

This project requires Federal approval of a proposed new Interstate access and Federal Highway Administration funding as authorized by Title 23 of the United States Code. Consequently, pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.), the Federal Highway Administration (FHWA) in coordination with the Utah Department of Transportation (UDOT), prepared an Environmental Impact Statement (EIS) for the project's impact on the human environment. The Final EIS (FEIS) was issued on April 22, 2005.

Pursuant to Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users [23 U.S.C. 139(l)] any person or entity wishing to file a claim for judicial review challenging this decision must do so within 180 days of the publication of this notice.

**FOR FURTHER INFORMATION CONTACT:**

Gregory S. Punske, P.E., Environmental Program Manager, Federal Highway Administration, 2520 West 4700 South, Suite 9A, Salt Lake City, Utah 84118, Telephone (801) 963-0182; or Tamerha Maxwell, Project Manager, Utah Department of Transportation, Cedar District, 1470 North Airport Road, Cedar City, UT 84721-1009, Telephone: (435) 865-5511. The FEIS is available for review at the addresses mentioned above and can be viewed and downloaded from the project Web site <http://www.udot.utah.gov/sc/> or viewed at public libraries in the project area. A copy of the ROD is available upon written request from the Federal Highway Administration at the address shown above.

Comments or questions concerning this proposed action and the ROD should be directed to the FHWA at the address provided above.

[Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations impending Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.]

Issued on October 18, 2005.

**Gregory S. Punske,**

*Environmental Program Manager, Salt Lake City, Utah.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2005-21952]

#### Agency Information Activities; Clearance of a New Information Collection: Assessing the Effectiveness of the Arbitration Program as a Means of Settling Household Goods Disputes

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Request for public comments and Office of Management and Budget (OMB) approval of a new information collection.

**SUMMARY:** This notice seeks comments from the public regarding the need for FMCSA to collect information by using three new surveys to assess how household goods (HHGs) carriers and shippers (persons who arrange for the transportation of, or those who move, household goods) are satisfied with current arbitration dispute resolution procedures. The information collection (IC) meets the statutory requirements of the Interstate Commerce Commission Termination Act of 1995 (ICCTA). This notice is published (pursuant to the Paperwork Reduction Act of 1995) to measure the need for the proposed information collection, to find ways to minimize the burden on household goods shippers and carriers, to find ways to enhance the quality of information collected, and to verify the accuracy of the agency's estimate of the burden (measured in work hours) on household goods shippers and carriers.

**DATES:** Please submit comments on or before December 23, 2005.

**ADDRESSES:** You may submit written comments to the docket by any of the following methods:

- Mail: Dockets Facility, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. Anyone wanting confirmation of mailed comments must include a self-addressed stamped postcard.
- Hand delivery or courier: Room PL-401 on plaza level of the Nassif Building, 400 Seventh Street, SW., Washington DC. The Dockets Facility is open from 10 a.m. to 5 p.m., Monday through Friday, except on Federal holidays.
- Web site: Go to <http://dms.dot.gov>, click on "Comments/Submissions" and follow instructions at the site.

All written comments should identify the docket number and notice number stated in the heading of this notice.

Docket access: For copies of this notice or other materials in the docket, you may contact the Dockets Facility by phone (202-366-9329) or visit the facility at the above street address. For Web access to the dockets to read and download filed material, go to <http://dms.dot.gov/search>. Then type in the last four digits of the docket number shown in the heading of this notice, and click on "Search."

Anyone can search the electronic form of all comments filed in any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the April 11, 2000 issue of the **Federal Register** (65 FR 19477) or go to <http://dms.dot.gov>.

Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**FOR FURTHER INFORMATION CONTACT:** Mr. Darrell Ruban, (202) 385-2400, Commercial Enforcement Division (MC-ECC), Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** The Secretary of Transportation (Secretary) is authorized to register for-hire motor carriers of regulated commodities under the provisions of 49 U.S.C. 13902, surface freight forwarders under the provisions of 49 U.S.C. 13903, and property brokers under the provisions of 49 U.S.C. 13904. These persons may conduct interstate transportation services only if they are registered pursuant to 49 U.S.C. 13901. As a condition of registration under 49 U.S.C. 13902 and 13903 (ICCTA (Pub. L. 104-88, 109 Stat. 803) (December 29, 1995); (49 U.S.C. 14708 (a)), a carrier providing transportation of household goods subject to jurisdiction under subchapter

I or III of chapter 135, title 49, U.S.C., must agree to offer arbitration to HHGs shippers as a means of settling disputes concerning damage or loss to the household goods transported. Under 49 U.S.C. 14708(g), the Secretary is required to complete an assessment of the dispute settlement program and if, after notice and comment, it is determined that changes to the program are necessary, the Secretary will implement such changes and provide a report to Congress on the changes made. The General Accountability Office (GAO) recommended such an assessment in their March 2001 review (Report Number GAO-01-318). The Secretary has delegated authority pertaining to these registrations and arbitration matters to FMCSA.

Since the passage of the ICCTA, the level of Federal involvement in mitigating interstate HHGs disputes has been significantly reduced. FMCSA is responsible for overseeing the arbitration process, but has provided only limited attention, staffing, and resources to this non-safety related function. Shippers of household goods unhappy about loss or damage to property during their move with an interstate HHGs carrier may follow one of several paths to settle disputes: (1) File a complaint with consumer assistance organizations or FMCSA; (2) agree to participate in a binding arbitration process with the American Moving and Storage Association (AMSA) or some other organization that runs an arbitration process; or (3) pursue civil litigation. Each carrier providing transportation of household goods must agree to offer to shippers of HHGs neutral arbitration, as well as a concise easy-to-read, accurate summary of the arbitration procedure, any applicable costs, and disclosure of the legal effects of election to utilize arbitration and inform shippers about the availability of this process to resolve complaints (49 U.S.C. 14708 (a) and (b)(2)). As mandated by Congress, FMCSA is required to determine the effectiveness of arbitration as a means of settling HHGs disputes from the point of view of both interstate household goods shippers and carriers. The increasing number of consumer complaints related to HHGs shipments received by FMCSA and other consumer protection organizations demonstrates the current need for such an assessment.

*Type of Information Collection*  
Request: New collection.

*Title of Information Collection:*  
Assessing the Effectiveness of the Arbitration Program as a Means of Settling Household Goods Disputes.

OMB Approval Number: 2126-XXXX.

*Frequency:* Annually.

*Use:* This collection will be used by FMCSA to assess the effectiveness of the arbitration program as a means of settling disputes from the perspective of the household goods shippers and carriers.

*Estimated Number of Respondents:* 300 [100 respondents  $\times$  3 surveys = 300 respondents].

*Respondents:* Household goods shippers and carriers.

*Total Annual Hours Requested:* The estimated total annual burden is 150 hours for the information collection comprised of three arbitration satisfaction surveys—one for HHGs carriers, one for HHGs shippers who have used arbitration, and one for HHGs shippers who have filed claims (or complaints with FMCSA). Each survey requires 100 responses to achieve statistical significance of the results [100 respondents per survey  $\times$  1/2 hour per respondent  $\times$  3 surveys = 150 hours].

*Authority:* The Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended; 49 U.S.C. 13901, 13902, 13903, 13904 and 14708; the ICC Termination Act of 1995 (Pub. L. 104-88, 109 Stat. 803 (December 29, 1995)); and 49 CFR § 1.73.

Issued on: October 17, 2005.

Annette M. Sandberg,

Administrator.

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2005-21711]

#### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of final disposition.

**SUMMARY:** The FMCSA announces its decision to grant exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for 40 individuals. The exemptions will enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the vision standard prescribed in 49 CFR 391.41(b)(10).

**DATES:** This decision is effective October 24, 2005.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Office of Bus and Truck Standards and Operations, (202) 366-4001, FMCSA, Department of Transportation, 400 Seventh Street,

SW., Washington, DC 20590-0001. Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

You may see all the comments online through the Document Management System (DMS) at: <http://dmses.dot.gov>.

##### Background

On August 19, 2005, the FMCSA published a notice of receipt of exemption applications from 40 individuals, and requested comments from the public (70 FR 48797). The 40 individuals petitioned the FMCSA for exemptions from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. They are: Roy L. Allen, Calvin D. Atwood, Gregory W. Babington, Lennie D. Baker, Jr., John E. Breslin, Arturo Cardozo, William P. Doolittle, Steve R. Felks, William M. Gales, III, Jonathan M. Gentry, John N. Guilford, Benny D. Hatton, Jr., Robert W. Healey, Jr., Nathaniel H. Herbert, Jr., Thomas D. Lambert, Thomas (Tom) W. Markham, Eugene P. Martin, Raul Martinez, Joseph L. Mast, Randy G. McCloud, Richard L. McEwen, David McKinney, Ralph L. Means, Kevin L. Moody, Woody M. Moore, William G. Mote, Charles W. Mullenix, James R. Murphy, Kenneth R. Murphy, Gary S. Partridge, Nathan (Nate) D. Peterson, John N. Poland, Neal A. Richard, Chris A. Ritenour, Brent L. Seaux, Gerald M. Smith, James T. Smith, Nicholas J. Turpin, Gary M. Wolff, and George R. Zenor.

Under 49 U.S.C. 31315 and 31136(e), the 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. Accordingly, the FMCSA has evaluated the 40 applications on their merits and made a determination to grant exemptions to all of them. The comment period closed on September 19, 2005. Two comments were received, and their contents were carefully considered by the FMCSA in reaching the final decision to grant the exemptions.

#### Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that