

*Title:* U.S. Locational Requirement for Dispatching U.S. Rail Operations.

*OMB Control Number:* 2130-0556.

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

*Affected Public:* Railroads.

*Abstract:* Part 241 requires, in the absence of a waiver, that all dispatching of railroad operations that occurs in the United States be performed in this country, with a minor exception. A railroad is allowed to conduct extraterritorial dispatching from Mexico or Canada in emergency situations, but only for the duration of the emergency. A railroad relying on the exception must provide written notification of its action to the FRA Regional Administrator of each FRA region in which the railroad operation occurs; such notification is not required before addressing the emergency situation. The information collected under this rule will be used as part of FRA's oversight function to ensure that extraterritorial dispatchers comply with applicable safety regulations.

*Annual Estimated Burden Hours:* 16 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 November 16, 2005.

**D.J. Stadler,**

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

[FR Doc. E5-6527 Filed 11-25-05; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Bay Area To Central Valley High-Speed Train Programmatic Environmental Impact Statement

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

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

**SUMMARY:** FRA is issuing this notice to advise the public that FRA with the California High Speed Rail Authority (Authority) will jointly prepare a programmatic environmental impact statement (EIS) and programmatic (program) environmental impact report (EIR) for the San Francisco Bay Area to Central Valley portion of the California High-Speed Train (HST) System in compliance with state and Federal laws, in particular the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). FRA is also issuing this notice to solicit public and agency input into the development of the scope of the Bay Area to Central Valley HST Program EIR/EIS and to advise the public that outreach activities conducted by the Authority and its representatives will be considered in the preparation of the EIR/EIS. The FRA and the Authority recently completed a Program EIR/EIS as the first-phase of a tiered environmental review process for the Proposed California HST system, and as part of the selected HST Alternative defined a broad corridor between the Bay Area and Central Valley generally bounded by (and including) the Pacheco Pass (SR-152) to the South, the Altamont Pass (I-580) to the North, the BNSF Corridor to the East, and the Caltrain Corridor to the West. The Bay Area to Central Valley HST Program EIR/EIS will further examine this broad corridor as the next phase of the tiered environmental review process.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding the programmatic environmental review, please contact: Mr. Dan Leavitt, Deputy Director of the California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814, (telephone 916-324-1541) or Mr. David Valenstein, Environmental Program Manager, Office of Passenger Programs, Federal Railroad Administration, 1120 Vermont Avenue (Mail Stop 20), Washington, DC 20590, (telephone 202 493-6368).

**SUPPLEMENTARY INFORMATION:** The need for a high-speed train (HST) system is directly related to the expected growth

in population and resulting increases in intercity travel demand in California over the next twenty years and beyond. As a result of this growth in travel demand, there will be more travel delays from the growing congestion on California's highways and at airports. In addition, there will be effects on the economy and quality of life from a transportation system that is less and less reliable as travel demand increases and from deteriorating air quality in and around California's metropolitan areas. The intercity highway system, commercial airports, and conventional passenger rail serving the intercity travel market are currently operating at or near capacity, and will require large public investments for maintenance and expansion in order to meet existing demand and future growth. The proposed high HST system would provide a new mode of high-speed intercity travel that would link the major metropolitan areas of the state; interface with international airports, mass transit, and highways; and provide added capacity to meet increases in intercity travel demand in California in a manner sensitive to and protective of California's unique natural resources.

#### Background

The California High-Speed Rail Commission, established in 1993 to investigate the feasibility of high-speed rail in California, concluded that a HST system is technically, environmentally, and economically feasible and set forth recommendations for the technology, corridors, financing, and operations of a proposed system. Following the Commission's work, a new nine-member California High-Speed Rail Authority (Authority) was established in 1996 and is authorized and directed by statute to undertake the planning for the development of a proposed statewide HST network that is fully coordinated with other public transportation services. The Legislature has granted the Authority the powers necessary to oversee the construction and operation of a statewide HST network once financing is secured. As part of the Authority's efforts to implement a HST system, the Authority adopted a Final Business Plan in June 2000, which reviewed the economic feasibility of a 700-mile-long HST system capable of speeds in excess of 200 miles per hour on a dedicated, fully grade-separated state-of-the-art track.

The FRA has responsibility for oversight of the safety of railroad operations, including the safety of any proposed high-speed ground transportation system. For the California proposal, the FRA would need to take

certain regulatory actions before any new high-speed train system could operate.

Between 2001 and 2005, the Authority and FRA completed a Program EIR/EIS for the proposed California HST System. The Authority certified the Program EIR under CEQA and approved the proposed HST System, and the FRA issued a Record of Decision under NEPA on the Program EIS for the proposed California HST system. The Program EIR/EIS established the purpose and need for the HST system, analyzed a proposed high-speed train alternative and compared it with a No Project/No Action Alternative and a Modal Alternative. In conjunction with approving the Program EIR/EIS, the Authority and the FRA selected the High-Speed Train Alternative and selected certain corridors/general alignments, general station locations, mitigation strategies, design practices and further measures to guide development of the HST system at the site-specific project level to avoid and minimize potential adverse environmental impacts.

For the Bay Area to Central Valley segment, the Authority and FRA selected a broad corridor between the Bay Area and the Central Valley containing a number of feasible route options and proposed further study in this area to make programmatic selections of alignments and stations. The FRA consulted with the Council on Environmental Quality (CEQ), and CEQ concurred that the proposed tiering of programmatic decisions for this segment would be consistent with NEPA and would support compliance with Section 404 of the Clean Water Act. The primary purpose of the Bay Area to Central Valley HST Program EIR/EIS environmental process is to do further studies to help identify a preferred alignment between these two parts of the state.

The preparation of this Program EIR/EIS is being coordinated with the concurrent preparation of a Bay Area Regional Rail Plan by a coalition of the San Francisco Bay Area Rapid Transit District (BART), the Metropolitan Transportation Commission (MTC), the Peninsula Joint Powers Board (Caltrain) and the Authority. Bay Area voters in 2004 passed Regional Measure 2, which requires MTC to adopt a Regional Rail Plan. As stipulated in the Streets and Highways Code Section 30914.5 (f), the Regional Rail Plan will define the future passenger rail transportation network for the nine-county San Francisco Bay Area, including an evaluation of the HST options. Information on the Regional Rail Plan is available on the

Internet at: <http://www.bayarearailplan.info>.

### Alternatives

An initial alternatives evaluation will consider all reasonable HST alignment and station options within the selected broad corridor at a programmatic level of analysis to identify the most practical and feasible HST options for analysis in the Bay Area to Central Valley HST Program EIR/EIS. The alternatives will include:

*No-Action Alternative:* The take no action (No-Project) alternative is defined to serve as the baseline for comparison of HST alternatives. The No-Build Alternative represents the state's transportation system (highway, air, and conventional rail) as it exists in 2005, and as it would exist after completion of programs or projects currently planned for funding and implementation by 2020, according to the following sources of information:

- State Transportation Improvement Program (STIP)
- Regional Transportation Plans (RTPs) for all modes of travel
- Airport plans
- Intercity passenger rail plans (Amtrak Five- and Twenty-year Plans)

*High-Speed Train Alternatives:* The Authority and FRA have selected a steel-wheel-on-steel-rail HST system for advancement, over 700 miles long (1,126-kilometer long) capable of speeds in excess of 200 miles per hour (mph) (320 kilometers per hour [km/h]) on dedicated, fully grade-separated tracks, with state-of-the-art safety, signaling, and automated train control systems that would serve the major metropolitan centers of California, extending from Sacramento and the San Francisco Bay Area, through the Central Valley, to Los Angeles, Orange County, the Inland Empire, and San Diego. The Authority and the FRA have also selected a broad corridor for the HST between the Bay Area and Merced generally bounded by (and including) the Pacheco Pass (SR-152) to the South, the Altamont Pass (I-580) to the North, the BNSF Corridor to the East, and the Caltrain Corridor to the West. Within this corridor there are several potential alignments and potential station locations that will be considered. In heavily constrained urban areas, potential alignments that assume sharing corridors and/or tracks with other passenger rail services will be considered. The Authority and FRA will consider all reasonable and practical HST alignment and station alternatives and will focus the program environmental analysis on the alternatives that best meet the purpose and need of the HST system. Within the

previously selected broad corridor, the Authority would not pursue alignments through Henry Coe State Park or a station at Los Banos.

Station placement would be determined on the basis of ridership potential, system-wide needs, and local planning constraints/conditions. Station placement will be coordinated with local and regional planning agencies, and will provide for seamless connectivity with other modes of travel. Potential station locations to be evaluated further include: Gilroy, San Jose, Redwood City, San Francisco International Airport (SFO), San Francisco, Merced, Modesto, Tracy, Pleasanton, Fremont/Union City, Oakland International Airport (OAK), and Oakland. The potential sites listed represent general locations for planning purposes.

### Scoping and Comments

FRA encourages broad participation in the EIS process during scoping and review of the resulting environmental documents. Comments and suggestions are invited from all interested agencies and the public at large to insure the full range of issues related to the proposed action and all reasonable alternatives are addressed and all significant issues are identified. In particular, FRA is interested in determining whether there are areas of environmental concern where there might be the potential for significant impacts identifiable at a programmatic level. Public agencies with jurisdiction are requested to advise the FRA and the Authority of the applicable environmental review requirements of each agency, and the scope and content of the environmental information that is germane to the agency's statutory responsibilities in connection with the proposed project.

Public "scoping" meetings have been scheduled together with regional rail plan workshops as an important component of the scoping process for both the State and Federal environmental review. Scoping meetings will be advertised locally and additional public notice will be provided separately with the dates, times, and locations of these scoping meetings. Scoping meetings are scheduled for the following major cities:

- Oakland on November 29, 2005—Joseph P. Bort Metrocenter, Larry Dahms Auditorium, 101 Eighth Street, from 3 p.m. to 5 p.m. and 6 p.m. to 8 p.m.
- San Jose on November 30, 2005—New San Jose City Hall—Council Wing, Community Room, W120, 200 East Santa Clara Street, from 3 p.m. to 5 p.m. and 6 p.m. to 8 p.m.

- San Francisco on December 1, 2005—San Francisco Civic Center Complex, Hiram Johnson Building, Auditorium, 455 Golden Gate Avenue, from 3 p.m. to 5 p.m. and 6 p.m. to 8 p.m.

- Livermore on December 5, 2005—Livermore public San Francisco Civic Center Complex, Hiram Johnson Building, San Diego Room, 455 Golden Gate Avenue, from 3 p.m. to 5 p.m. and 6 p.m. to 8 p.m.

- Modesto on December 6, 2005—DoubleTree Hotel, 1150 Ninth Street, Modesto, from 3 p.m. to 5 p.m. and 6 p.m. to 8 p.m.

- Suisun City on December 8, 2005—Suisun City Hall, Council Chambers, 701 Civic Center Blvd., from 3 p.m. to 5 p.m. and 6 p.m. to 8 p.m.

Persons interested in providing comments on the scope of the programmatic EIR/EIS should do so by December 16, 2005. Comments can be sent in writing to Mr. David Valenstein at the FRA address identified above. Comments may also be addressed to Mr. Dan Leavitt of the Authority at their address identified above. Information and documents regarding the environmental review process will also be made available through the Authority's Internet site: <http://www.cahighspeedrail.gov/>.

Issued in Washington, DC, on November 18, 2005.

**Mark E. Yachmetz,**

*Associate Administrator for Railroad Development.*

[FR Doc. E5-6526 Filed 11-25-05; 8:45 am]

BILLING CODE 4910-06-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2005-23093]

#### Ferrari S.p.A and Ferrari North America, Inc.; Receipt of Application for a Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208

In accordance with the procedures of 49 CFR part 555, Ferrari S.p.A. and Ferrari North America (collectively, "Ferrari") have applied for a Temporary Exemption from S14.2 of Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant Crash Protection*, for the Ferrari F430 model vehicle. The basis of the application is that compliance would cause substantial economic hardship to a manufacturer that has

tried in good faith to comply with the standard.<sup>1</sup>

We are publishing this notice of receipt of the application in accordance with the requirements of 49 U.S.C. 30113(b)(2), and have made no judgment on the merits of the application.

**DATES:** You should submit your comments not later than December 28, 2005.

**FOR FURTHER INFORMATION CONTACT:** Chris Calamita in the Office of Chief Counsel, NCC-112, (Phone: 202-366-2992; Fax 202-366-3820; E-Mail: [Christopher.calamita@nhtsa.dot.gov](mailto:Christopher.calamita@nhtsa.dot.gov)).

#### SUPPLEMENTARY INFORMATION

##### I. Background

A manufacturer is eligible to apply for a hardship exemption if its total motor vehicle production in its most recent year of production does not exceed 10,000, as determined by the NHTSA Administrator (15 U.S.C. 1410(d)(1)). Ferrari's total production is approximately 4,000 vehicles per year. Fiat S.p.A., a major vehicle manufacturer, holds a majority interest in Ferrari. Consistent with past determinations, NHTSA has determined that Fiat's interest in Ferrari does not result in the production threshold being exceeded (see, 54 FR 46321; November 2, 1989).

The statutory provisions governing motor vehicle safety (49 U.S.C. Chapter 301) do not include any provision indicating that a person is a manufacturer of a vehicle by virtue of ownership or control of another person that is a manufacturer. NHTSA has stated, however, that a person may be a manufacturer of a vehicle manufactured by another person if the first person has a sufficiently substantial role in the manufacturing process that it can be deemed the sponsor of the vehicle. The agency considers the statutory definition of "manufacturer" (15 U.S.C. 1391(5)) to be sufficiently broad to include sponsors, depending on the circumstances.

In the present instance, the Ferrari F430 bears no resemblance to any motor vehicle designed or manufactured by Fiat, and the agency understands that the F430 was designed and engineered without assistance from Fiat. Further, the agency understands that such assistance as Ferrari may receive from Fiat relating to use of test facilities and the like is an arms length transaction for which Ferrari pays Fiat. Accordingly,

NHTSA concludes that Fiat is not a manufacturer of Ferrari vehicles by virtue of being a sponsor.

#### II. Why Ferrari Needs a Temporary Exemption and How Ferrari Has Tried in Good Faith to Comply With FMVSS No. 208

Ferrari states that the F430 was originally designed in the mid-1990s and was originally designated as the 360 model. The petitioner states that the Modena (coupe) version of the 360 was launched in 1999, followed by the Spider (convertible) version in 2000, and the Challenge Stradale in 2003. Production of these vehicles continued until the end of 2004. According to the petitioner, shortly thereafter Ferrari began an aesthetic redesign of the vehicle, relying on the same chassis. Ferrari stated that the redesigned vehicle, the F430, will be produced until late 2008. According to Ferrari, 2008 will mark the end of the life cycle for the 360/F430 vehicle. The petitioner states that the 360 and F430 were designed to comply, and do comply, with all of the FMVSSs in effect at the time the 360 was originally designed. The petitioner stated that the provisions of FMVSS No. 208 established in 2000 (65 FR 30680; May 12, 2000; Advanced Air Bag rule) were not anticipated by Ferrari when the 360 vehicle model was designed.

Ferrari stated that it has been able to bring the F430 into compliance with all of the high-speed belted and unbelted crash test requirements of the Advanced Air Bag rule. However, it stated that it has not been able to bring the vehicle into compliance with the child out-of-position requirements (S19, S21, and S23), and the 5th percentile adult female out-of-position requirements for the driver seat (S25).

Ferrari stated that despite efforts to involve numerous potential suppliers, it has not identified any that are willing to work with the company to develop an occupant classification system that would comply with the S19, S21, S23, and S25. Moreover, Ferrari stated that it is unable to reconfigure the F430 to accommodate an occupant classification system and air bag design that would comply with these requirements.

Ferrari has requested an exemption for the F430 from the advanced air bag provisions in FMVSS No. 208 during model years 2007 and 2008 (i.e., September 1, 2006 through August 31, 2008). Ferrari claims that compliance with the advanced air bag provisions would result in substantial economic hardship and has filed this petition under 49 CFR 555.6(a).

<sup>1</sup> To view the application using the Docket number listed above, please go to: <http://dms.dot.gov/search/searchFormSimple.cfm>.