

training and education. The Graduated CDL survey fulfills part of this mandate.

The Advocates claim that FMCSA has prejudiced the outcome of the survey by mentioning lowering the age for a commercial drivers license in the **Federal Register** notice. The survey was designed to eliminate any bias as to the age when drivers should be granted a commercial drivers license. The survey asks two questions about age; one being the minimum age at which an applicant should be eligible to receive a graduated CDL and the second being the minimum age at which the holder of a graduated CDL should be eligible to graduate to an unrestricted CDL. Respondents are asked to fill in a blank with the age for both questions. The survey design has been carefully reviewed by the FMCSA Contracting Officer's Technical Representative (COTR) and the Technical Review Committee (TRC) for the study to ensure that there are no conflicts of interest concerning any of the survey questions, including those about age. Both the COTR and the TRC will be closely involved in the data analysis and final report to further insure no conflict of interest regarding any of the factors involved in a Graduated CDL.

Lastly, the Advocates object to the fact that no public safety groups are included in the survey population. In fact, Advocates is one of five public safety groups that are to be included in the survey population.

E. Robert Barr: This comment addresses implementation of a Graduated CDL with regards to younger drivers and their training. It does not specifically address the need to conduct the survey and therefore is not pertinent to this submittal.

Driver Training & Development Alliance: This comment is in support of conducting a survey on the concept of a Graduated CDL as a first step in the process of determining the viability of such a system.

Tri-Bell Industries: This comment is in favor of a Graduated CDL program for reasons of supplying the industry with better-trained drivers. However, it does not specifically address whether or not a survey should be conducted, and therefore is not pertinent to this information collection.

International Brotherhood of Teamsters: The IBT objects to the conduct of the survey because they have not been given the opportunity to review the survey instrument or survey plan. The intent of this first notice was simply to ask whether or not an information collection should take place. Once a survey package is submitted to OMB, notice will be

published giving IBT an opportunity to comment on the survey plan and instrument.

American Automobile Association: This comment supports conduct of the Graduated CDL survey as a "first step in exploring the benefits of a graduated CDL system as a highway safety measure."

Insurance Institute For Highway Safety: This comment requests that additional parties be added to the survey population—namely nonprofit safety groups and knowledgeable university researchers. The survey plan for the Graduated CDL survey does in fact include the following highway safety groups in its survey population: AAA; Insurance Institute for Highway Safety; National Safety Council; Advocates for Highway and Auto Safety; and Citizens for Reliable and Safe Highways. This survey is intended to gauge the need for, and potential acceptance of, a Graduated CDL by the motor carrier industry. The survey population has been expanded to include those who would be directly affected by a Graduated CDL—law enforcement, licensing agencies, driver training schools, insurance companies and associations representing highway safety concerns. However, since the intent of the survey is expressly stated for the motor carrier industry and safety-related groups, we do not believe, as the Insurance Institute does, that "knowledgeable university researchers" should also be included in the survey population.

At such time as the FMCSA determines that designing a pilot test of a Graduated CDL scenario is needed, such notice will be appropriate for university researchers to comment on the design of that study.

California Department of Motor Vehicles: This comment supports a survey to "determine the need and feasibility of a graduated commercial driver license (CDL)."

Respondents: The respondents to the planned survey will include approximately 2,000 selected representatives of the motor carrier (truck and bus) industry, drivers, driver training schools, insurance companies, and driver licensing and law enforcement agencies.

Average Burden Per Response: The estimated average burden per response is 15 minutes. This includes the time needed for reading the survey instructions, searching existing data sources, completing the survey instrument and returning the information by mail or transmission by facsimile.

Estimated Total Annual Burden: The estimated total annual burden is 500 hours.

Frequency: The survey will be conducted once.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.73.

Issued on: September 25, 2001.

Stephen E. Barber,

Associate Administrator for Enforcement and Program Delivery.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for a Waiver of Compliance

In accordance with Title 49, Code of Federal Regulations (CFR), Sections 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of Federal railroad safety regulations. The individual petitions are 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.

Michigan State Trust for Railway Preservation, Inc.

[Docket Number FRA-2001-10379]

Michigan State Trust for Railway Preservation, Inc. ("MSTP") and the Institute for Steam Railroading, in conjunction with the Tuscola and Saginaw Bay Railway (TSBY) seek a waiver of compliance from Title 49, part 240 of the Code of Federal Regulations (49 CFR part 240)—Qualification and Certification of Locomotive Engineers. Specifically, MSTP requests relief from that part of the regulation (49 CFR 240.201(d)) which provides that only certified persons may operate locomotives and trains. MSTP plans to offer noncertified persons the opportunity to operate a locomotive when participating in its "engineer-for-an-hour" program. The waiver would only apply to persons participating in the program.

The MSTP is a nonprofit educational corporation. It owns and operates in 1941 Lima-built steam locomotive. The locomotive, ex-Pere Marquette No. 1225, has operated approximately 5200 miles since 1988 over the general railroad system of transportation. The MSTP is located at the steam locomotive restoration facility (Institute for Steam Railroading) in Owosso, Michigan. The

MSTP gains access to TSBY trackage at this location. It does not own or control any trackage with the exception of two lead tracks extending from siding tracks, each approximately 130 feet in length. These tracks are leased from the TSBY. The MSTP plans to conduct this program in either of two locations. The first is the San Yard, between Mile Post (MP) 105.2, on the TSBY track at the point where it meets the Central Michigan Railroad west of Legion Road, to MP 106.1, south of the highway/railroad grade crossing at Gould and Corunna Road. The second location is at the Henderson, Michigan Grain Elevator, on the St. Charles Branch of the TSBY between MP 70.2 and MP 69.2, north of the highway/railroad grade crossing at Riley Road. The proposed dates of operation will be three consecutive weekends between the months of June and September.

MSTP's argument for granting this waiver is twofold. First, "to accomplish a part of our mission statement, i.e., to operate the locomotive in an effort to educate the public as to what steam power looked, sounded, smelled, and felt like by providing a hands-on approach." Second, "to generate needed interest and revenue so that we may continue to educate the public about steam locomotive technology, in an effort that the next generation will keep the knowledge, and the 1225, alive into the future."

Interested parties are invited to participate in these proceedings by submitting written views, 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 these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket No. FRA-2001-10379) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. Communications received within 45 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 at the above facility. All written communications are also accessible on the Internet at <http://dms.dot.gov>.

Issued in Washington, D.C. on September 21, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Finance Docket No. 34079]

San Jacinto Rail Limited—Construction Exemption—and The Burlington Northern and Santa Fe Railway Company—Operation Exemption—Build-Out to the Bayport Loop Near Houston, Harris County, Texas

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: On August 30, 2001, the San Jacinto Rail Limited (San Jacinto) and The Burlington Northern and Santa Fe Railway (BNSF) filed a petition with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502 for authority for construction by San Jacinto and operation by BNSF of a new rail line near Houston, Harris County, Texas. The project would involve approximately 12.8 miles of new rail line. Because the construction and operation of this project has the potential to result in significant environmental impacts, the Board's Section of Environmental Analysis (SEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate. The purpose of this Notice of Intent is to notify individuals and agencies interested in or affected by the proposed project of the decision to require an EIS. SEA will hold public scoping meetings as part of the EIS process. Meeting dates and locations will be announced at a later date.

SUPPLEMENTARY INFORMATION:

Background

The proposed project, known as the Bayport Loop Build-Out includes approximately 12.8 miles of new rail line connecting plastics and chemical production facilities located in the Bayport Industrial District in southeast Houston, Texas, with the former Galveston, Henderson and Houston Railroad (GH&H) line, now owned by the Union Pacific Railroad Company (UP), near the southeast corner of Ellington Field at Texas State Highway

3. As a result of the new construction, BNSF would have access to the facilities located in the Bayport Loop using the new line, and the facilities would be provided with a choice of rail providers in the area. The EIS will analyze the potential impacts of the proposed route, the "no-build" alternative, and possible alternative routes.

Environmental Review Process

The National Environmental Policy Act (NEPA) process is intended to assist the Board and the public in identifying and assessing the potential environmental consequences of a proposed action before a decision on the proposed action is made. SEA is responsible for ensuring that the Board complies with NEPA and related environmental statutes. The first stage of the EIS process is scoping. Scoping is an open process for determining the scope of environmental issues to be addressed in the EIS. SEA will soon develop and make available a draft scope of study for the EIS and provide a period for the submission of written comments on it. Concurrently, scoping meetings will be held to provide further opportunities for public involvement and input into the scoping process. The dates and locations for the scoping meetings will be announced at a later date. Following the issuance of a draft scope and the comment period, SEA will issue a final scope of study for the EIS.

After issuing the final scope of study, SEA will prepare a Draft EIS (DEIS) for the project. The DEIS will address those environmental issues and concerns identified during the scoping process. It will also contain SEA's preliminary recommendations for environmental mitigation measures. The DEIS will be made available upon its completion for public and agency review and comment. SEA will prepare a Final EIS (FEIS) that considers comments on the DEIS from the public and agencies. In reaching its decision in this case, the Board will take into account the DEIS, the FEIS, and all environmental comments that are received.

FOR FURTHER INFORMATION CONTACT:

Dana G. White, Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20412-0001, or call SEA's toll-free number for this project at 1-888-229-7857 (TDD for the hearing impaired 1-800-877-8339). The website for the Surface Transportation Board is www.stb.dot.gov.