

**SUPPLEMENTARY INFORMATION:**

*Title:* Indian Reservation Roads Program Administration Survey.

*OMB Number:* 2125-0565.

*Background:* Title 23, United States Code, Section 204(f) provides the authority for the FHWA and the Bureau of Indian Affairs (BIA) to jointly administer the Indian Reservation Roads (IRR) Program. In accordance with the Government Performance and Results Act, the FHWA is required to establish performance measures consistent with the overall program goals and outcomes. In addition, Executive Order 12862 provides for surveying customers to determine the kind and quality of services they want and the level of satisfaction with existing services. Tribal governments are the IRR program customers.

The information collected is used by the FHWA and the BIA to improve the administration of the IRR program. This survey gathers information from the tribes to assess, (1) their overall levels of understanding of the IRR program; (2) their involvement in the IRR program; and (3) their satisfaction with the IRR program administration and accomplishments. In addition, the survey allows tribes to propose recommendations for improving the operation and administration of the IRR program.

*Respondents:* 558 Indian tribal governments.

*Estimated Average Burden per Response:* 0.5 hours.

*Estimated Total Annual Burden:* 279 hours.

*Frequency:* Biennial.

**Public Comments Invited**

Interested parties are invited to send comments regarding any aspect of this information collection, including, but not limited to: (1) the necessity and utility of the information collection for the proper performance of the functions of the FHWA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB's clearance for a renewal of this information collection.

**Electronic Availability**

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[http://www.access.gpo.gov/su\\_docs](http://www.access.gpo.gov/su_docs).

**Authority:** 23 U.S.C. 141(d); 23 CFR 669.

Issued on: May 13, 1998.

**George S. Moore, Jr.,**

*Associate Administrator for Administration.*

[FR Doc. 98-13905 Filed 5-22-98; 8:45 am]

**BILLING CODE 4910-22-P**

**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration**

[Docket No. FHWA-98-3808]

**Notice of Request for Renewal of a Currently Approved Information Collection: Financial Responsibility, Trucking and Freight Forwarding**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, this notice announces the intention of the FHWA to request the Office of Management and Budget (OMB) to renew its clearance of the currently approved information collection identified below under Supplementary Information. This information collection provides registered motor carriers, property brokers, and freight forwarders a means of meeting financial security documentation requirements.

**DATES:** Comments must be submitted on or before July 27, 1998.

**ADDRESSES:** All signed, written comments should refer to the docket number that appears in the heading of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address between 10:00 a.m. and 5:00 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

**FOR FURTHER INFORMATION CONTACT:** Ms. Marian Lee, Office of Motor Carrier Information Analysis, (202) 358-7051, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

*Title:* Financial Responsibility, Trucking and Freight Forwarding.  
*OMB Number:* 2125-0570.

*Background:* The Secretary of Transportation 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 transportation services only if they are registered pursuant to 49 U.S.C. 13901. The Secretary has delegated authority pertaining to these registrations to the FHWA. Registration remains valid only as long as the transportation entities maintain, on file with the FHWA, evidence of the required levels of insurance coverage pursuant to 49 U.S.C. 13906. Regulations governing financial responsibility requirements are found at 49 CFR 387.

Forms BMC-91, 91x and 82 provide evidence of the required coverage for bodily injury and property damage (BI&PD) liability. Forms BMC-34 and 83 establish compliance with cargo liability requirements. Forms BMC-84 and 85 are filed by brokers to comply with the requirement for a \$10,000 surety bond or trust fund agreement. Forms BMC-35, 36, and 85 cancel prior filings. Forms BMC-90 and 32 are endorsements which must be attached to BI&PD and cargo insurance policies, respectively, but are not filed with the FHWA.

Motor carriers can also apply to self-insure BI&PD and/or cargo liability in lieu of filing certificates of insurance or surety bonds with the FHWA. Form BMC-40 is the application used to apply for self-insurance authority.

*Respondents:* Motor carriers, freight forwarders, and brokers.

*Estimated Average Burden per Response:* The estimated average burden per response for the BMC-40 is 40 hours. The estimated average burden per response for each of the other forms is 10 minutes per form.

*Estimated Total Annual Burden:* The estimated total annual burden is 200 hours for the BMC-40 based on 5 filings per year. The estimated total annual burden for all of the other forms is 30,000 hours based on 180,000 filings per year.

*Frequency:* Certificates of insurance, surety bonds and trust fund agreements are required when the transportation entity first registers with the FHWA and then when such coverages are replaced. Notices of cancellation are required only when such certificates of insurance, surety bonds or trust fund agreements are canceled. Form BMC-40 is generally

filed only once when a carrier seeks approval to self-insure its BI&PD and/or cargo liability.

### Public Comments Invited

Interested parties are invited to send comments regarding any aspect of this information collection, including but not limited to: (1) the necessity and utility of the information collection for the proper performance of the functions of the FHWA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB's clearance for a renewal of this information collection.

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**Authority:** 23 U.S.C. 315 and 49 CFR 1.48.

Issued on: May 13, 1998.

**George S. Moore, Jr.,**

*Associate Administrator for Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[FRA Docket No. RSGC-7]

### Environmental Impact Statement: FRA Regulation of the Use of Locomotive Horns at Highway-Rail Grade Crossings Nationwide

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

**ACTION:** Notice of intent.

**SUMMARY:** FRA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for the proposed regulation covering the sounding of locomotive horns at highway-rail grade crossings and to solicit input into the development of the scope of that EIS.

#### FOR FURTHER INFORMATION CONTACT:

Regarding the environmental review contact David Valenstein, Environmental Specialist, Office of Railroad Development, Federal Railroad Administration (RDV 13), 400 Seventh

Street, SW (Mail Stop 20), Washington, D.C. 20590, (telephone 202 632-3268). For information regarding the rule making process contact Bruce F. George, Staff Director, Highway Rail Crossing and Trespasser Programs, Office of Safety, FRA, 400 Seventh Street, SW (Mail Stop 25), Washington, D.C. 20590 (telephone 202 632-3312), or Mark H. Tessler, Office of Chief Counsel, FRA, 400 Seventh Street, SW (Mail Stop 10), Washington, D.C. 20590 (telephone 202 632-3171).

#### SUPPLEMENTARY INFORMATION:

#### Background 0

The Swift Rail Development Act (Pub. L. 103-440, November 2, 1994) added Section 20153 to title 49, United States Code. That section directs the Secretary of Transportation (delegated to the Federal Railroad Administrator) to prescribe regulations requiring that a locomotive horn be sounded while each train is approaching and entering upon each public highway-rail grade crossing. In addition, 49 U.S.C. 20153 provides FRA the authority to except from this requirement, categories of rail operations or categories of grade crossings that: (1) Are determined not to present significant risk with respect to loss of life or serious personal injury; (2) for which the use of a locomotive horn is impractical; or (3) for which supplementary safety measures fully compensate for the absence of the warning provided by the locomotive horn.

The sounding of locomotive horns at highway-rail grade crossings is recognized by FRA and the railroad industry as contributing to railroad and highway safety. Studies conducted by FRA of circumstances where the sounding of horns had been restricted in eastern Florida (so-called "whistle bans") have indicated an increased incidence of collisions involving trains and highway users where locomotive horns were not sounded. Although the sounding of locomotive horns at highway-rail grade crossings is the normal practice at most of the 162,000 public grade crossings in the U.S., FRA is aware of approximately 2,200 crossings in 200 communities where locomotive horns are not routinely sounded.

In preparing for the rulemaking process required by 49 U.S.C. 20153, FRA established a public docket to enable local officials and citizens to offer their insight into the issues surrounding whistle bans and to comment on how FRA might best implement 49 U.S.C. 20153. FRA also undertook extensive research into locomotive horns and their relationship

to grade crossing safety through the Department of Transportation's John A. Volpe National Transportation Systems Center. Some of the comments offered by the public expressed concerns that any regulation requiring the sounding of locomotive horns could create adverse environmental impacts in the form of significantly higher community noise levels in the vicinity of those highway-rail grade crossings where horns are presently not sounded. Based upon a review of these comments, and ongoing research, FRA has concluded that the promulgation of the regulation required by 49 U.S.C. 20153 is a major Federal action as this term is used in section 102(c) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) As a consequence, FRA is initiating the preparation of an EIS as required under NEPA and the regulations of the President's Council on Environmental Quality implementing NEPA (40 CFR S 1502).

#### Alternatives

FRA currently plans to analyze two alternatives in this environmental review, the proposed action and the "no-action" alternative. The proposed action is to comply with the statutory mandate and issue a regulation requiring the sounding of locomotive horns at every public highway-rail grade crossing in the U.S., including those where locomotive horns are presently not sounded. Such a rule would effectively preempt any State or local law or regulation to the contrary. The regulation encompassed in the proposed action would also identify a number of measures which the States and communities can undertake to provide improved safety at public highway-rail grade crossings. In such situations regular sounding of railroad horns would then become unnecessary from a safety perspective and could cease. The regulation would also establish a procedure for consideration by FRA of proposals by States, communities or other interested persons for approval of new supplementary safety measures that would permit designation of a quiet zone. The environmental impacts of requiring the sounding of locomotive horns at public highway-rail crossings where the horns are not presently sounded and a consideration of the environmental impacts associated with the implementation of supplementary safety measures would be a part of the proposed action analysis.

The no-action alternative would involve maintenance of the status quo with respect to the sounding of locomotive horns. This would require