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SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Document Management System (DMS) at <http://dmses.dot.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 statute also allows the Agency to renew exemptions at the end of the 2-year period. The comment periods ended on March 16, and March 22, 2007.

Discussion of Comments

FMCSA received two comments in these proceedings. The comments were considered and discussed below.

Ms. Sachau believes that the approval or renewal of vision exemptions does not take into account the issue of safety on the road and granting exemptions only makes the roads much more dangerous.

A review of each record for safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. To evaluate the effect of these exemptions on safety, FMCSA considered not only the medical reports about the applicants' vision, but also their driving records and experience with the vision deficiency. To qualify for an exemption from the vision standard, FMCSA requires a person to present verifiable evidence that he or she has driven a commercial vehicle safely with the vision deficiency for 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at docket number FMCSA-98-3637.

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 28 renewal applications, FMCSA renews the Federal vision exemptions for Henry Ammons, Jr., Michael D. Archibald, Robert D. Bonner, Howard K. Bradley, Kirk G. Braegger, Ambroiso E. Calles, David S. Carman, Jose G. Cruz, Everett A. Doty, Cedric E. Foster, Glen T. Garrabrant, Donald J. Goretski, Harry P. Henning, Christopher L. Humphries, Alan L. Johnston, Ralph J. Miles, Dennis I. Nelson, William R. New, Rance A. Powell, Shannon E. Rasmussen, James R. Rieck, Thomas C. Rylee, Stanley B. Salkowski, III., Garfield A. Smith, Michael G. Thomas, William H. Twardus, Henry L. Walker, and Ronald Watt.

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: April 6, 2007.

Larry W. Minor,

Acting, Associate Administrator, Policy and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Petitions for Approval; Railroad Safety Program Plans

Although not required, the Federal Railroad Administration (FRA) is providing notice that it has received petitions for approval of two Railroad Safety Program Plans (RSPP) submitted pursuant to 49 Code of Federal Regulations (CFR) part 236, subpart H. The individual petitions are described below, including the party seeking approval and the requisite docket numbers where the petitions and any related information may be found. These documents are available for public inspection; however, FRA is not accepting public comment on the documents as this notice is provided for information only.

Alaska Railroad Corporation (ARRC)

[Waiver Docket Number FRA-2007-27600]

ARRC submitted a petition for approval of an RSPP. The petition, the RSPP, and any related documents have been placed in the requisite docket and are available for public inspection.

Norfolk Southern Corporation (NS)

[Waiver Docket Number FRA-2006-26260]

NS submitted a petition for approval of an RSPP. The petition, the RSPP, and any related documents have been placed in the requisite docket and are available for public inspection.

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>.

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 April 9, 2007.

Grady C. Cothen Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E7-7069 Filed 4-12-07; 8:45 am]

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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