

ACTION: Notice.

SUMMARY: The FMCSA announces the motor carrier industry's 1999 controlled substances and alcohol usage rates based on testing data submitted by a random sample of motor carriers. The positive rate for controlled substances was 1.3 percent in calendar year 1999. The alcohol "violation" rate was 0.2 percent in 1999. Because the positive rate from controlled substances testing has remained above 1.0 percent during this same period, the FMCSA will maintain the random controlled substances testing rate for calendar year 2001 at 50 percent, in accordance with FMCSA regulations. Because the alcohol testing violation rate has remained below 0.5 percent for 1999, the FMCSA announces that it is maintaining the random alcohol testing rate for calendar year 2001 at 10 percent, in accordance with the provisions of the testing regulations. This lowered rate continues the DOT policy set in 1998 when data supported the same policy decision. This notice continues the existing policy. It is effective until further notice.

FOR FURTHER INFORMATION CONTACT: For enforcement questions: Mr. Kenneth Rodgers, Office of Enforcement and Compliance (MC-ECE), 202-366-4016; for substance questions: Mr. David M. Lehrman, Office of Policy, Plans and Regulations (MC-PRR), 202-366-0994; for statistical questions: Mr. Richard Gruberg, Office of Data Analysis and Information Systems (MC-RIA), 202-366-2959; for legal questions, Mr. Michael Falk, Office of the Chief Counsel (MC-CC), 202-366-1384, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:**Background**

On December 23, 1993 (58 FR 68220), the FHWA (the predecessor agency to the FMCSA) announced it would require motor carriers subject to 49 CFR part 391, later replaced by part 382, to implement and maintain specific controlled substance testing data, and submit an appropriate annual report when requested. All motor carriers must maintain this information. The FHWA randomly selected a sample of motor carriers annually and asked those selected to submit their data.

On February 15, 1994 (59 FR 7484), the FHWA promulgated new controlled substances and alcohol testing rules in 49 CFR part 382. These rules combined the controlled substances annual report with a similar alcohol rule "violation" annual report. Alcohol rule violations for purposes of the annual report are

alcohol concentrations of 0.04 or greater and refusals to submit to alcohol testing.

On March 13, 1995, the FHWA amended the rules to reduce the information collection burden on all respondents, including small entities (60 FR 13369).

The current rule at § 382.403, formerly at 49 CFR 391.87(h), is essential for the accomplishment of the following four goals:

1. Collection of controlled substances and alcohol testing statistical data.
2. Using the data to analyze the FMCSA's current approach to deterring and detecting illegal controlled substances use and alcohol misuse in the motor carrier industry.
3. Determining each calendar year's random selection rates for alcohol and controlled substances testing under the rule.
4. Providing for a more efficient and effective regulatory program.

In 1995, the FHWA requested a sample of motor carriers to report data collected in 1994. The FHWA determined the random positive controlled substances usage rate for commercial motor vehicle (CMV) drivers subject to 49 CFR part 391, subpart H, for the period of January 1, 1994, through December 31, 1994, was 2.6 percent. Based on data collected in subsequent years, this rate was determined to be 2.8 percent in 1995 and 2.2 percent in 1996.

Estimates of positive usage rates for alcohol were first produced for calendar year 1995. The alcohol testing "violation" rate was 0.14 percent in 1995, and 0.18 percent in 1996.

The criteria for raising or lowering the random testing rates are established by regulation. Under 49 CFR § 382.305(d)(1), when the minimum annual percentage rate for random alcohol testing is 25 percent or more, the FMCSA Administrator may lower the rate to 10 percent of all driver positions if the Administrator determines that the data received under the reporting requirements of § 382.403 for two consecutive years indicate that the violation rate is less than 0.5 percent.

Based upon this authority, and because the violation rate was below 0.5 percent for two consecutive years, the FHWA announced it was lowering the random alcohol testing rate for calendar year 1998 to 10 percent. The random controlled substances testing rate remained 50 percent. On January 14, 1998 (63 FR 2172) the agency published this policy in a notice including an extensive appendix C explaining the methodology used to estimate the

controlled substances positive and alcohol violation rates.

The controlled substances usage rate based on 1998 survey data was 1.5 percent. The alcohol violation rate for 1998 was 0.4 percent.

This notice announces the results of data collected for the 1999 FMCSA Drug and Alcohol Surveys. These surveys, conducted annually, measure the percentage of CDL drivers testing positive for controlled substances (as defined in 49 CFR § 40.21) and/or alcohol, based on both random and nonrandom testing. The survey data are collected from a random sample of motor carrier annual drug and alcohol testing summaries. Because the positive rate from random controlled substances testing has remained above 1.0 percent during this period, the FMCSA is maintaining the random controlled substances testing rate for calendar year 2001 at 50 percent, in accordance with 49 CFR § 382.305(g). The FMCSA is also maintaining the random alcohol testing rate for calendar year 2001 at 10 percent, in accordance with 49 CFR 382.305(d)(1).

Issued on: June 11, 2001.

Stephen E. Barber,

Acting Deputy Administrator.

[FR Doc. 01-15332 Filed 6-15-01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration****Inspection, Repair, and Maintenance; Periodic Inspection of Commercial Motor Vehicles**

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

ACTION: Acceptance of State of Ohio bus inspection programs and republication of accepted State programs.

SUMMARY: The FMCSA announces it accepts the State of Ohio's periodic inspection program for buses. The FMCSA previously accepted Ohio's inspection program for church buses and added it to the list of programs that are comparable to, or as effective as, the Federal periodic inspection requirements contained in the Federal Motor Carrier Safety Regulations (FMCSRs). The state has since expanded its program and now requires that all buses undergo an annual inspection by the Ohio State Patrol. This notice also publishes the list of all inspection programs that meet the FMCSR requirement.

DATES: This action is effective on June 18, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Larry W. Minor, Office of Bus and Truck Standards and Operations, MC-PSV, (202) 366-4009; Federal Motor Carrier Safety Administration, 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:

Background

Section 210 of the Motor Carrier Safety Act of 1984 (49 U.S.C. 31142) (the Act) requires the Secretary of Transportation (the Secretary) to prescribe standards for annual, or more frequent, inspection of commercial motor vehicles (CMVs) unless the Secretary finds another inspection system is as effective as an annual or more frequent inspection. In 1988, the Federal Highway Administration (FHWA) published a final rule amending 49 CFR part 396 (53 FR 49402, December 7, 1988) to require CMVs operated in interstate commerce to be inspected at least once a year. Under section 396.17 the inspection is to be based on Federal inspection standards, or a State inspection program determined by the FMCSA to be comparable to, or as effective as, the Federal standards. Accordingly, if the agency determines a State's periodic inspection program is comparable to, or as effective as, the requirements of part 396, then a motor carrier must ensure that all of its commercial motor vehicles which are required by that State to be inspected through the State's inspection program are inspected. If a State does not have such a program, the motor carrier is responsible for ensuring its vehicles are inspected using one of the alternatives included in section 396.17.

In 1989, the FHWA (the DOT agency with responsibility for motor vehicle safety until the establishment of the FMCSA in 2000), published a notice in the **Federal Register** that requested States and other interested parties to identify and provide information on the commercial motor vehicle inspection programs in their respective jurisdictions as contemplated by section 396.17 (54 FR 11020, March 16, 1989). Upon review of the information submitted, the FHWA published a list of State inspection programs that were determined to be comparable to the Federal requirements (54 FR 50726, December 8, 1989). This initial list included 15 States and the District of Columbia. In 1991 the list was revised to include the inspection programs of

the Alabama Liquefied Petroleum Gas (LPG) Board, California, Hawaii, Louisiana, Minnesota, and the Yukon Canadian Provinces, and the Yukon Territory (56 FR 47982, September 23, 1991). In 1992, the list was revised to include the Wisconsin bus inspection program (57 FR 56400, November 27, 1992). In 1994, the list was revised to include the Texas CMV inspection program (59 FR 17829, April 14, 1994). In 1995, the list was revised to include the Connecticut bus inspection program (60 FR 56183, November 7, 1995). In 1998 the most recent revision was made to include the Ohio inspection program for church buses (63 FR 8516, February 19, 1998).

Including Ohio, there are 23 States, the Alabama Liquefied Petroleum Gas Board, the District of Columbia, 10 Canadian Provinces, and one Canadian Territory that have periodic inspection programs which have been determined to be comparable to, or as effective as, the Federal requirements.

Determination: State of Ohio Bus Inspection Program

The State of Ohio (the State) has implemented mandatory annual inspection requirements for all buses as part of its program to improve the safety of operation of motor carriers of passengers. Beginning July 1, 2001, the State prohibits any person from operating buses that are originally designed to transport 16 or more passengers, including the driver, or that have a gross vehicle weight rating of 4,536 kilograms (10,001 pounds) or more, unless the vehicle displays a valid safety inspection decal issued by the State Highway Patrol (§ 4513.51 of the Ohio Revised Code). The state continues to require that a church using a bus registered as a "church bus" (in accordance with § 4503.7 of the Ohio Revised Code), and that transports members to and from church services or functions, submit an application for the registration of the bus to the Bureau of Motor Vehicles. As part of the annual registration application, the church must include a certificate from the State Highway Patrol as proof the bus has been inspected and is safe for operation in accordance with the standards prescribed by the Superintendent of the State Highway Patrol. The requirement for the safety certificate is applicable to church buses that are originally designed to transport 16 or more passengers, including the driver, or that have a gross vehicle weight rating of 4,536 kilograms (10,001 pounds) or more. The bus inspections required by §§ 4503.7 and 4513.51 of the Ohio Revised Code are performed by the State

Highway Patrol at State facilities or the bus owner's garage.

The FMCSA has determined that both the Ohio church bus inspection program in effect as of March 31, 1997, and the inspection program for buses (other than church buses) effective July 1, 2001, are comparable to, or as effective as, the Federal periodic inspection requirements. Therefore, motor carriers of passengers operating buses which are subject to the State's programs and which are subject to the FMCSRs must use the State's programs to satisfy the Federal requirements under 49 CFR 396.17.

In accepting the State's periodic inspection programs, the FMCSA also approves the recordkeeping requirements associated with the inspection program. The inspection report used to record the church bus inspection is a two-part form. If the vehicle passes the inspection, the bottom portion of the form is given to the bus operator to submit to the Bureau of Motor Vehicles as part of the application for vehicle registration (e.g., purchasing the annual church bus license plate). The top portion of the inspection report is maintained by the State Highway Patrol. The State church bus license plate (with a current validation sticker) is considered by the FMCSA as satisfying the Federal requirement for proof of inspection on the commercial motor vehicle.

For buses other than church buses inspection decals are issued and must be displayed on the commercial motor vehicle.

States with Equivalent Periodic Inspection Programs

The following is a complete list of States, and one Board, which performs the periodic inspection function of a State, with inspection programs which the FMCSA has determined are comparable to, or as effective as, the Federal requirements.

Alabama (LPG Board)
 Arkansas
 California
 Connecticut
 District of Columbia
 Hawaii
 Illinois
 Louisiana
 Maine
 Maryland
 Michigan
 Minnesota
 New Hampshire
 New Jersey
 New York
 Ohio
 Oklahoma
 Pennsylvania
 Rhode Island

Texas
Utah
Vermont
Virginia
West Virginia
Wisconsin

In addition to the States listed above, the FMCSA has determined the inspection programs of the 10 Canadian Provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan) and the Yukon Territory are comparable to, or as effective as, the Federal periodic inspection requirements.

All other States either have no periodic inspection programs for CMVs or their programs have not been determined by the FMCSA to be comparable to, or as effective as, the Federal requirements. If any of these States wish to establish a program or modify their programs in order to make them comparable to the Federal requirements, the State should contact the appropriate FMCSA division office.

Issued on: June 11, 2001.

Stephen E. Barber

Acting Deputy Administrator.

[FR Doc. 01-15331 Filed 6-15-01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Major Investment Study/Draft Environmental Impact Statement for the Bergen-Passaic Cross County Corridor, Bergen and Passaic Counties, New Jersey

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of intent to prepare a major investment study/draft environmental impact statement (MIS/DEIS).

SUMMARY: The Federal Transit Administration (FTA) and the New Jersey Transit Corporation (NJ TRANSIT) intend to prepare a Major Investment Study/Draft Environmental Impact Statement (MIS/DEIS) to study transportation access improvements along the Bergen-Passaic Cross County Corridor (also known as the NYS&W corridor) in Bergen and Passaic Counties, New Jersey. The MIS/DEIS is being prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500-1508),

the FTA/Federal Highway Administration's Environmental Impact regulations (23 CFR part 771), and the FTA/FHWA Statewide Planning/Metropolitan Planning regulations (23 CFR part 450). This study will also comply with the requirements of the National Historic Preservation Act of 1966, as amended, section 4(f) of the 1966 U.S. Department of Transportation Act, the 1990 Clean Air Act Amendments, the Executive Order 12898 on Environmental Justice, and other applicable rules, regulations, and guidance documents.

The purpose of the Bergen-Passaic Cross County Corridor MIS/DEIS is to examine solutions for improving mobility in Bergen and Passaic Counties, New Jersey and to document the social, economic, and environmental impacts of implementing identified study alternatives. The MIS/DEIS will identify a preferred alternative that will improve mobility within that region. The MIS/DEIS will evaluate a Baseline Alternative and a Build Alternative. The Build Alternative under consideration was selected as a result of the findings of the West Shore Region Alternatives Analysis Report (December 1999). The Alternatives Analysis Report recommended an alternative for advancement to the MIS/DEIS phase of the project made up of the following components: West Shore corridor commuter rail service via the Meadowlands Sports Complex; Northern Branch corridor light rail service via Hudson Bergen Light Rail Transit (HBLRT); and NYS&W corridor light rail service via HBLRT. All three of these proposed new rail services would involve construction of new transportation infrastructure, including tracks, stations and yards. This MIS/DEIS will examine the Bergen-Passaic Cross County Corridor (NYS&W) light rail service via HBLRT.

DATES: *Comment Due Date:* Written comments on the scope of the MIS/DEIS should be sent to NJ TRANSIT by August 15, 2001. See **ADDRESSES** below.

Scoping Meeting: Public scoping meetings for the Bergen-Passaic Cross County Corridor MIS/DEIS will be held on:

- Tuesday, July 10, 2001
3 p.m. to 5 p.m. and 7 p.m. to 9 p.m.,
Bergen County Administration
Building, Freeholders Room, 5th
Floor, 1 Bergen County Plaza,
Hackensack, New Jersey 07601
- Tuesday, July 17, 2001
3 p.m. to 5 p.m. and 7 p.m. to 9 p.m.,
Passaic County Administration
Building, Freeholders Room, Room

223, 401 Grand Street, Paterson, New Jersey 07505

Registration to speak will begin at 2:30 p.m. and will remain open until 4:30 for the afternoon session; registration to speak will begin at 6:30 p.m. and will remain open until 8:30 p.m. for the evening session. The scoping meeting will conclude at 4:30 p.m. and 8:30 p.m., respectively, if there are no remaining registered speakers.

People with special needs should contact Steven Jurow at NJ TRANSIT at the address below or call the study toll-free information line at 1-866-658-9874. The buildings are accessible to people with disabilities. A sign language interpreter will be made available for the hearing impaired by calling the study toll-free information line at 1-866-658-9874.

Scoping material will be available at the meetings and may also be obtained in advance of the meetings by contacting Steven Jurow at the address below or by calling the study toll-free information line above. Oral and written comments may be given at the scoping meetings; a stenographer will record all comments.

ADDRESSES: Written comments on the project scope should be sent to Steven Jurow, Project Manager, NJ TRANSIT, One Penn Plaza East, Newark, NJ 07105-2246. The scoping meetings will be held at the locations identified above.

FOR FURTHER INFORMATION CONTACT: If you wish to be placed on the mailing list to receive further information as the study develops, contact Steven Jurow at the above address or call the study toll-free information line at 1-866-658-9874. For further information, you may also contact: Mr. Irwin B. Kessman, Director, Office of Planning and Program Development, Federal Transit Administration, Region II, One Bowling Green, Room 429, New York, New York, 10004-1415; phone: 212-668-2170, fax: 212-668-2136.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA and NJ TRANSIT invite all interested individuals and organizations, and federal, state, and local agencies to provide comments on the scope of the study. During the scoping process, comments should focus on identifying specific social, economic, or environmental issues to be evaluated and suggesting alternatives, which may be less costly or have less environmental impacts, while achieving the similar transportation objectives. Comments should focus on the issues and alternatives for analysis and not on a preference for a particular alternative.