones as part of this cross-border demonstration project. However, FMCSA has chosen to publish for public comment data and information relating to all PASAs conducted as of July 16, 2008. On March 24, 2008, FMCSA published in the **Federal Register** PASA data for all motor carriers that had applied to participate in the demonstration project, based on information available as of February 7, 2008 (73 FR 15557). FMCSA announces that the following Mexico-domiciled motor carriers in Table 1 have successfully completed their PASAs and notice of this fact was published in the FMCSA Register after the publication of the March 24 notice:

TABLE 1

Row number in Tables 2 through 4 of the appendix to today's notice	Name of carrier	USDOT No.
22	GOMEZ GARCIA JOSE LUIS	710473
24	GRUPO TRANSPORMEX SA DE CV	711208
63	LUIS EDMUNDO GRIJALVA GAMEZ	1598518
65	INTERLOGISTICS DE MEXICO S DE RL DE CV	1659365

FMCSA includes as an appendix to this **Federal Register** notice, data and information on the PASAs for which the motor carrier successfully completed the process before the enactment of the Act, and any completed since then. See Tables 2, 3, and 4 in the appendix. The appendix also includes information about carriers that failed the PASA in Table 5. Although failure to successfully

complete the PASA precludes their participation in the cross-border demonstration project and the Act only requires publication of data for carriers receiving operating authority, FMCSA is publishing this information to show that 4 motor carriers in addition to the 28 motor carriers identified in the March 24 notice failed to meet U.S. safety standards. A narrative description of

each column heading contained within the appendix's Tables 2, 3, and 4, "Successful Pre-Authority Safety Audit (PASA) Information as of July 16, 2008" as well as in Table 5 "Failed Pre-Authority Safety Audit (PASA) Information as of July 16, 2008," is provided below:

A. *Row Number in the Appendix:* The line in the table on which all the PASA

information concerning the motor carrier is presented.

B. Name of Carrier: The legal name of the Mexico-domiciled motor carrier that applied for authority to operate in the United States (U.S.) beyond the border commercial zones and was considered for participation in the cross-border demonstration project.

C. U.S. DOT Number: The identification number assigned to the Mexico-domiciled motor carrier and required to be displayed on each side of the power unit. If granted provisional operating authority, the Mexico-domiciled motor carrier will be required to add the suffix "X" to the ending of its assigned U.S. DOT Number.

D. PASA Scheduled: The date the PASA was scheduled to be initiated.

E. PASA Completed: The date the PASA was completed.

F. PASA Results: The results upon completion of the PASA. The PASA receives a quality assurance review before approval. The quality assurance process involves a dual review by the FMCSA Division Office Supervisor of the Auditor assigned to conduct the PASA and the FMCSA Service Center New Entrant Specialist designated for the specific FMCSA Division Office. The dual review ensures the successfully completed PASA was conducted in accordance with FMCSA policy, procedures and guidance. Upon approval, the PASA results are uploaded into the FMCSA Motor Carrier Management Information System (MCMIS). The PASA information and results are then recorded in the Mexico-domiciled motor carrier's safety performance record in MCMIS.

G. FMCSA Register: The date the FMCSA published notice of a successfully completed PASA in the FMCSA Register. The FMCSA Register notice advises interested parties that the application has been preliminarily granted and that protests to the application must be filed within 10 days of the publication date. Protests are filed with FMCSA Headquarters in Washington, DC. The notice in the FMCSA Register lists the following information:

- Current registration number (e.g., MX-123456);
- Date the notice was published in the FMCSA Register;
- The applicant's name and address; and
- Representative or contact information for the applicant.

H. U.S. Drivers: The total number of drivers the motor carrier intends to use in the United States.

I. U.S. Vehicles: The total number of power units the motor carrier intends to operate in the United States.

J. Passed Verification 5 Elements (Yes/No): A Mexico-domiciled motor carrier will not be granted provisional operating authority if FMCSA cannot verify all of the following five mandatory elements. FMCSA must:

- Verify a controlled substances and alcohol testing program consistent with 49 CFR part 40.
- Verify a system of compliance with hours-of-service rules of 49 CFR part 395, including recordkeeping and retention;
- Verify proof of financial responsibility;
- Verify records of periodic vehicle inspections; and
- Verify the qualifications of each driver the carrier intends to use under such authority, as required by 49 CFR parts 383 and 391, including confirming the validity of each driver's Licencia Federal de Conductor.

K. If No, Which Element Failed: If FMCSA could not verify one or more of the five mandatory elements outlined in 49 CFR part 365, Appendix A, Section III, this column will specify which mandatory element(s) could not be verified.

Please note that for items L through P below, during the PASA, after verifying the five mandatory elements discussed in item J above, FMCSA will gather information by reviewing a motor carrier's compliance with "acute and critical" regulations of the Federal Motor Carrier Safety Regulations (FMCSRs) and Hazardous Materials Regulations (HMRs). Acute regulations are those where noncompliance is so severe as to require immediate corrective actions by a motor carrier regardless of the overall basic safety management controls of the motor carrier. Critical regulations are those where noncompliance relates to management and/or operational controls. These regulations are indicative of breakdowns in a carrier's management controls. A list of acute and critical regulations is included in 49 CFR part 385, Appendix B, Section VII.

Parts of the FMCSRs and HMRs having similar characteristics are combined together into six regulatory areas called "factors." The regulatory factors are intended to evaluate the adequacy of a carrier's management controls.

Factor 5 relates to the transportation of hazardous materials and was omitted below, as Mexico-domiciled motor carriers that transport hazardous materials are not permitted to

participate in the cross-border demonstration project.

L. Passed Phase 1, Factor 1: A "yes" in this column indicates the carrier has successfully met Factor 1 (listed in part 365, Subpart E, Appendix A, Section IV(f)). Factor 1 includes the General Requirements outlined in parts 387 (Minimum Levels of Financial Responsibility for Motor Carriers) and 390 (Federal Motor Carrier Safety Regulations—General).

M. Passed Phase 1, Factor 2: A "yes" in this column indicates the carrier has successfully met Factor 2, which includes the Driver Requirements outlined in parts 382 (Controlled Substances and Alcohol Use and Testing), 383 (Commercial Driver's License Standards; Requirements and Penalties) and 391 (Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors).

N. Passed Phase 1, Factor 3: A "yes" in this column indicates the carrier has successfully met Factor 3, which includes the Operational Requirements outlined in parts 392 (Driving of Commercial Motor Vehicles) and 395 (Hours of Service of Drivers).

O. Passed Phase 1, Factor 4: A "yes" in this column indicates the carrier has successfully met Factor 4, which includes the Vehicle Requirements outlined in parts 393 (parts and Accessories Necessary for Safe Operation) and 396 (Inspection, Repair and Maintenance) and vehicle inspection and out-of-service data for the last 12 months.

P. Passed Phase 1, Factor 6: A "yes" in this column indicates the carrier has successfully met Factor 6, which includes Accident History. This factor is the recordable accident rate during the past 12 months. A recordable "accident" is defined in 49 CFR 390.5, and means an accident involving a commercial motor vehicle operating on a public road in interstate or intrastate commerce which results in: a fatality; a bodily injury to a person who, as a result of the injury, immediately received medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Q. Number U.S. Vehicles Inspected: The total number of vehicles (power units and trailers) the motor carrier intends to operate in the United States that received a vehicle inspection during the PASA. During a PASA, FMCSA inspected all vehicles that did not display a current Commercial Vehicle Safety Alliance (CVSA)

inspection decal. This number reflects the vehicles that were inspected, irrespective of whether the vehicle received a CVSA inspection decal as a result of a passed inspection.

R. *Number U.S. Vehicles Issued CVSA Decal*: The total number of inspected vehicles (power units and trailers) the motor carrier intends to operate in the United States that received a CVSA inspection decal as a result of an inspection during the PASA.

S. *Number U.S. Vehicles With Current CVSA Decal*: The total number of vehicles (power units and trailers) the motor carrier intends to operate in the United States that displayed a current CVSA inspection decal at the time of the PASA.

T. *Controlled Substances Collection*: Refers to the applicability and/or country of origin of the controlled substance and alcohol collection facility that will be used by a motor carrier who has successfully completed the PASA.

a. "US" means the controlled substance and alcohol collection facility is based in the United States.

b. "MX" means the controlled substance and alcohol collection facility is based in Mexico.

c. "Non-CDL" means that during the PASA, FMCSA verified that the motor carrier is not utilizing commercial motor vehicles subject to the commercial driver's license requirements as defined in 49 CFR 383.5 (Definition of Commercial Motor Vehicle). Any motor carrier that does not operate commercial motor vehicles as defined in § 383.5 is not subject to DOT controlled substance and alcohol testing requirements.

U. *Name of Controlled Substances and Alcohol Collection Facility*: Shows the name and location of the U.S. controlled substances and alcohol collection facility that will be used by a Mexico-domiciled motor carrier who has successfully completed the PASA.

Request for Comments

In accordance with the Act, FMCSA requests public comment from all

interested persons on the PASA information presented in the appendix to this notice. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, the FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: August 6, 2008.

John H. Hill,
Administrator.

BILLING CODE 4910-EX-P

Appendix

Table 2 - Successful Pre-Authority Safety Audit (PASA) Information as of July 16, 2008 (see also Tables 3 and 4)

Column A - Row	Column B - Name of Carrier	Column C - US DOT Number	Column D - PASA Scheduled	Column E - PASA Completed	Column F - PASA Result	Column G - FMCSA Register	Column H - Drivers Identified Who Motor Carrier Intends to Operate in the United States	Column I - Vehicles Identified That Motor Carrier Intends to Operate in the United States
1	JUAN MARTIN RAMIREZ AMEZ	264875	3/19/2007	3/29/2007	Passed	4/20/2007	15	16
2	FERNANDO PAEZ TREVINO	555188	2/22/2007	2/22/2007	Passed	3/2/2007	2	2
3	ARTEMIO GUERRERO ZAVALA	555995	9/5/2007	9/5/2007	Passed	10/16/2007	3	1
4	DAVID KLASSEN PETERS	556741	3/14/2007	3/14/2007	Passed	5/7/2007	1	2
5	LUIS EUSEBIO SALGADO ESQUER	557042	3/6/2007	3/6/2007	Passed	4/5/2007	6	5
6	GUADALUPE OCON & RUFUGIO ROMO SAUCEDO	557217	7/17/2007	7/17/2007	Passed	10/17/2007	1	1
7	JORGE EDUARDO VALENZUELA MORENO	557969	3/28/2007	3/28/2007	Passed	4/18/2007	1	1
8	LUCIANO PADILLA MARTINEZ	557972	4/3/2007	4/4/2007	Passed	4/20/2007	3	3
9	FRANCISCA BURGOS VIZCARRA	558189	3/12/2007	3/15/2007	Passed	4/19/2007	12	10
10	RICARDO CESAR MARTINEZ MONTEMAYOR	559560	2/22/2007	2/22/2007	Passed	3/10/2007	4	1
11***	ORLANDO NEVID LOPEZ HERNANDEZ	559947	3/18/2007	3/16/2007	Passed	4/20/2007	1	1
12	JOSE DAVID RUVALCABA ADAME	563815	6/13/2007	6/13/2007	Passed	10/4/2007	1	1
13**	TRINITY INDUSTRIES DE MEXICO, S. DE R.L. DE C.V.	610385	9/10/2007	9/13/2007	Passed	9/28/2007	14	16
14	ALFREDO SOLORIO TOLENTINO	635221	3/13/2007	3/13/2007	Passed	4/18/2007	6	6
15	GCC TRANSPORTS, S.A. DE C.V.	650155	7/19/2007	7/20/2007	Passed	8/10/2007	13	13
16	TRANSPORTES RAFA DE BAJA CALIFORNIA, S.A. DE C.V.	650383	3/26/2007	3/29/2007	Passed	9/5/2007	3	2
17	RAUL SOLORIO ORTIZ	650954	5/22/2007	5/30/2007	Passed	7/5/2007	4	2
18	MANUEL ENCINAS TERAN	654499	10/22/2007	10/22/2007	Passed	1/25/2008	1	1
19	MOISES ALVAREZ PEREZ	677516	8/21/2007	8/21/2007	Passed	10/16/2007	1	1
20	FLETES GARIBAY S.A. DE C.V.	677669	3/14/2007	3/16/2007	Passed	4/18/2007	3	4
21	ABELARDO TRAHIN	682402	8/20/2007	8/22/2007	Passed	11/23/2007	3	3
22*	GOMEZ GARCIA JOSE LUIS	710473	2/28/2008	2/29/2008	Passed	3/20/2008	1	1
23	HIGIENICOS Y DESECHABLES DEL BAJIO, S.A. DE C.V.	710491	4/17/2007	4/19/2007	Passed	5/7/2007	3	3
24*	GRUPO TRANSPORTMEX SA DE CV	711208	4/29/2008	4/30/2008	Passed	5/16/2008	3	3
25	TRANSPORTADORA TERRESTRE SA DE CV	711276	10/24/2007	10/25/2007	Passed	11/21/2007	6	10
26	AUTOTRANSPORTES DE DISTRIBUCION Y CONSOLIDACION SA DE CV	711282	10/22/2007	10/25/2007	Passed	11/21/2007	4	4
27	SERVICIOS DE TRANSPORTACION JAGUAR S.A.	721671	3/15/2007	3/15/2007	Passed	5/7/2007	18	42
28	VERONICA GONZALEZ & GILBERTO GONZALEZ NUNO	736405	8/30/2007	8/30/2007	Passed	10/16/2007	4	2
29	RODOLFO RAMIREZ HEREDIA AND RAUL IVAN RAMIREZ	762089	9/18/2007	9/27/2007	Passed	12/3/2007	12	13
30	HOMERO BELTRAN AND ALFONSO DEL REAL MONTOYA	777182	3/12/2007	3/14/2007	Passed	4/17/2007	3	4
31	NOE BASILIO MONTIEL	786826	9/13/2007	9/14/2007	Passed	10/16/2007	5	2
32	QNW DE BAJA SA DE CV	791091	8/28/2007	8/28/2007	Passed	10/4/2007	1	1
33	MATEO CARDENAS ARROYO AND GUSTAVO VEGA	812869	4/17/2007	4/17/2007	Passed	5/7/2007	13	12
34	FRANCISCO ULLOA MONTANO	817872	4/2/2007	4/10/2007	Passed	4/25/2007	7	7
35	TRANSPORTES SOTO E HIJOS S.A. DE C.V.	824454	10/22/2007	10/25/2007	Passed	11/8/2007	10	27
36	HECTOR OBETH PIMENTEL GUERRERO	845669	5/1/2007	5/4/2007	Passed	6/20/2007	5	1
37	GRUPO BEHR DE BAJA CALIFORNIA SA DE CV	861744	11/6/2007	11/7/2007	Passed	12/20/2007	2	4

* - This motor carrier is an additional successful applicant which has passed the Pre-Authority Safety Audit after the March 24, 2008 Federal Register Notice.

** - Trinity Industries de Mexico, S. de R.L. de C.V. withdrew from the Cross-Border Demonstration Project effective February 1, 2008.

*** - Orlando Nevid Lopez Hernandez withdrew from the Cross-Border Demonstration Project effective June 18, 2008.

Column A - Row	Column B - Name of Carrier	Column C - US DOT Number	Column D - PASA Scheduled	Column E - PASA Completed	Column F - PASA Result	Column G - FMCSA Register	Column H - Drivers Identified Who Motor Carrier Intends to Operate in the United States	Column I - Vehicles Identified Who Motor Carrier Intends to Operate in the United States
38	JUAN MANUEL MALDONADO TOPETE	879793	4/3/2007	4/4/2007	Passed	5/29/2007	3	3
39	RICARDO BRAVO MAR AND JACK CLAYTON CASNER	880852	4/17/2007	4/18/2007	Passed	5/4/2007	5	5
40	MARTIN KLASSEN	883602	8/21/2007	8/21/2007	Passed	12/12/2007	2	2
41	EDS INTERNACIONAL SA DE CV	924559	8/20/2007	9/4/2007	Passed	9/25/2007	2	1
42	OSCAR HILARIO MARTINEZ	947058	7/17/2007	7/19/2007	Passed	8/15/2007	2	2
43	ROBERTO MONTEMAYOR CRUZ	951134	3/27/2007	3/28/2007	Passed	6/4/2007	2	2
44	MAQUINARIA AGHICOLA DE NOROESTE SA DE CV	974841	10/22/2007	10/24/2007	Passed	11/21/2007	1	1
45	FIDELAL S DE RL DE IP Y CV	975522	8/28/2007	8/29/2007	Passed	10/16/2007	1	1
46	WORLD TRAFFIC DE MEXICO SA DE CV	1041549	1/10/2008	1/10/2008	Passed	2/7/2008	4	1
47	SERVICIOS REFRIGERADOS INTERNACIONALES SA DE CV	1052546	3/22/2007	3/22/2007	Passed	5/7/2007	5	5
48	MEXICANA DE TRASLADOS CALDERON SA DE CV	1054803	3/20/2007	3/21/2007	Passed	5/7/2007	1	2
49	MARIA DEL CARMEN LOPEZ ARMENTA	1055053	4/3/2007	4/4/2007	Passed	4/20/2007	1	1
50	TRANSPORTES MONTEBLANCO SA DE CV	1059694	3/13/2007	3/13/2007	Passed	5/7/2007	2	1
51	EDMUNDO JESUS GUJARDO BURSIAN	1068315	3/28/2007	3/28/2007	Passed	5/7/2007	1	1
52	RICARDO JAIDREL RODRIGUEZ BOGARIN & DANIEL CARRILLO RODRIGUEZ	1068792	4/4/2007	4/5/2007	Passed	5/1/2007	4	4
53	JOSE ANAYA ROMERO	1080131	4/25/2007	4/25/2007	Passed	5/29/2007	1	1
54	MARIA DEL SOCORRO VALERIO LIZCANO	1082863	3/6/2007	3/6/2007	Passed	5/7/2007	1	1
55	TRANSPORTES DE CARGA SANTOYO SA DE CV	1106825	4/18/2007	4/20/2007	Passed	5/8/2007	3	3
56	AVOMEX INTERNACIONAL SA DE CV	1142107	8/28/2007	8/30/2007	Passed	11/9/2007	6	6
57	MARIA DE LOS ANGELES RAMIREZ	1162107	9/10/2007	9/10/2007	Passed	12/11/2007	2	9
58	AGUIRRE RAMOS JORGE LUIS	1286830	7/10/2007	7/10/2007	Passed	5/8/2007	1	1
59	MARCO VINICIO PINEDA VILLEGAS	1292413	4/24/2007	4/24/2007	Passed	5/29/2007	1	1
60	DISTRIBUIDORA AZATECA DEL NORTE SA DE CV	1296357	9/11/2007	9/13/2007	Passed	10/16/2007	2	2
61	HECTOR MANUEL ARTEAGA PLASCENCIA	1334185	10/2/2007	10/2/2007	Passed	10/25/2007	1	1
62	MARIA ISABEL MENDIVIAL VELARDE	1548345	10/24/2007	10/24/2007	Passed	11/6/2007	2	9
63*	LUIS EDMUNDO GRIJALVA GAMEZ	1598518	4/3/2008	4/3/2008	Passed	4/24/2008	2	2
64	TRANSPORTES SELG SA DE CV	1658656	9/25/2007	9/27/2007	Passed	10/16/2007	5	8
65*	INTERLOGISTICAS DE MEXICO S DE RL DE CV	1659365	3/4/2008	3/4/2008	Passed	5/20/2008	2	3
66	TRANSLOGISTICA SA DE CV	1677817	10/24/2007	10/25/2007	Passed	11/21/2007	1	2
67	OSCAR ARTURO GRAGEDA DUARTE	1693389	12/5/2007	12/6/2007	Passed	12/20/2007	4	4
Number of Drivers and Vehicles Which Mexico-Domiciled Motor Carriers Intend to Operate in the United States That Have Passed a Pre-Authority Safety Audit								265
Number of Drivers and Vehicles Which Mexico-Domiciled Motor Carriers Intend to Operate in the United States That Have Passed a Pre-Authority Safety Audit								313

* - This motor carrier is an additional successful applicant which has passed the Pre-Authority Safety Audit after the March 24, 2008 Federal Register Notice.

** - Trinity Industries of Mexico, S. de R.L. de C.V. withdrew from the Cross-Border Demonstration Project effective February 1, 2008.

*** - Orlando David Lopez Hernandez withdrew from the Cross-Border Demonstration Project effective June 18, 2008

[illegible]

Table 3 - Successful Pre-Authority Safety Audit (PASA) Information as of July 16, 2008 (see also Tables 2 and 4)

Column A - Row	Column B - Name of Carrier	Column C - US DOT Number	Column J - Passed Verification 5 Elements (Yes/No)	Column K - If No, Which Element Failed	Column L - Passed Phase 2 Factor 1	Column M - Passed Phase 1 Factor 2	Column N - Passed Phase 1 Factor 3	Column O - Passed Phase 1 Factor 4	Column P - Passed Phase 1 Factor 6
33	MATEO CARDENAS ARROYO AND GUSTAVO VEGA	812869	YES		YES	YES	YES	YES	YES
34	FRANCISCO ULLOA MONTANO	817872	YES		YES	NO	YES	YES	YES
35	TRANSPORTES SOTO E HIJOS SA DE CV	824454	YES		YES	YES	YES	YES	YES
36	HECTOR OBETH PIMENTEL GUERRERO	845669	YES		YES	YES	YES	YES	YES
37	GRUPO BEHR DE BAJA CALIFORNIA SA DE CV	861744	YES		YES	YES	YES	YES	YES
38	JUAN MANUEL MALDONADO TOPETE	879793	YES		YES	YES	YES	YES	YES
39	RICARDO BRAVO MAR AND JACK CLAYTON CASNER	880852	YES		YES	YES	YES	YES	YES
40	MARTIN KLASSEN KLASSEN	883602	YES		YES	YES	YES	YES	YES
41	EDS INTERNACIONAL SA DE CV	924559	YES		YES	YES	YES	YES	YES
42	OSCAR HILARIO MARTINEZ	947058	YES		YES	YES	YES	YES	YES
43	ROBERTO MONTEMAYOR CRUZ	951134	YES		YES	YES	YES	YES	YES
44	MAQUINARIA AGRICOLA DE NOROESTE SA DE CV	974841	YES		YES	YES	YES	YES	YES
45	FIDEPAL S DE RL DE IP Y CV	975522	YES		YES	YES	YES	YES	YES
46	WORLD TRAFFIC DE MEXICO SA DE CV	1041549	YES		YES	YES	YES	YES	YES
47	SERVICIOS REFRIGERADOS INTERNACIONALES SA DE CV	1052546	YES		YES	YES	YES	YES	YES
48	MEXICANA DE TRASLADOS CALDERON SA DE CV	1054803	YES		YES	YES	YES	YES	YES
49	MARIA DEL CARMEN LOPEZ ARMENTA	1055053	YES		YES	YES	YES	YES	YES
50	TRANSPORTES MONTEBLANCO SA DE CV	1059694	YES		YES	YES	YES	YES	YES
51	EDMUNDO JESUS GUJARDO BURSIA	1068315	YES		YES	YES	YES	YES	YES
52	RICARDO JAIDREL RODRIGUEZ BOGARIN & DANIEL CARRILLO RODRIGUEZ	1068792	YES		YES	YES	YES	YES	YES
53	JOSE ANAYA ROMERO	1080131	YES		YES	YES	YES	YES	YES
54	MARIA DEL SOCORRO VALERIO LIZCANO	1082863	YES		YES	YES	YES	YES	YES
55	TRANSPORTES DE CARGA SANTOYO SA DE CV	1106825	YES		YES	YES	YES	YES	YES
56	AVOMEX INTERNACIONAL SA DE CV	1142107	YES		YES	YES	YES	YES	YES
57	MARIA DE LOS ANGELES RAMIREZ	1162107	YES		YES	YES	YES	YES	YES
58	AGUIRRE RAMOS JORGE LUIS	1286830	YES		YES	YES	YES	YES	YES
59	MARCO VINICIO PINEDA VILLEGAS	1292413	YES		YES	YES	YES	YES	YES
60	DISTRIBUIDORA AZTECA DEL NORTE SA DE CV	1296357	YES		YES	YES	YES	YES	YES
61	HECTOR MANUEL ARTEAGA PLASCENCIA	1334185	YES		YES	YES	YES	YES	YES
62	MARIA ISABEL MENDIVIL VELARDE	1548345	YES		YES	YES	YES	YES	YES
63*	LUIS EDMUNDO GRIJALVA GAMEZ	1598518	YES		YES	YES	YES	YES	YES
64	TRANSPORTES SELG SA DE CV	1659656	YES		YES	YES	YES	YES	YES
65*	INTERLOGISTICS DE MEXICO S DE RL DE CV	1659365	YES		YES	YES	YES	YES	YES
66	TRANSLOGISTICA SA DE CV	1677817	YES		YES	YES	YES	YES	YES
67	OSCAR ARTURO GRAGEDA DUARTE	1693389	YES		YES	YES	YES	YES	YES

* - This motor carrier is an additional successful applicant which has passed the Pre-Authority Safety Audit after the March 24, 2008 Federal Register Notice.

** - Trinity Industries de Mexico, S. de R.L. de C.V. withdrew from the Cross-Border Demonstration Project effective February 1, 2008.

*** - Orlando Nevad Lopez Hernandez withdrew from the Cross-Border Demonstration Project effective June 18, 2008.

Table 4 - Successful Pre-Authority Safety Audit (PASA) Information as of July 16, 2008 (see also Tables 2 and 3)

[illegible]

**** - NON CDL - This acronym means the Mexico-domiciled drivers are not subject to controlled substances and alcohol testing requirements as required by 49 U.S.C. 31306. Such drivers are not subject to testing because the vehicles the Mexico-domiciled motor carrier intends to operate in the United States are not of a size or operating in such a manner requiring the operator to hold a commercial driver's license (CDL) as required by 49 U.S.C. 31301 et seq. The statute, 49 U.S.C. 31306, treats U.S., Canada, and Mexico-domiciled motor carriers and drivers exactly the same way with respect to controlled substances and alcohol testing requirements for light- and medium-duty truck and truck-tractor vehicles, if the drivers only operate vehicles not requiring a CDL to operate the vehicle.

Column A - Row	Column B - Name of Carrier	Column C - US DOT Number	Column Q - Number US Vehicles Inspected Which Carrier Intends to Operate in the US	Column R - Number US Vehicles Issued CVSA Decal Which Carrier Intends to Operate in the US	Column S - Number US Vehicles with current CVSA Decal Which Carrier Intends to Operate in the US	Column T - Controlled Substances Collection	Column U - Name of Controlled Substances and Alcohol Collection Facility
33	MATEO CARDENAS ARROYO AND GUSTAVO VEGA	812869	0	0	9	US	Ruiz & Associates, Imperial, CA
34	FRANCISCO ULLOA MONTANO	817872	3	2	0	US	Ruiz & Associates, Imperial, CA
35	TRANSPORTES SOTO E HIJOS S A DE C V	824454	27	27	0	MX	Quest Diagnostics Mexico SA DE CV, Blvd Gomez Morin # 7765, Juarez, CL (656)668-0630
36	HECTOR OBETH PIMENTEL GUERRERO	845669	0	0	0	US	Valley Testing, El Centro, CA
37	GRUPO BEHR DE BAJA CALIFORNIA SA DE CV	861744	0	0	5	US	Ruiz & Associates, San Diego, CA
38	JUAN MANUEL MALDONADO TOFETE	879793	0	0	5	US	Ruiz & Associates, Imperial, CA
39	RICARDO BRAVO MAR AND JACK CLAYTON CASNER	880852	4	4	6	US	Ruiz & Associates, Imperial, CA
40	MARTIN KLASSEN KLASSEN	883602	5	5	0	US	Ritech- El Paso, TX
41	EDS INTERNACIONAL SA DE CV	824559	1	1	0	NON CDL ****	Not Applicable
42	OSCAR HILARIO MARTINEZ	947058	1	1	1	US	CAD Services, Eagle Pass, TX
43	ROBERTO MONTEMAYOR CRUZ	951134	4	4	0	US	A&C Drug & Alcohol Screening, Pharr, TX
44	MAQUINARIA AGRICOLA DE NOROESTE SA DE CV	974841	3	3	0	US	Concentra Medical Center, El Paso, TX
45	FIDEPAL S DE RL DE P Y CV	975522	1	1	0	US	Safelynet Motor Carrier Services, Brownsville, TX
46	WORLD TRAFIC DE MEXICO SA DE CV	1041549	1	1	0	US	Ruiz & Associates, El Centro, CA
47	SERVICIOS REFRIGERADOS INTERNACIONALES SA DE CV	1052546	5	5	3	US	Ruiz & Associates, Imperial, CA
48	MEXICANA DE TRASLADOS CALDERON SA DE CV	1054803	2	1	0	US	Analytical Group, Inc., Brownsville, TX
49	MARIA DEL CARMEN LOPEZ ARMENTA	1055063	1	0	0	US	Ruiz & Associates, Imperial, CA
50	TRANSPORTES MONTEBLANCO SA DE CV	1059684	2	2	0	US	Laredo Examiners Inc., Laredo, TX
51	EDMUNDO JESUS GUAJARDO BURSIAN	1068315	1	1	0	US	CAD Services, Eagle Pass, TX
52	RICARDO JAIDREL RODRIGUEZ BOGARIN & DANIEL CARILLO RODRIGUEZ	1068792	7	4	0	US	Behavior Research, San Diego, CA
53	JOSE ANAYA ROMERO	1080131	0	0	0	NON CDL ****	Not Applicable
54	MARIA DEL SOCORRO VALERIO LIZCANO	1082863	1	1	0	NON CDL ****	Not Applicable
55	TRANSPORTES DE CARGA SANTOYO SA DE CV	1108825	0	0	5	US	Ruiz & Associates, Imperial, CA
56	AVOMEX INTERNACIONAL SA DE CV	1142107	12	9	3	US	CAD Services, Eagle Pass, TX
57	MARIA DE LOS ANGELES RAMIREZ	1162107	12	12	0	US	Confidential Drug Testing, El Paso, TX
58	AGUIRRE RAMOS JORGE LUIS	1286830	2	2	0	US	Ruiz & Associates, San Diego, CA
59	MARCO VINICIO PINEDA VILLEGAS	1292413	0	0	2	US	Ruiz & Associates, Imperial, CA
60	DISTRIBUIDORA AZTECA DEL NORTE SA DE CV	1296357	4	4	0	US	Confidential Drug Testing, El Paso, TX
61	HECTOR MANUEL ARTEAGA PLASCENCIA	1334185	1	1	1	US	Ruiz & Associates, San Diego, CA
62	LUIS ISABEL MENDIVIL VELARDE	1548345	8	8	1	US	J2 Labs, Tucson, AZ
63*	TRANSPORTES GRUAYALVA GAMEZ	1596518	2	0	0	US	.J2 Laboratories of Tucson, Tucson, AZ
64	TRANSPORTES SELG SA DE CV	1659656	14	7	0	US	CMI, Pharr, TX
65*	INTERLOGISTICAS DE MEXICO S DE RL DE CV	1659385	9	9	0	US	On-Site Drug and Occupational Testing, Laredo, TX
66	TRANSLOGISTICA SA DE CV	1677817	4	4	0	MX	Quest De Mexico, Mexico DF
67	OSCAR ARTURO GRAGEDA DUARTE	1893389	8	8	0	US	Frank Chavez Health Center, El Paso, TX

* - This motor carrier is an additional successful applicant which has passed the Pre-Authority Safety Audit after the March 24, 2008, Federal Register Notice.

** - Trinity Industries de Mexico, S. de R. L. de C. V. withdrew from the Cross-Border Demonstration Project effective February 1, 2008.

*** -Orlando Nevad Lopez Hernandez withdrew from the Cross-Border Demonstration Project effective June 18-2008-

[illegible]

**** - NON CDL - This acronym means the Mexico-domiciled drivers are not subject to controlled substances and alcohol testing requirements as required by 49 U.S.C. 31306. Such drivers are not subject to testing because the Mexico-domiciled motor carrier intends to operate in the United States not of a size or operating in such a manner requiring the operator to hold a commercial driver's license (CDL) as required by 49 U.S.C. 31301 et seq. The statute, 49 U.S.C. 31306, treats the U.S., Canada, and Mexico-domiciled motor carriers and drivers exactly the same way with respect to controlled substances and alcohol testing requirements for light- and medium-duty truck and truck-tractor vehicles, if the drivers only operate vehicles not requiring a CDL to operate the vehicles.

Table 5 - Failed Pre-Authority Safety Audit (PASA) Information as of July 16, 2008

Column A - Row	Column B - Name of Carrier	Column C - US DOT Number	Column D - PASA Scheduled	Column F - PASA Result	Column J - Passed Verification 5 Elements (Yes/No)	Column K - If No, Which Element Failed
1*	AUTO TRANSPORTES SAHORA DE B.C.	556258	3/4/2008	Failed	NO	Footnote 3
2	TRANSPORTES SALO SA DE CV	556406	9/10/2007	Failed	NO	Footnote 3
3	ISAIA VENEGAS CABRAL	556751	3/27/2007	Failed	NO	Footnote 3
4	JAVIER TORRES & JUAN GOMEZ ALVAREZ	626489	10/3/2007	Failed	NO	Footnote 1
5	ANGEL GUERRERO FLORES	665858	8/13/2007	Failed	NO	Footnotes 2 and 5
6	JESUS PIMENTEL JIMENEZ	667250	4/23/2007	Failed	NO	Footnotes 1, 2, 4 and 5
7	ARMANDO ULLOA VENEGAS	677291	8/27/2007	Failed	NO	Footnote 5
8	MADERAS NAVACHISTE SA DE CV	683397	6/13/2007	Failed	NO	Footnote 5
9	CESAR HIGUERA VILLAVICENCIO	802447	9/11/2007	Failed	NO	Footnote 3
10	SISTEMAS DE RIEGO DEL NORTE SA DE CV	822291	3/27/2007	Failed	NO	Footnote 3
11	ATAUDES DE LA FRONTERA SA DE CV	845972	9/11/2007	Failed	NO	Footnote 5
12*	SAN QUININ APPAREL S DE RL DE CV	876769	3/25/2008	Failed	NO	Footnote 2
13*	SALVADOR ESPEJO GARCIA AND ALEJANDRO ARENAS	883366	4/15/2008	Failed	NO	Footnote 1, 2, 4, and 5
14	RODOLFO GONZALEZ MARTINEZ	905680	7/11/2007	Failed	NO	Footnote 5
15	ALMA AURORA VILLARREAL HUERTA	924237	7/18/2007	Failed	NO	Footnotes 1, 2, 3, 4 and 5
16	SEMILLAS COSECHA DE ORO SA DE CV	1039175	8/28/2007	Failed	NO	Footnotes 3, 4 and 5
17	JACOB DYCK FRIESEN	1040520	8/28/2007	Failed	NO	Footnote 3
18	MADERAS Y MATERIALES, JR S. A. DE C.V.	1054019	7/26/2007	Failed	NO	Footnote 3
19	JUAN GARZA REYNA	1060682	8/7/2007	Failed	NO	Footnote 5
20	CARLOS FERNANDEZ VILLARREAL	1065224	7/18/2007	Failed	NO	Footnotes 1, 2, 3, 4 and 5
21	CARPINTERIA HERMANOS CORRAL S DE RL MI	1067592	8/23/2007	Failed	NO	Footnotes 1, 2, 3, 4 and 5
22	BENJAMIN DE LA TORRE QUIRARTE	1069031	3/28/2007	Failed	NO	Footnotes 1 and 3
23	COMERCIALIZACION Y SERVICIO DE NOGALES SA DE CV	1083756	6/14/2007	Failed	NO	Footnote 5
24	JOSE EDUARDO VELASCO ROBLES	1094184	8/9/2007	Failed	NO	Footnote 3
25	DANIEL ACOSTA	1101328	7/11/2007	Failed	NO	Footnotes 4 and 5
26	JESUS ERNESTO FIGUEROA CARRANZA	1114825	8/13/2007	Failed	NO	Footnote 2
27	FAB DE CHOCOLATES LA POPULAR SA DE CV	1147667	8/7/2007	Failed	NO	Footnotes 1, 2 and 4
28	LA OTRA DEL OJINAGA SA DE CV	1159371	3/11/2007	Failed	NO	Footnote 3
29	MORALES GONZALEZ JOSE JESUS	1227541	4/16/2007	Failed	NO	Footnotes 2 and 4
30	JUVENTINO SANTILLAN DE LEON	1289339	6/25/2007	Failed	NO	Footnotes 1, 2, 3 and 4
31	TEKPOL SA DE CV	1368600	9/12/2007	Failed	NO	Footnote 5
32*	CORPORATIVO DE TRANSPORTE INTERNACIONAL SA DE CV	1599421	5/20/2008	Failed	NO	Footnote 3

Legend for Column K
If Motor Carrier Failed Pre-Authority Safety Audit, Which Element Failed:

Footnote 1 Maintenance files and Annual Inspection of Motor Vehicles
Footnote 2 Driver Qualification
Footnote 3 Controlled Substances and Alcohol Testing
Footnote 4 Hours-of-Service of Drivers
Footnote 5 Financial Responsibility (Insurance or Surety Bond)

* - This motor carrier is an additional applicant which failed the Pre-Authority Safety Audit after the March 24, 2008, Federal Register Notice.

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration****[Docket ID. FMCSA–2008–0231]****Qualification of Drivers; Exemption Applications; Vision****AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 23 individuals for exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the Federal vision standard.

DATES: Comments must be received on or before September 11, 2008.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2008–0231 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your

comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted 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 (65 FR 19476). This information is also available at <http://Docketsinfo.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, fmcamedical@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:**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.” FMCSA can renew exemptions at the end of each 2-year period. The 23 individuals listed in this notice each have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

Qualifications of Applicants*William C. Ball*

Mr. Ball, age 39, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/200 and in the left, 20/20. Following an examination in 2008 his ophthalmologist noted, “I certify in my medical opinion that Mr. Ball has sufficient vision to perform the driving task required to operate a commercial vehicle.” Mr. Ball reported that he has driven straight trucks for 4½ years, accumulating 146,250 miles. He holds a Class A Commercial Driver's License (CDL) from North Carolina. His driving record for the last 3 years shows no

crashes and no convictions for moving violations in a CMV.

Terrence L. Benning

Mr. Benning, 53, has aphakia in his left eye due to a traumatic injury he sustained as a child. The best corrected visual acuity in his right eye is 20/25 and in the left, hand-motion vision. Following an examination in 2008, his ophthalmologist noted, “Based on the fact that he has recently been functioning well driving a commercial vehicle, it is my medical opinion that he does have sufficient vision to operate a commercial vehicle.” Mr. Benning reported that he has driven straight trucks for 10 years, accumulating 250,000 miles, and tractor-trailer combinations for 25 years, accumulating 2.9 million miles. He holds a Class A CDL from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Rickie L. Boone

Mr. Boone, 48, has loss of vision in his right eye due to a detached retina which occurred in 2001. The visual acuity in his right eye is light perception and in the left, 20/20. Following an examination in 2008, his optometrist noted, “In my medical opinion, Mr. Boone is able to perform the driving tasks required to operate a commercial vehicle.” Mr. Boone reported that he has driven straight trucks for 28 years, accumulating 1.1 million miles, and tractor-trailer combinations for 28 years, accumulating 1.1 million miles.

He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Robert S. Bowen

Mr. Bowen, 49, has had a prosthetic left eye due to a history of melanoma since 1994. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2008, his optometrist noted, “It is my opinion that Mr. Bowen is visually qualified to perform the tasks necessary to operate a commercial vehicle.” Mr. Bowen reported that he has driven tractor-trailer combinations for 31 years, accumulating 2.5 million miles. He holds a Class A CDL from Georgia. His driving record for the last 3 years shows one crash, for which he was not cited, and no convictions for moving violations in a CMV.