

**Title:** "Motor Carrier Industry Profile."

**OMB Control Number:** None.

**Type of Request:** New information collection.

**Abstract:** The FMCSA is responsible for enhancing the safety of motor carrier operations and the nation's highway system through fair, uniform and consistent enforcement of the Federal Motor Carrier Safety Regulations and applicable Hazardous Materials Regulations, and through other innovative programmatic approaches. A complicating factor is the sheer size and diversity of the motor carrier industry, and a less than thorough understanding of its diversity. Detailed information about the safety performance differences among segments, and the practices, policies, and programs undertaken by safety leaders within each segment will assist FMCSA in its policy and program development and improve the safety of the industry. This project is being conducted on behalf of FMCSA through a cooperative agreement with the University of Maryland's Smith School of Business.

This project is being conducted in three phases as follows:

Phase 1 (now completed) involved three analyses of the motor carrier industry segmented into its major components. The first analysis consisted of developing financial and operating performance profiles for each of the 13 for-hire commodity segments (Refrigerated; Bulk Materials—Non Tank; Tank Carriers, Moving/Household Goods; Building Materials; Heavy Equipment, General Freight Truck-Load (subdivided into small, medium and large-sized carriers), General Freight Less-Than-Truck-Load, and Other Specialized (subdivided into small, medium and large-sized carriers). The second analysis evaluated detailed safety performance data for 10 commodity segments, including Building Materials, Moving/Household Goods, General Freight (TL and LTL), Heavy Equipment, Produce, Intermodal, Passenger, Refrigerated (non-produce), Tank Carriers and Bulk Materials Carriers. Each commodity segment was subdivided into its for-hire and private components, and each of the 30 segments was evaluated on recent crash, vehicle, driver and safety management factors. The third analysis combined the financial and safety performance data from the first two analyses to create a profile of the financial and safety performance relationship. Correlation coefficients were calculated for various financial-safety performance measures, and each correlation coefficient was calculated for various financial-safety

performance measures and tested for its statistical significance. Phase 1 results are located on the FMCSA Analysis and Information (A&I) online Web site (<http://ai.fmcsa.dot.gov>) under "Analysis Results and Reports."

The safety performance results from Phase 1 provided the basis for Phase 2 of this study (also complete).

Phase 2 of the study is an investigation of the safety programs, policies, and procedures undertaken by safety leaders in each commodity segment (commonly known as the "Best Practices" Study). Phase 2 included individual interviews with several safety leaders in each segment. Detailed information was collected on driver screening and hiring practices, pre-service and in-service training procedures, incentive awards programs and vehicle maintenance policies. Phase 2 results are also located on FMCSA's A&I Web site (<http://ai.fmcsa.dot.gov>) under Analysis Results and Reports."

Phase 3: Results from Phase 2 are being shared with FMCSA safety investigators and disseminated to many carriers within the industry, including new entrants and poor performers. Specifically, copies of the "Best Practices" final report were provided to national-level industry associations and FMCSA field offices. Summarized brochures have been developed for distribution to the associations, FMCSA field offices, and new entrants upon initial registration with FMCSA. The hope is that these new motor carriers will incorporate these practices into their own safety management programs while they are still in the development stage. Additionally, FMCSA hopes to incorporate the results in material provided at compliance reviews, so that carriers who rate poorly have access to specific, concrete examples of how to revise or improve their safety management programs.

As part of Phase 3, FMCSA and the University of Maryland will seek more detailed information from the motor carrier industry on how technology is being used to improve safety management. FMCSA and the University of Maryland propose to send questionnaires to approximately 1,000 of the largest for-hire and private carriers in the United States. The University of Maryland will also post the questionnaires on-line so that the selected carriers can complete the survey via the Internet, if desired.

**Respondents:** 1,000. The respondents will be from the ten largest for-hire and private motor carriers in each State.

**Average Burden Per Response:** The estimated average time to complete the questionnaire is 45 minutes.

**Estimated Total Annual Burden:** The estimated total annual burden is 750 hours.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. All responses to this notice will be summarized and included in the request for OMB approval.

**Authority:** The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended; Pub. L. 106-159, 113 Stat. 1748 (December 9, 1999); and 49 CFR 1.73.

Issued on: June 13, 2005.

**Annette M. Sandberg,**

*Administrator.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Notice and Request For Comments

**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 Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describe the nature of the information collections and their expected burdens. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collections of information was published on April 12, 2005 (70 FR 19142).

**DATES:** Comments must be submitted on or before July 21, 2005.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493-6292), or Mr. Victor Angelo, Office of Support Systems, RAD-20, Federal Railroad Administration, 1120 Vermont

Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6470). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Pub. L. 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 April 12, 2005, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. 70 FR 19142. FRA received no comments in response to this notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections 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 summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The revised requirements are being submitted for clearance by OMB as required by the PRA.

**Title:** Supplemental Qualifications Statement for Railroad Safety Inspector Applicants.

**OMB Control Number:** 2130-0517.

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

**Affected Public:** Individuals or Households.

**Form Number:** FRA-F-120.

**Abstract:** The Supplemental Qualifications Statement for Railroad Safety Inspector Applicants is an

information collection instrument used by FRA to gather additional background data so that FRA can evaluate the qualifications of applicants for the position of Railroad Safety Inspector. The questions cover a wide range of general and specialized skills, abilities, and knowledge of the five types of railroad safety inspector positions.

**Annual Estimated Burden:** 6,000 hours.

**Title:** Railroad Worker Protection (49 CFR 214).

**OMB Control Number:** 2130-0539.

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

**Affected Public:** Railroads.

**Form Number:** FRA F 6180.119.

**Abstract:** This rule establishes regulations governing the protection of railroad employees working on or near railroad tracks. The regulation requires that each railroad devise and adopt a program of on-track safety to provide employees working along the railroad with protection from the hazards of being struck by a train or other on-track equipment. Elements of this on-track safety program include an on-track safety manual; a clear delineation of employers' responsibilities, as well as employees' rights and responsibilities thereto; well-defined procedures for communication and protection; and annual on-track safety training. The program adopted by each railroad is subject to review and approval by FRA. Part 214 regulations have been deemed different enough from the Part 213 regulations as to require a separate and distinct reporting form (new Form FRA F 6180.119). Regardless of discipline, the FRA inspector will complete the new Roadway Workplace Safety Violation Report Form (FRA F 6180.119) when recommending civil penalties for Part 214 infractions.

**Annual Estimated Burden:** 589,840 hours.

**Addressee:** Send comments regarding this information collection 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 the Department, including whether the information will have practical utility; the accuracy of the Department'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 June 10, 2005.

**D.J. Stadler,**

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

[FR Doc. 05-12116 Filed 6-20-05; 8:45 am]

**BILLING CODE 4910-06-P**

## 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 from certain requirements of its safety regulations. The individual petition is described below including, the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### BNSF Railway Company

[Docket Number FRA-2004-19949]

The BNSF Railway Company (BNSF) seeks a waiver of compliance from certain provisions of 49 CFR Part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment. Specifically, § 232.215(a), transfer train brake tests for trains moving from Old South Yard to New South Yard in Houston, Texas, a distance of approximately ¼ mile.

New South Yard is located approximately one-fourth of a mile south of Old South Yard. Both yards are approximately one mile in length. The two yards are separated by a one-fourth mile section of main track. Train speed in both yards is 10 mph. Maximum speed on the main track is 20 mph, but trains operating between the two yards operate at 10 mph and must be prepared to stop within one-half the range of vision. The grade of the main track is level, sight distance is unobstructed, and there are no at-grade road crossings or grade separations on the main track.

After a review of the particulars at this location, FRA determined that any cars moved between Old South Yard and New South Yard constitutes a train movement, thus requiring an air brake test. BNSF contends that an air brake test is not required at this particular