

listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Office: 1 Aviation Plaza, Jamaica, N.Y. 11434-4809.

In addition, any person may, upon request, inspect the application notice and other documents germane to the application in person at the Westchester County Airport.

Issued in Garden City, New York on January 5, 2004.

Philip Brito,

Manager, NYADO, Eastern Region.

[FR Doc. 04-594 Filed 1-12-04; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Ada County, ID

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed highway project in Ada County, Idaho.

FOR FURTHER INFORMATION CONTACT: Russell Jorgenson, Idaho Division Field Operations Engineer, Federal Highway Administration, 3050 Lakeharbor Lane, Suite 126, Boise, Idaho 83703, telephone: (208) 334-9180, Ext. 122; Greg Vitley, Senior Environmental Planner, Idaho Transportation Department, District 3, P.O. Box 8028, Boise, ID 83707, telephone (208) 334-8300; or Sally Goodell, Three Cities River Crossing Coordinator, Ada County Highway District, 318 East 37th Street, Garden City, Idaho 83714, telephone (208) 387-6100.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration, in cooperation with the Ada County Highway District and the Idaho Transportation Department, will prepare an EIS that identifies an alignment for a transportation corridor that will connect State Highway 44/55 on the north with US 20/26 on the south. The proposed highway alternatives vary from approximately 1.5 to 3.0 miles in length and will provide 4 to 6 travel lanes. This alignment includes a new bridge across the Boise River. The study area is located in the northwestern part of the Boise Metropolitan Area, and borders or passes through portions of the cities of Boise, Eagle and Garden City as well as Ada County.

This improvement is considered necessary to relieve existing and projected traffic congestion in the study area. Alternatives under consideration include, (1) taking no action, (2) road alignment alternatives for connecting State Highway 44/55 and US Highway 20/26 and, (3) alternative bridge types for the crossing of the Boise River. The termini for the project are State Highway 44/55 on the north and US Highway 20/26 to the south.

Letters describing the proposed action and soliciting comments will be sent to the appropriate Federal, State and local agencies and citizens who have previously expressed interest in this proposed project. Scoping will begin with the publication of the Notice of Intent. As part of the scoping process, public information meetings will be held in addition to public hearings. Public notice will be given of the time and place of any public information meetings and public hearings. The draft EIS will be made available in electronic format for public and agency review and comment and hard copies will be available in public places to be determined and published. Accommodations for persons with special needs for reviewing the EIS will be available by contacting one of the contact sources listed above.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties.

Comments or questions concerning this proposed action and the EIS should be directed to FHWA or the Ada County Highway District at the addresses provided above.

Authority: 23 U.S.C. 315; 23 CFR 771.123; 49 CFR 1.48.

Issued on: January 6, 2004.

Stephen A. Moreno,

Division Administrator, Federal Highway Administration, Boise, Idaho.

[FR Doc. 04-632 Filed 1-12-04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2003-14911]

Exemptions From Certain Controlled Substances and Alcohol Testing Regulations; Mayflower Transit LLC dba Aero Mayflower Transit and United Van Lines LLC Requesting Exemptions

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

ACTION: Notice of denial of application for exemptions.

SUMMARY: The FMCSA denies Mayflower Transit LLC and United Van Lines' LLC application for exemptions from certain Federal controlled substance and alcohol testing requirements. The applicants requested exemptions that would allow them to impose controlled substance and alcohol testing on their non-CDL (commercial drivers license) drivers using the same standards, forms and requirements, and in the same random testing pool, as their CDL drivers. The FMCSA denies the exemptions because Mayflower Transit LLC and United Van Lines LLC did not explain how they would achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the random controlled substances and alcohol testing requirements.

EFFECTIVE DATE: January 13, 2004.

FOR FURTHER INFORMATION CONTACT: Ms. Kaye Kirby, Office of Bus Truck Standards and Operations, Physical Qualifications Division, (202) 366-3109, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:15 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Public Participation: The Docket Management System (DMS) is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help guidelines under the "help" section at: <http://dms.dot.gov>.

Privacy Act: 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 the Department of Transportation's complete Privacy Act Statement in the **Federal Register** (FR) published on April 11, 2000 (volume 65, Number 70; Pages 19477-78) or read it on the DMS "help" section.

Background

On May 15, 2003, 68, FR, 26374, the FMCSA published a Notice of its receipt of an application from Mayflower and United Van Lines that requested exemptions that would allow them to impose controlled substance and alcohol testing on their non-CDL drivers using the same standards, forms and requirements, and in the same random testing pool as their CDL drivers. Mayflower and United Van Lines noted

that for purposes of administrative efficiency and to promote safety in their operations, Mayflower and United Van Lines included all of the commercial motor vehicle drivers, including the non-CDL drivers, in the company controlled substance and alcohol testing programs conducted under the Department of Transportation (DOT) regulations. This request for exemptions was prompted as a result of a compliance review conducted by FMCSA during which Mayflower was cited for including non-CDL drivers in its controlled substances and alcohol testing program. Consequently, Mayflower and United Van Lines requested exemptions from certain controlled substance and alcohol testing requirements specifically, 49 CFR 382.105, 49 CFR 382.305(I)(1), and 49 CFR 40.13(a), (b), (c) and (d).

Sections 31315 and 31136 of title 49 of the United States Code provide the authority to grant exemptions from certain portions of the Federal Motor Carrier Safety Regulations (FMCSRs). Exemptions provide time-limited regulatory relief from one or more FMCSRs given to a person or class of persons subject to the regulations, or who intend to engage in an activity that would make them subject to the regulations. Exemptions provide the person or class of persons with relief from the regulations for up to two years and may be renewed. These sections also require the agency to ensure that the terms and conditions for the exemptions would achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the regulations when evaluating applications for exemptions.

Discussion of Docket Comments

The FMCSA received eight comments to the notice announcing the FMCSA's receipt of the application from Mayflower and United Van Lines. The Drug and Alcohol Testing Industry Association (DATIA), Lawrence C. Hartung, Ronald K Edwards, Michael Silverman, Renee Lane, and Thomas E. Swayne were opposed to granting exemptions to Mayflower and United Van Lines. These commenters believe the management of two pools within the same company, one regulated and one not regulated, is a relatively common task, which can be managed easily by someone within the company, by Third Party Administrators (TPA), or Medical Review Officers (MROs). This is currently done on a daily basis with little additional administrative work, and the overall effort to manage the two pools is negligible. In addition,

commenters noted that the overall size of these two employers could potentially skew statistical data for the entire industry if they were allowed to include non-CDL employees in with CDL employees. It was noted that for the safety of the general public, the DOT has set standards requiring all CDL drivers to be tested at a certain rate each year. Adding all the non-CDL drivers and employees to the same random pool would prevent them from achieving the required rate of testing. DATIA stated, "to allow employers to include non-covered employees in the same pool as FMCSA covered employees would have far reaching negative effects on the FMCSA drug and alcohol testing program."

Another commenter, Joe Kroening, appeared to be in favor of granting the request and noted that he fully supported the testing of all drivers and helpers in the industry whether or not they hold CDLs. The remaining commenter did not express opposition or support for granting Mayflower and United Van Lines an exemption.

FMCSA Decision

The FMCSA has carefully reviewed the Mayflower and United Van Lines application for exemptions from certain Federal controlled substance and alcohol testing requirements. The agency agrees with certain commenters that the administrative burden is not overwhelming, and the management of two pools within the same company is a relatively common task managed easily either within the company, or by TPAs and MROs. Federal controlled substances and alcohol testing requirements (49 CFR 382.105, 49 CFR 382.305(I)(1), and 49 CFR 40.13(a), (b)(c) and (d)) are designed to keep testing standards high in the interest of public safety. Mayflower and United Van Lines have not demonstrated how their proposal would achieve a level of safety that is equivalent to, or greater than, the levels of safety that would be obtained by complying with the controlled substances and alcohol testing requirements. Consequently, the FMCSA is denying the Mayflower and United Van Lines request for exemptions from the Federal requirements for controlled substance and alcohol testing.

Issued on: January 6, 2004.

Rose A. McMurray,

Associate Administrator, Policy and Program Development.

[FR Doc. 04-595 Filed 1-12-04; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Special Approval of Alternate Standard

In accordance with Section 21, Part 238 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for special approval of an alternate standard of compliance for certain requirements of railroad safety standards. 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.

National Railroad Passenger Corporation (Amtrak) Special Approval Petition Docket Number FRA-2003-16666

The National Railroad Passenger Corporation (Amtrak) seeks approval for use of an alternate standard to comply with section 311 of the *Passenger Equipment Safety Standards* (49 CFR part 238) for single car testing of passenger car brakes. Section 311 requires single car brake tests to be performed in accordance with either APTA Standard SS-M-005-98, "Code of Tests for Passenger Car Equipment Using Single Car Testing Device," published March 1999, or with an alternative procedure approved by FRA pursuant to 49 C.F.R. 238.21. Amtrak requests an alternate standard for single car brake tests on "Talگو" train sets utilized by Amtrak.

Amtrak states that although Talگو brake equipment can receive the single car test utilizing the APTA standard, the proposed alternate standard would allow a semi-permanently coupled train set to remain coupled during testing. Amtrak indicates that the proposed alternate procedure on shorter length cars combined with reduced brake pipe volume would produce air flow rates not compatible with the APTA standard. During the brake pipe leakage test, the APTA standard allows for a 5-PSI drop in pressure for one minute in a single car, while the alternate Talگو standard allows only a 4.3-PSI drop in 30 minutes for the entire train set (normally 12 to 14 cars). In the service stability test, the APTA standard allows the brake cylinder pressure to increase by three PSI in one minute. In the alternate Talگو brake test procedure, an increase of 1.5 PSI occurs during the same time frame. The control valve leakage test in the APTA standard