

*Frequency:* Upon creation, change, or replacement of an insurance policy or surety bond.

*Estimated Average Burden per Response:* The FMCSA estimates it takes two minutes to complete the Endorsement for Motor Carrier Policies of Insurances for Public Liability or the Motor Carrier Public Liability Surety Bond; one minute to file the Motor Carrier Public Liability Surety Bond; and one minute to place either document on board the vehicle (foreign-domiciled motor carriers only). These endorsements are maintained at the motor carrier's principal place of business (49 CFR 387.7 (iii) (d)).

*Estimated Total Annual Burden Hours:* 4,529 hours (4,528.84 rounded to nearest hour) [151.44 hours for motor carriers of passengers + 4,377.40 hours for motor carriers of property = 4,528.84].

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA's performance; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued on August 15, 2006.

**John H. Hill,**  
Administrator.

[FR Doc. E6-13794 Filed 8-21-06; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Federal Railroad Administration, DOT.

**ACTION:** Notice and Request For Comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** notice with a 60-day comment

period soliciting comments on the following collection of information was published on June 16, 2006 (71 FR 34990).

**DATES:** Comments must be submitted on or before September 21, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493-6292), or Gina Christodoulou, Office of Support Systems, RAD-20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6139). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On June 16, 2006, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. 71 FR 34990. FRA received one comment in response to this notice.

The comment submitted came from the Association of American Railroads (AAR). AAR opposes OMB renewal of this information collection because FRA has not yet fully accommodated its request concerning electronic recordkeeping for the Hours of Duty Records required in this collection. Specifically, AAR remarks:

\* \* \* FRA's hours of service regulations illegally discriminate against electronic records. FRA's regulations only permit paper records because 49 CFR section 228.9 requires that HOS [Hours of Service] records be "signed" by the employee whose time on duty is being recorded (or by the ranking crew member, in the case of train crews). A railroad has to apply for a waiver to keep HOS records electronically.

AAR argues that "FRA has chosen the use of the waiver program to impose requirements that do not apply for paper records." Further, AAR states:

FRA has required railroads to, *inter alia*,  
• Develop computer programs capable of measuring and analyzing records to determine compliance with HOS requirements, focusing on issues such as time spent "deadheading" (nonworking travel not including commuting), "commingled" service (service not subject to HOS restrictions), and employee reports of excess service;

• Establish quality-assurance programs consisting of regular and remedial training as determined by FRA and utilizing materials reviewed by FRA; and

• Make electronic records accessible to FRA through various field locations.

AAR observes that "there are no comparable requirements for paper records." AAR goes on to note that "the Government Paperwork Elimination Act (GPEA) required OMB to develop procedures for the acceptance of electronic records" and that "by Oct. 21, 2003, OMB was to ensure that agencies provide an option for the maintenance of records electronically and, where practicable, the use of electronic signatures." AAR believes that FRA's "hours of service regulations violate the GPEA's mandate to facilitate electronic records."

FRA and its representatives have a long relationship with AAR. There have been many contacts and discussions between FRA and AAR officials regarding the Hours of Service Regulations and electronic recordkeeping. FRA has been working for some time with the AAR on this issue. FRA has met with AAR representatives, and has indicated its intention to act on AAR's request regarding electronic recordkeeping. FRA has a team now working on a proposed rule to enable electronic recordkeeping (which would eliminate the need for waivers), so AAR's belief that FRA is unresponsive and that no progress has been made is not correct. By its nature, the process of regulatory development and enactment is a slow one. Moreover, FRA has communicated to AAR that top agency officials and specialists are available to work on any issues under current waivers while a proposed rule is being developed.

In its comments, AAR admits that electronic recordkeeping option has been and is available through agency waivers. FRA clearly then has no bias against electronic records. In fact, FRA has long encouraged the use of electronic recordkeeping, wherever feasible, to reduce burden on respondents. However, because the work of "covered employees" directly impacts rail safety and because "fatigue" resulting from excessive work hours is a direct threat to public safety and the safety of train crews and other railroad workers, FRA must ensure that the Federal hours of service (HOS) laws are strictly adhered to in order to meet its primary safety mission and its statutory obligation for HOS oversight. Although FRA permitted railroads to do away with various costly and cumbersome paper records, AAR complains that FRA imposes additional

requirements for electronic records, overlooking the fact that the eliminated paper records provided FRA with much information that it needs to fulfill its statutory HOS oversight.

The Interstate Commerce Commission (ICC), in 1921, mandated hours of duty record keeping with specific data fields that facilitated its statutory oversight obligations. The format and instructions presented in the ICC order have continued to be used by railroads until the beginning of electronic hours of duty programs in the mid 1990's. However, in 1969, the U.S. Congress amended the HOS to create a second duty tour category that was neither On Duty Time nor Off Duty Time. FRA refers to that category as Limbo Time. The existing record keeping requirements, much of which was carried over from the ICC Order, were not changed as a result of the statutory amendment primarily because the "other" existing record keeping requirements, i.e., Delay Report, of the ICC Order provided the necessary information to determine Limbo Time. Railroads utilizing the Electronic waiver process are not required to maintain the Delay Report segment of the original ICC Order. Instead, the programs include an additional data field, titled "Relieved Time," to identify the beginning of the Limbo Time. The former Off Duty field used prior to the HOS amendment has been changed to Released Time, i.e., the end of Limbo Time and the beginning of a Statutory Off Duty period. Without these fields or the Delay Report, neither FRA nor the railroads can accurately determine Total Time On Duty nor when the employees rest period begins.

Monitoring Indicators is an electronic oversight not feasible in paper records. These indicators point to excess service and/or obvious reporting flaws that liable the railroad through the penalty schedule contained in the HOS and the Code of Federal Regulations Part 228. If reporting flaws remain unchecked by the railroad, FRA is left with a record that does not facilitate its oversight and employee safety concerns for statutory compliance.

Training requirements contained in the Electronic waivers necessitate that railroads train their employees and supervisors in the applications of the HOS. The purpose of the FRA review is to make certain that the training materials properly describe and explain to employees the proper entry of data needed to determine compliance with the law. Without an accurate record with data based on the HOS, FRA can not meet its oversight obligations.

Finally, regarding AAR's allusion to the requirements of the Government

Paperwork Elimination Act (GPEA), FRA is fully compliant. GPEA itself stipulates that "executive agencies provide for the option of electronic maintenance, submission, or disclosure of information as a substitute for paper and for the use and acceptance of electronic signatures, when practicable." Because there is no Federal Government, OMB, or Transportation Department standard for electronic recordkeeping and electronic signatures, FRA set up the Electronic waiver process so that it can closely scrutinize individual railroad requests for electronic recordkeeping relating to the Hours of Duty Records. In section 1703 of GPEA relating to the use and acceptance of electronic signatures by executive agencies, the law specifically states that the procedures developed by executive agencies "shall ensure that electronic signatures are as reliable as is appropriate for the purpose in question and keep intact the information submitted." Until a proposed rule for electronic recordkeeping is completed, FRA's Electronic waiver process attempts to do exactly that by setting requirements for the integrity, reliability, accessibility, and security of railroad HOS electronic recordkeeping systems. At the same time, FRA's waiver system has been set up to be fully enforceable legally and thus is completely in compliance with Section 1707 of GPEA. This section states:

Electronic records submitted or maintained in accordance with the procedures developed under this title, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because records are in electronic form.

In sum, it is in everyone's best interest—the American public's, the railroads' and their employees, AAR's, and FRA's—that this collection of information be renewed by OMB. Although FRA has not issued an electronic rulemaking as quickly as the AAR would like, the agency is working on it and is taking the time necessary to do it right.

Before OMB decides whether to approve this proposed collection of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to

digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summary below describes the nature of the information collection request (ICR) and the expected burden. The revised request is being submitted for clearance by OMB as required by the PRA.

*Title:* Hours of Service Regulations.

*OMB Control Number:* 2130–0005.

*Type of Request:* Extension of a currently approved collection.

*Affected Public:* Businesses.

*Form(s):* N/A.

*Abstract:* The collection of information is due to the railroad Hours of Service Regulations set forth in 49 CFR part 228 which require railroads to collect the Hours of Duty for covered employees, and records of train movements. Railroads whose employees have exceeded maximum duty limitations must report the circumstances. Also, a railroad that has developed plans for construction or reconstruction of sleeping quarters (Subpart C of 49 CFR part 228) must obtain approval of the Federal Railroad Administration (FRA) by filing a petition conforming to the requirements of Sections 228.101, 228.103, and 228.105.

*Annual Estimated Burden Hours:* 3,294,676.

*Addressee:* Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC, 20503; Attention: FRA Desk Officer.

*Comments are invited on the following:* Whether the proposed collections of information are necessary for the proper performance of the functions of FRA, including whether the information will have practical utility; the accuracy of FRA's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

*Authority:* 44 U.S.C. §§ 3501–3520.

Issued in Washington, DC on August 16, 2006.

**D.J. Stadler,**

*Director, Office of Budget, Federal Railroad Administration.*

[FR Doc. E6-13900 Filed 8-21-06; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Environmental Impact Statement; East Link Project, WA

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

**ACTION:** Notice of Intent to prepare an Environmental Impact Statement (EIS).

**SUMMARY:** The Federal Transit Administration and the Central Puget Sound Regional Transit Authority (Sound Transit) intend to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA) for Sound Transit's proposed 11 to 19-mile extension of the Central Link Light rail transit project from Seattle to the cities of Mercer Island, Bellevue, and Redmond, within King County, Washington. The EIS will also be prepared in accordance with the provisions of the recently enacted Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and with Washington's State Environmental Policy Act (SEPA). 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. The EIS will address the no action alternative and reasonable alternatives that meet the project purpose and need.

**DATES:** Written comments on the scope of alternatives and impacts to be considered in the EIS must be received no later than October 2, 2006, and must be sent to Sound Transit at the address indicated below.

**ADDRESSES:** Written comments on the scope of alternatives, impacts to be evaluated, and the preliminary purpose and need statement should be sent to James Irish, Link Environmental Manager, Sound Transit, 401 S. Jackson Street, Seattle, WA 98104 or by e-mail to [eastlinkscopingcomments@soundtransit.org](mailto:eastlinkscopingcomments@soundtransit.org).

Four public scoping meetings and a governmental agency scoping meeting will be held in September 2006 at the dates and locations provided below. Oral and written comments may be given at the scoping meetings. All public meeting locations are accessible to persons with disabilities who may also request this information be prepared and supplied in alternate formats by calling Brooke Belman, (206) 398-5238 at least 48-hours in advance of the meeting for Sound Transit to make necessary arrangement. Persons who are deaf or hard of hearing may call (888) 713-6030 TTY.

#### Public Scoping Meetings

September 13, 2006, 4:30 to 7:30 p.m.,  
Meydenbauer Center, 11100 NE 6th Street,  
Bellevue, WA 98004.

September 14, 2006, 4:30 to 7:30 p.m., Old  
Redmond School House Community  
Center, 16600 NE 80th Street, Redmond,  
WA 98073.

September 20, 2006, 4:30 to 7:30 p.m., Union  
Station, Sound Transit Board Room, 401 S.  
Jackson Street, Seattle, WA 98104.

September 21, 2006, 4:30 to 7:30 p.m.,  
Community Center at Mercer View, Clarke  
Room, 8236 SE 24th Street, Mercer Island,  
WA 98040.

#### Agency Scoping Meeting

September 12, 2006, 1 p.m. to 3 p.m.,  
Bellevue City Hall, 450 110th Avenue NE,  
Bellevue, WA 98004.

**FOR FURTHER INFORMATION CONTACT:** John  
Witmer, Federal Transit Administration,  
915 2nd Avenue, Suite 3142, Seattle,  
WA 98174, Telephone: (206) 220-7964.

#### SUPPLEMENTARY INFORMATION:

##### Description of Study Area

The proposed extension of light rail transit in Seattle to the Eastside centers of Bellevue and Redmond via Interstate 90 (I-90) in King County, Washington, begins at the International District Station in downtown Seattle and goes east along I-90 across Mercer Island to Bellevue, north through downtown Bellevue, to the Redmond employment center of Overlake, and on to downtown Redmond.

In May 2004, the Federal Highway Administration (FHWA), the Washington State Department of Transportation (WSDOT), and Sound Transit published the I-90 Two-Way Transit and HOV Operations Final EIS which identified Alternative R-8A as the preferred alternative. Briefly stated, Alternative R-8A would provide one additional High Occupancy Vehicle (HOV) lane in each direction on the outer roadways between I-5 and Bellevue Way by restriping and, where feasible, widening the outer roadways within existing right-of-way while

maintaining the existing two-lane reversible HOV operations on the center roadway. Between Rainier Avenue and Bellevue Way, this lane will be for the exclusive use of HOV traffic. R8-A also includes two new HOV direct access exit ramps and modifies existing HOV ramps. In August 2004 the Sound Transit Board executed an amendment to the 1976 Memorandum Agreement with the cities of Seattle, Mercer Island and Bellevue; the Municipality of Metropolitan Seattle; King County; and the Washington State Highway Commission pertaining to the design and construction of I-90 implementing Alternative R-8A, which identifies the ultimate configuration for I-90 with high capacity transit (HCT) in the center roadway. "HCT" was defined in the Final EIS and 2004 amendment as " \* \* a transit system operating in dedicated right-of-way such as light rail, monorail or a substantially equivalent system." On September 28, 2004, FHWA issued a Record of Decision on the project that concurs with WSDOT and Sound Transit in the designation of Alternative R8-A as the selected alternative for the I-90 Two-Way Transit and HOV Operations Project in Bellevue, Mercer Island and Seattle, King County, Washington. One reason Alternative R8-A was selected was that it would accommodate the ultimate configuration of I-90 with High Capacity Transit in the center lanes. On July 13, 2006, the Sound Transit Board identified light rail transit as the preferred technology for high capacity transit in the corridor from Seattle to Bellevue and Redmond via I-90 and Mercer Island. A report describing the project's planning history leading to this decision, East Corridor High Capacity Transit Mode Analysis History (July 2006), is available upon request, at area libraries, and on the Sound Transit Web site.

#### Preliminary Purpose of and Need for the Proposed Project

The East Link project is needed because of projected population and business growth and increased demand for transit service connecting Seattle, Bellevue and Redmond. Regional urban center density plans assume high capacity transit investments to overcome dramatically increased congestion on I-90 between Seattle and Bellevue, operating deficiencies in transit service reliability and speed, and limited transit capacity and connectivity between major employment centers.

The purpose of the East Link Project is to expand the Sound Transit Central Link light rail system from Seattle to Bellevue and Redmond via I-90 and