

2. Household goods rates—estimates; Guarantees of service, 49 U.S.C. 13704.

Rates for transportation of household goods moving on a written binding estimate must be available to shippers on a non-preferential basis and must not result in charges that are predatory.

3. Payment of rates; Exceptions, 49 U.S.C. 13707(b).

HHG carriers must give up possession of a shipment upon payment of 100 percent of a binding estimate or 110 percent of a non-binding estimate, but may collect all charges related to post-contract services and impracticable operations at delivery (with some limitations as to the latter).

4. Requirement for registration, 49 U.S.C. 13901; General civil penalties, 49 U.S.C. 14901(d)(3).

FMCSA registration is required to provide transportation or brokerage services subject to FMCSA jurisdiction. Transportation or brokering of HHG goods without FMCSA registration is punishable by a minimum civil penalty of \$25,000 per violation.

5. Household goods carrier operations; Estimates, 49 U.S.C. 14104(b).

HHG carriers must comply with certain estimating requirements and provide individual shippers with prescribed informational publications.

6. Liability of carriers under receipts and bills of lading; Limiting liability of household goods carriers to declared value, 49 U.S.C. 14706(f).

HHG carriers are liable for the replacement value of goods unless the individual shipper waives full value protection in writing.

7. Dispute settlement program for household goods carriers, 49 U.S.C. 14708.

HHG carriers must provide binding arbitration upon shipper request for disputes up to \$10,000 involving loss and damage and payment of charges in addition to those collected at delivery. The arbitration program must contain several required elements.

8. General civil penalties; Estimate of broker without carrier agreement, 49 U.S.C. 14901(d)(2).

HHG brokers making estimates before entering into an agreement with a carrier are liable for a minimum civil penalty of \$10,000 per violation.

9. General civil penalties; Violation relating to transportation of household goods, 49 U.S.C. 14901(e).

Any person falsifying documents relating to HHG shipment weight or charging for accessorial services that are not performed or are not reasonably necessary for the safe and adequate movement of the shipment is subject to a minimum civil penalty of \$2,000 for

the first violation and \$5,000 for each subsequent violation.

10. Civil penalty procedures, 49 U.S.C. 14915.

Holding a HHG shipment hostage is punishable by a minimum civil penalty of \$10,000 per violation.

### Regulations

1. Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations, 49 CFR part 375.

Contains consumer protection regulations governing transportation of household goods for individual shippers in interstate commerce.

2. Bills of lading for freight forwarders, 49 CFR 373.201.

All HHG freight forwarders must issue a shipper a thorough bill of lading covering transportation from origin to destination.

3. Designation of process agent; required States, 49 CFR 366.4.

All carriers and brokers must designate agents for service of court process in States of operation.

4. Principles and practices for the investigation and voluntary disposition of loss and damage claims, 49 CFR 370.3 through 370.9.

Contains regulations governing voluntary disposition of loss and damage claims. The regulations protect individual shippers (as well as business shippers) by ensuring that motor carriers investigate claims and process them in accordance with prescribed procedures.

5. Records to be kept by brokers; right of review, 49 CFR 371.3(c).

Brokers must provide access to transaction records by each party to a brokered transaction.

6. Records to be kept by brokers; misrepresentation, 49 CFR 371.7.

**Brokers must not misrepresent their name or broker status.**

7. Procedures governing the processing, investigation, and disposition of overcharge, duplicate payment, or over-collection claims, 49 CFR 378.3 through 378.9.

Contains regulations governing processing of overcharge claims (where the carrier has collected payments exceeding what is permitted by its tariff). Like part 370, designed to ensure claim is investigated and disposed of in accordance with prescribed procedures.

8. Surety bond, certificate of insurance, or other securities; Cargo insurance, 49 CFR 387.301(b).

HHG carriers must obtain cargo insurance in prescribed amounts and file evidence of such insurance with FMCSA.

9. Property broker surety bond or trust fund, 49 CFR 387.307.

All brokers (including HHG brokers) must obtain and file a surety bond or trust fund to pay shippers or motor carriers if the broker fails to carry out its contracts for the arrangement of transportation.

10. General requirements, 49 CFR 387.403.

All freight forwarders (including HHG freight forwarders) must obtain and file the same level of cargo insurance required of motor carriers.

### Future Applicable Rulemaking

Additionally, section 4212 of SAFETEA—LU directs the Secretary to establish regulations requiring HHG brokers to provide individual shippers with certain specific information. FMCSA is developing a notice of proposed rulemaking under regulatory identification number 2126-AA84 *Brokers of Household Goods Transportation by Motor Vehicle* to propose regulations that would require HHG brokers to provide individual shippers with the specific information required by section 4212. When this rule becomes final, it will be added to the regulations list above.

Issued on: November 9, 2006.

**John H. Hill,**

*Administrator.*

[FR Doc. E6-19411 Filed 11-16-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2006-25808, Notice No. 1]

### Establishment of an Emergency Relief Docket for Calendar Year 2006

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

**ACTION:** Notice of establishment of public docket.

**SUMMARY:** On August 30, 2006, FRA published an Interim Final Rule (IFR) addressing the establishment of emergency relief dockets (ERD) and the procedures for handling petitions for emergency waivers of safety regulations, 71 FR 51517. The IFR provided that each year, FRA will establish an ERD for that year and publish a notice in the **Federal Register** identifying the docket number of the ERD for that year. This Notice announces the establishment of FRA's ERD for the current year (calendar year 2006). The designated ERD for calendar year 2006 is docket number FRA-2006-25808.

**ADDRESSES:** See Supplementary Information section for further

information regarding submitting petitions and/or comments to Docket No. FRA-2006-25808.

**SUPPLEMENTARY INFORMATION:** On August 30, 2006, FRA published an IFR addressing the establishment of ERD and the procedures for handling petitions for emergency waivers of safety rules, regulations, or standards during an emergency situation or event, 71 FR 51517. As noted in the IFR, FRA's purpose for establishing the ERD and emergency waiver procedures is to provide an expedited process for FRA to address the needs of the public and the railroad industry during emergency situations or events. The IFR added § 211.45 to Subpart C of 49 CFR part 211 (49 CFR 211.45). Section 211.45(b) provides that each calendar year FRA will establish an ERD in the publicly accessible DOT Document Management System (DMS) and that FRA will publish a notice in the **Federal Register** identifying by docket number the ERD for that year. This Notice No. 1 announces that the designated ERD for calendar year 2006 is docket number FRA-2006-25808.

As detailed in the IFR, if the FRA Administrator determines that an emergency event as defined in 49 CFR 211.45(a) has occurred, or that an imminent threat of such an emergency occurring exists, and public safety would benefit from providing the railroad industry with operational relief, the emergency waiver procedures of 49 CFR 211.45 will go into effect, 70 FR 51518. In such an event, the FRA Administrator will issue a statement in the ERD indicating that the emergency waiver procedures are in effect and FRA will make every effort to post the statement on its Web site <http://www.fra.dot.gov/>. In addition, FRA will publish a notice in the **Federal Register** alerting interested parties that the emergency waiver procedures will be utilized. Any party desiring relief from FRA regulatory requirements as a result of the emergency situation should submit a petition for emergency waiver in accordance with 49 CFR 211.45(e) and (f). Specific instructions for filing petitions for emergency waivers in accordance with 49 CFR 211.45 are found at 49 CFR 211.45(f). Specific instructions for filing comments in response to petitions for emergency waivers are found at 49 CFR 211.45(h).

#### Privacy

Anyone is able to search all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association,

business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 665, Number 7, Pages 19477-78). The statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on November 13, 2006.

**Grady C. Cothen,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. E6-19447 Filed 11-16-06; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2006-25764]

#### 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 with certain Federal railroad safety requirements. 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.

#### Union Pacific Railroad Company

On November 6, 2006, Union Pacific Railroad Company (UP), amended its original petition (Docket Number FRA-2006-25764) for a waiver of compliance with certain requirements of 49 CFR 232.205 (Class I Brake Test—Initial Terminal Inspection, published January 17, 2001) and 49 CFR 215 (Railroad Freight Car Safety Standards, published April 21, 1980), for freight cars received in interchange from the Ferrocarriles Nacionales de Mexico Railroad (FXE) at Calexico, California. Specifically, UP amended its petition to request that freight cars be allowed to move from the FXE interchange point at Calexico to Heber and/or to El Centro, California, a distance of 5.5 and 10.1 miles, respectively. A Class III brake test-trainline continuity inspection per 49 CFR 232.211 would be performed prior to departing Calexico, and cars would be moved at a speed not to exceed 20 miles per hour. The train would be equipped with an operable "end-of-train" device, and any bad order freight cars would be switched out at Heber or El Centro, California, for repair by mechanical forces.

Interested parties are invited to participate in these proceedings by submitting written data or comments.

FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA in writing before the end of the comment period and specify the basis for their request.

All communications concerning this petition should identify the appropriate docket number (FRA-2006-25764) and may be submitted by one of the following methods:

- *Web site:* <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic site;

- *Fax:* 202-493-2251;

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001; or

- *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communication received within 20 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on November 13, 2006.

**Grady C. Cothen, Jr.**

*Deputy Associate Administrator, for Safety Standards and Program Development.*

[FR Doc. E6-19448 Filed 11-16-06; 8:45 am]

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