

routing requirements for non-radioactive hazardous materials are set forth in 49 CFR part 397, subpart C, and apply to any designations established or modified on or after November 14, 1994. See 49 CFR 397.69(a). A State or Indian tribe must follow FMCSA standards when establishing highway routing requirements for hazardous materials. See 49 CFR 397.71 (Federal standards for routing of nonradioactive hazardous materials (NRHM)). Except as provided in §§ 397.75 (dispute resolution) and 397.219 (waiver), a NHRM route designation made in violation of § 397.69(a) is preempted pursuant to section 105(b)(4) of the Hazardous Materials Transportation Act, as amended, 49 U.S.C. 5125(c), 49 CFR 397.69(b).

MassHighway submits that the Boston regulation on routing of hazardous materials has been in place since 1980. Subsequent construction on the Central Artery and Third Harbor Tunnel Project (often referred to as the "Big Dig") impacted the routes used by transporters of hazardous materials in Boston. After September 11, 2001, Boston changed its policy on issuing permits necessary for transportation of hazardous materials through Boston. Boston officials take the position that Boston's regulation is grandfathered under 49 U.S.C. 5125(c)(2)(A) and (B) and that minor routing changes have not impacted the fact that the regulation is not subject to preemption under 49 CFR 397.69. Boston also argues that its increased enforcement and policy on issuing permits falls squarely within its permitting authority. MassHighway acknowledges that the regulated community argues that the policy changes are a *de facto* change in routing restrictions and hazmat carriers denied permits must now pass through multiple communities surrounding Boston, increasing and transferring risk to other communities and depriving the public of involvement in the routing process. MassHighway requests that FMCSA review the facts, analysis, and exhibits presented in its application, including the above-described circumstances, prior DOT Inconsistency and Consistency Determinations, and a 1981 Federal District Court decision, to determine whether the Boston regulation and current enforcement scheme remain grandfathered under Federal law. *American Trucking Associations, Inc. et al. v. city of Boston et al.* (D. Mass. filed April 6, 1981) (Copy of unpublished opinion provided in MassHighway application.)

On May 30, 2008, ATA filed an Application for Preemption Determination on the City of Boston's

routing and transportation restrictions applicable to certain hazardous materials. Notice of this application and request for comments was published in the **Federal Register** on August 8, 2008. See 73 FR 46349 (August 8, 2008). The ATA application and **Federal Register** notice may be found at <http://www.regulations.gov> under non-rulemaking docket no. FMCSA-2008-0204. ATA alleges that Boston, in the course of the construction of the Central Artery Tunnel, changed designated hazardous materials routes through Boston and, in doing so, failed to comply with the requirements of § 397.71. ATA requested that the FMCSA Administrator make a determination on whether the highway routing designations established by Boston are preempted pursuant to § 397.69(b).

FMCSA received the MassHighway application on or about July 25, 2008. MassHighway addresses the same central issue as that raised in the ATA application, *e.g.*, whether the Boston hazardous materials routing designations are subject to the preemption provisions of § 397.69. In order to avoid duplication and address the issues raised in these applications in a thorough and complete manner, FMCSA is consolidating the MassHighway application for a preemption determination with that of the ATA. Copies of the MassHighway application for preemption and the ATA application for preemption determination are available for review in the consolidated docket for this notice. You may view or obtain a copy of the applications online by visiting <http://www.regulations.gov> and going to the docket number for this matter (FMCSA-2008-0204).

Public Comments

FMCSA seeks comments on (1) whether Boston's highway routing designations were established or modified prior to November 14, 1994, exempting them from the preemption provisions of 49 CFR 397.69 and/or (2) whether Boston's highway routing designations are subject to the preemption provisions of 397.69. Comments should specifically address the preemption standard established under 49 CFR 397.69 and 49 U.S.C. 5125(c).

Issued on: August 26, 2008.

David Hugel,

Deputy Administrator.

[FR Doc. E8-20222 Filed 8-29-08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-99-6156, FMCSA-00-7006, FMCSA-00-7165, FMCSA-02-12294]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 34 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective September 21, 2008. Comments must be received on or before October 2, 2008.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-99-6156, FMCSA-00-7006, FMCSA-00-7165, FMCSA-02-12294, 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 or Courier:* 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 number 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://DocketInfo.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, fmcsamedical@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 renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-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 procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 34 individuals who have requested a renewal of their exemption in accordance with FMCSA procedures. FMCSA has evaluated these 34 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

John W. Arnold
Derric D. Burrell
Anthony J. Cesternino
Jack D. Clodfelter
Tommy J. Cross, Jr.
Eric L. Dawson, III
Richard L. Derick

Craig E. Dorrance
Joseph A. Dunlap
Calvin J. Eldridge
Shawn B. Gaston
James F. Gereau
Ronald E. Goad
Reginald I. Hall
James O. Hancock
Sherman W. Hawk, Jr.
Robert C. Jeffres
Alfred C. Jewell, Jr.
Lewis V. McNeice
Kevin J. O'Donnell
Gregory M. Preves
James M. Rafferty
Paul C. Reagle, Sr.
Daniel Salinas
Wayne R. Sears
Lee R. Sidwell
David L. Slack
James C. Smith
Roger R. Strehlow
John T. Thomas
Brian W. Whitmer
Jeffrey D. Wilson
Larry M. Wink
William E. Woodhouse

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. 31136(e) and 31315.

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 34 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (64 FR 54948; 65 FR 159; 67 FR 57266; 69 FR 52741; 71 FR 53489; 65 FR 20245; 65 FR 57230; 65 FR 33406; 65 FR 57234; 67 FR 46016; 67 FR 57267; 69 FR 51346; 71 FR 50970). Each of these 34 applicants has requested 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 October 2, 2008.

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 34 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an 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. The 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 adverse 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: August 21, 2008.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Preparation of an Environmental Impact Statement on Central Broward East-West Transit Analysis in Broward County, FL

AGENCY: Federal Transit Administration (FTA), U.S. Department of Transportation (DOT).

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: The Federal Transit Administration (FTA) and the Florida Department of Transportation (FDOT) intend to prepare an Environmental Impact Statement (EIS) for the proposed Central Broward East-West public transportation improvements in Broward County, Florida, from Sawgrass Mills/Bank Atlantic Center in western Broward County, to the Fort Lauderdale-Hollywood International Airport in eastern Broward County, with the alignment located in the vicinity of Sawgrass Corporate Park, Interstate-595 (I-595), State Road 7 (SR 7), Broward Boulevard and Andrews Avenue. The EIS will be prepared in accordance with regulations implementing the National Environmental Policy Act (NEPA), as well as provisions of the recently enacted Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. The purpose of this Notice of Intent is to alert interested parties regarding the plan to prepare the EIS, to provide information on the nature of the proposed transit project, to invite participation in the EIS process, including comments on the scope of the EIS proposed in this notice, and to announce that public scoping meetings will be conducted.

DATES: *Comment Due Date:* Written comments on the scope of the alternatives and impacts to be considered should be sent to Mr. Scott Seeburger, Project Manager, by October 2, 2008. Addresses for the public scoping meetings are as follows.

ADDRESSES: *Written comments* on the project scope should be sent to Mr. Scott Seeburger, Project Manager, Florida Department of Transportation, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309 (or by e-mail: SCOTT.SEEBURGER@DOT.STATE.FL.US; or by fax: (954) 777-4671).

Scoping meetings will be held at the following locations:

Agency Coordination Meeting

September 15, 2008, 2:30 p.m.–4:30 p.m., West Regional Library, Multi-Purpose Room, 8601 W. Broward Boulevard, Plantation, FL 33324.

Public Meetings

September 15, 2008, 5:30 p.m.–7:30 p.m., West Regional Library, Multi-Purpose Room, 8601 W. Broward Boulevard, Plantation, FL 33324.

September 17, 2008, 5:30 p.m.–7:30 p.m., African American Research Library, Seminar Rooms 1 & 2, 2650 Sistrunk Boulevard, Fort Lauderdale, FL 33311.

September 25, 2008, 6 p.m.–8 p.m., Broward General Medical Center, Auditoriums A & B, 1600 S Andrews Avenue, Fort Lauderdale, FL 33316.

These locations are accessible by persons with disabilities. If special translation or signing services or other special accommodations are needed, please contact the Project Manager. The program includes a project Web site (<http://www.centralbrowardtransit.com>)

FOR FURTHER INFORMATION CONTACT: Jamie Pfister, State Programs Team Leader, Federal Transit Administration, 230 Peachtree, NW., Suite 800, Atlanta, Georgia 30303, Telephone: (404) 865-5600.

SUPPLEMENTARY INFORMATION:

I. Scoping

The Central Broward East-West Transit Analysis EIS will examine improved transit service in the Central Broward East-West Corridor between Sawgrass Mills/Bank Atlantic Center and the Fort Lauderdale-Hollywood International Airport through Downtown Fort Lauderdale. The FDOT and FTA invite interested individuals, organizations, Native American Tribes, and federal, state, and local agencies to participate in defining the purpose and need for, and refining the scope of the

Central Broward East-West Transit Analysis DEIS. Comments should focus on identifying any significant social, economic, or environmental issues related to the proposed alternatives. Specific suggestions related to alignment configurations to be examined, issues to be addressed, and additional alternatives are welcome and will be considered in the final scope for the study. Scoping comments should focus on the issues for analysis. Comments may be made at the scoping meetings or in writing no later than October 2, 2008. See **DATES** and **ADDRESSES** above for meeting times and locations and the address for written comments. A scoping information packet is available from Scott Seeburger at the address given above or on the project Internet Web page at <http://www.centralbrowardtransit.com>. See **ADDRESSES** above.

II. Description of Study Area and Project Purpose and Need

The study area is located in Broward County, Florida. The corridor boundaries of the study area are in the central part of Broward County, bounded generally by Oakland Park Boulevard on the north, the Sawgrass Expressway/I-75 on the west, Griffin Road on the south, and the Intracoastal Waterway in the east.

Mobility issues in this corridor have been well documented in many studies, including the I-95/I-595 Master Plan, Tri-County Commuter Rail Authority 2020 Master Plan for Broward County, Interstate 595 Freeway Operational Analysis, and the Downtown Fort Lauderdale Transit Connector Study. The purpose of the Central Broward East-West Transit Corridor Project is to provide high-quality, high-capacity transit service on an east-west axis in central Broward County to connect the major commercial and retail centers, residential areas, and the highly dense coastal area. The introduction of premium transit service to the corridor would offer an alternative means of travel for the growing number of residents, employees, and visitors in Broward County and would improve mobility throughout the region. The proposed project would support continued economic growth and development along the corridor and would be able to meet the anticipated increases in travel demand and help reduce future congestion in the corridor. Moreover, increased mobility in the corridor with fewer numbers of vehicles should help to minimize future increases in vehicle miles traveled, fuel consumption, and vehicle emissions.