

Gary J. Weiss

Mr. Weiss, 44, has had ITDM since 1993. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Weiss meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from South Carolina.

Danny L. Wood

Mr. Wood, 58, has had ITDM since 2006. His endocrinologist examined him in 2007 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wood meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Oregon.

#### Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the Notice.

FMCSA notes that Section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).<sup>1</sup> The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section

4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) The elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) the establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 Notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136 (e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 Notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 Notice, except as modified by the Notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

Dated: January 28, 2008.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2000-7257]

[Notice No. 45]

#### Railroad Safety Advisory Committee; Notice of Meeting

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

**ACTION:** Announcement of Railroad Safety Advisory Committee (RSAC) meeting.

**SUMMARY:** FRA announces the 34th meeting of the RSAC, a Federal advisory committee that develops railroad safety regulations through a consensus process. The RSAC meeting topics will

include opening remarks from the FRA Administrator, presentations on railroad bridge safety, the Volpe final report on private crossings, the FRA Research and Development Program, and the Risk Reduction Program. Status reports will be provided by the Passenger Safety, Locomotive Safety Standards, Medical Standards, Railroad Operating Rules, and Track Safety Standards Working Groups. The Committee will be asked to vote on recommendations on proposed Emergency Preparedness Rule text, a Vehicle Track Interaction Rule change, regulatory changes, and recommended practices related to the management of continuous welded rail, and station platform gap management guidance. Additionally, FRA may offer for RSAC vote a task on bridge safety. This agenda is subject to change.

**DATES:** The RSAC meeting is scheduled to commence at 9:30 a.m., and will adjourn at 4 p.m., on Wednesday, February 20, 2008.

**ADDRESSES:** The RSAC meeting will be held at the National Housing Center, 1201 15th Street, NW., Washington, DC 20005. The meeting is open to the public on a first-come, first-served basis, and is accessible to individuals with disabilities. Sign and oral interpretation can be made available if requested 10 calendar days before the meeting.

**FOR FURTHER INFORMATION CONTACT:** Larry Woolverton, RSAC Coordinator, FRA, 1200 New Jersey Avenue, SE., Mailstop 25, Washington, DC 20590, (202) 493-6212 or Grady Cothen, Deputy Associate Administrator for Safety, FRA, 1200 New Jersey Avenue, SE., Mailstop 25, Washington, DC 20590, (202) 493-6302.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), FRA is giving notice of a meeting of the RSAC. The RSAC was established to provide advice and recommendations to FRA on railroad safety matters. The RSAC is composed of 54 voting representatives from 31 member organizations, representing various rail industry perspectives. In addition, there are nonvoting advisory representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico, the National Transportation Safety Board, and the Federal Transit Administration. The diversity of the Committee ensures the requisite range of views and expertise necessary to discharge its responsibilities. See the RSAC Web site for details on pending tasks at <http://rsac.fra.dot.gov/>.

Please refer to the notice published in the **Federal Register** on March 11, 1996,

<sup>1</sup> Section 4129(a) refers to the 2003 Notice as a "final rule." However, the 2003 Notice did not issue a "final rule" but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

(61 FR 9740) for additional information about the RSAC.

Issued in Washington, DC on January 28, 2008.

**Michael J. Logue,**

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2000-7257; Notice No. 44]

#### Railroad Safety Advisory Committee (RSAC); Working Group Activity Update

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

**ACTION:** Announcement of Railroad Safety Advisory Committee working group activities.

**SUMMARY:** FRA is updating its announcement of RSAC's working group activities to reflect its current status.

#### FOR FURTHER INFORMATION CONTACT:

Larry Woolverton, RSAC Coordinator, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493-6212 or Grady Cothen, Deputy Associate Administrator for Safety, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493-6302.

**SUPPLEMENTARY INFORMATION:** This notice serves to update FRA's last announcement of working group activities and status reports as of October 30, 2007 (72 FR 61418). The 33rd full RSAC Committee meeting was held October 25, 2007, and the 34th meeting is scheduled for February 20, 2008, at the National Housing Center in Washington, DC.

Since its first meeting in April 1996, the RSAC has accepted 24 tasks. The status for each of the tasks is provided below.

#### Open Tasks

**Task 96-4—**Reviewing the appropriateness of the Agency's current policy regarding the applicability of existing and proposed regulations to tourist, excursion, scenic, and historic railroads. This task was accepted on April 2, 1996, and a working group was established. The working group monitored the steam locomotive regulation task and planned future activities involving the review of other regulations for possible adaptation to

the safety needs of tourist and historic railroads. Contact: Grady C. Cothen, Jr., (202) 493-6302.

**Task 03-01—**Passenger Safety. This task was accepted on May 20, 2003, and a working group was established. Prior to embarking on substantive discussions of a specific task, the working group sets forth in writing a specific description of the task. The working group also reports planned activity to the full Committee at each scheduled full RSAC meeting, including milestones for the completion of projects and progress toward completion. At the first meeting held September 9-10, 2003, a consolidated list of issues was completed. At the second meeting held November 6-7, 2003, four task groups were established: emergency preparedness, mechanical-general issues, mechanical-safety appliances, and track/vehicle interaction. The task groups met and reported on activities for working group consideration at the third meeting held May 11-12, 2004, and a fourth meeting was held October 26-27, 2004. The working group met on March 21-22, 2006, and again on September 12-13, 2006, at which time the group agreed to establish a task force on general passenger safety. The full Passenger Safety Working Group met on April 17-18, 2007, and again on December 11-12, 2007. The next meeting is scheduled for June 18, 2008. Contact: Charles Bielitz, (202) 493-6302.

**(Emergency Preparedness Task Force)** At the working group meeting on March 9-10, 2005, the working group received and approved the consensus report of the Emergency Preparedness Task Force related to emergency egress and rescue access. These recommendations were presented to, and approved by, the full RSAC Committee on May 18, 2005. The working group met on September 7-8, 2005, and additional, supplementary recommendations were presented to, and accepted by, the full RSAC on October 11, 2005. The Notice of Proposed Rulemaking (NPRM) was published on August 24, 2006, and was open for comments until October 23, 2006. The working group agreed upon recommendations for the resolution of final comments during the April 17-18, 2007, meeting. The recommendations were presented to, and approved by, the full RSAC Committee on June 26, 2007. The final rule regarding emergency egress and rescue access is expected to be published in early 2008. The task force met on October 17-18, 2007, and the group reached consensus on the draft rule text for a follow-up NPRM on passenger train emergency systems. The task force presented the draft rule text to the Passenger Safety Working Group

on December 11-12, 2007, and the consensus draft rule text will be presented for full RSAC vote during the February 20, 2008, meeting. Contact: Brenda Moscoso, (202) 493-6282.

**(General Mechanical Task Force)** (COMPLETED) Initial recommendations on mechanical issues (revisions to Title 49 Code of Federal Regulations (CFR) Part 238) were approved by the full Committee on January 26, 2005. At the working group meeting of September 7-8, 2005, the task force presented additional perfecting amendments and the full RSAC approved them on October 11, 2005. An NPRM was published in the **Federal Register** on December 8, 2005 (70 FR 73070). Public comments were due by February 17, 2006. The final rule was published in the **Federal Register** on October 19, 2006, (71 FR 61835) effective December 18, 2006.

**(General Passenger Safety Task Force)** At the working group meeting on April 17-18, 2007, the task force presented a progress report to the working group. The task force met on July 18-19, 2007, and afterwards it reported proposed reporting cause codes for injuries involving the platform gap, which were approved by the working group by mail ballot in September 2007. The full RSAC approved the recommendations for changes to 49 CFR Part 225 accident/incident cause codes on October 25, 2007. The task force continues work on passenger train door securement, "second train in station," trespasser incidents, and system safety-based solutions by developing a regulatory approach to system safety. The General Passenger Safety Task Force presented draft guidance material for management of the gap, which was considered and approved by the working group during the December 11-12, 2007, meeting and will present the material to the full RSAC for approval during the February 2008 meeting. Contact: Dan Knotte, (631) 567-1596.

**(Passenger Equipment Crashworthiness Task Force)** The Crashworthiness Task Force provided consensus recommendations on static-end strength, which were adopted by the working group on September 7-8, 2005. The full Committee accepted the recommendations on October 11, 2005. The Front-End Strength of Cab Cars and Multiple-Unit Locomotives NPRM was published in the **Federal Register** on August 1, 2007, (72 FR 42016) with comments due by October 1, 2007. Several comments were entered into the docket. FRA is evaluating each of the comments received, and plans to have the final rule text completed by June 2008. To demonstrate the means of