

Availability of Document

Individuals interested in reviewing a copy of the Plan are asked to contact the Colorado Division of the Federal Highway Administration by telephone at (303) 969-6730, or by submitting a written request for a copy of the document to the Environmental Program Manager at the address listed above in section **FOR FURTHER INFORMATION CONTACT**.

Background

One of the FHWA's strategic goals is to protect and enhance the natural environment and communities affected by highway transportation. The FHWA and DCOT are bound under Federal environmental regulations to evaluate, consider, and mitigate significant environmental impacts of its projects.

The Service has jurisdiction over the conservation, protection, restoration, enhancement, and management of native fish, wildlife, plants, and habitat necessary for biologically sustaining populations of those species pursuant to the provisions of various Federal laws including the Endangered Species Act.

The CDOT's mission is to provide the best multi-modal transportation system for Colorado that most effectively moves people, goods, and information, while at the same time adhering to CDOT's values, which include working in partnership with all, using resources wisely, and making decisions that are compatible with Colorado's quality of life, including environmental and economic goals.

The Colorado Division of the FHWA provides financial assistance to the State of Colorado through the Federal-aid highway program to create the best transportation system in the world for the American people through proactive leadership, innovation, and excellence in service.

Establishment of the East Plum Creek Conservation Bank Agreement represents an excellent opportunity to support and enhance the ongoing habitat conservation planning efforts in the regions by conserving highly valuable resources at the site. Within its boundaries, the East Plum Creek Conservation Bank will provide for the permanent protection of the preble's meadow jumping mouse (PMJM) through the preservation, restoration, and enhancement of off-site lands that possess comparable or greater habitat values.

The property supports aquatic, riparian, upland and wetland habitat for the PMJM. Native vegetation communities occur on the site such as willow shrub lands and herbaceous wet meadows.

The Service has determined that the East Plum Creek Conservation Bank lands, as they have been and are being improved and restored through the conservation actions described in Exhibit F (Habitat Management Plan) of the Agreement, are suitable to mitigate for impacts to habitat for PMJM within the Service area.

The parties desire to establish a Conservation Bank in order to provide for the permanent conservation of the property, the use of the land as mitigation and the use of Conservation Bank credits by CDOT to offset unavoidable temporary and permanent impacts associated with its projects in need of such mitigation.

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

Issued on: December 18, 2002.

William C. Jones,

Division Administrator, Colorado.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Sherburne and Stearns Counties, MN

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a Tier I environmental impact statement (EIS) will be prepared for a proposed east/west minor arterial connection between Trunk Highway (TH) 15 and TH 10, including a crossing of the Mississippi River, in an area south of 10th Street South and north of Interstate 94 in the St. Cloud Metropolitan Area, Sherburne and Stearns Counties, Minnesota. The Tier I EIS will include the analysis needed for a location decision.

FOR FURTHER INFORMATION CONTACT:

Cheryl Martin, Federal Highway Administration, Galtier Plaza, 380 Jackson Street, Suite 500, St. Paul, Minnesota 55101, Telephone (651) 291-6120; or Scott Mareck, Transportation Planner/GIS Coordinator, St. Cloud Area Planning Organization, 1040 County Road 4, St. Cloud, Minnesota 56303, Telephone (320) 252-7568.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the City of St. Cloud, Minnesota, will prepare a Tier I EIS on a proposal to construct an east/west minor arterial connection between TH 15 and TH 10, in an area south of 10th Street South and north of Interstate 94 in the St. Cloud

Metropolitan Area, in Sherburne and Stearns Counties, Minnesota. The proposed action is being considered to preserve an alignment for the construction of a future highway, including a river crossing, to address the need for improved east/west minor arterial continuity, land use and trip generation growth, and forecasted 2025 congestion on existing bridges.

The Tier I EIS will evaluate the social, economic, transportation and environmental impacts of alternatives, including: (1) No-Build, (2) Transportation Demand Management, and (3) Three alignment alternatives identified within the 33rd Street Corridor.

The Tier II EIS will be prepared in fifteen to twenty years. At that time, design alternatives for the preferred alignment will be considered and environmental impacts and mitigation will be studied in greater detail. It is anticipated that the "St. Cloud Metropolitan Area Mississippi River Crossing Scoping Document/Draft Scoping Decision Document" will be published early in 2003. A press release will be published to inform the public of the document's availability. Copies of the scoping document will be distributed to agencies, interested persons and libraries for review to aid in identifying issues and analyses to be contained in the Tier I EIS. A thirty-day comment period for review of the document will be provided to afford an opportunity for all interested persons, agencies and groups to comment on the proposed action. A public scoping meeting will also be held during the comment period. Public notice will be given for the time and place of the meeting. A Tier I Draft EIS will be prepared based on the outcome of the scoping process.

Coordination has been initiated and will continue with appropriate Federal, State and local agencies and private organizations and citizens who have previously expressed or are known to have an interest in the proposed action. To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: December 17, 2002.

Stanley M. Graczyk,

Project Development Engineer, Federal Highway Administration, St. Paul, Minnesota.
[FR Doc. 02-32514 Filed 12-24-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2002-13295]

Oregon Department of Transportation Application for Exemptions for Farmers

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

ACTION: Notice of application for exemptions; request for comments.

SUMMARY: The FMCSA has received an application from the Oregon Department of Transportation (ODOT) for exemptions from all the Federal regulatory requirements concerning parts and accessories necessary for the safe operation of commercial motor vehicles (CMVs) and concerning the inspection, repair and maintenance of CMVs on behalf of motor carriers certified by and registered with ODOT as farmers. ODOT believes that enforcing its general rules of the road and vehicle safety regulations would ensure that the level of safety for the farmers is equivalent to or greater than the level of safety that would be achieved by complying with the Federal regulations. The exemptions, if granted, would preempt inconsistent local requirements in Oregon applicable to interstate commerce.

DATES: We must receive your comments on or before January 27, 2003.

ADDRESSES: You can mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL, 401-400 Seventh Street, SW., Washington, DC 20590-0001. You can also submit comments at <http://dmses.dot.gov>. Please include the docket number that appears in the heading of this document. You can examine and copy this document and all comments received at the same Internet address or at the Dockets Management Facility from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you want to know that we received your comments, please include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Larry W. Minor, Office of Bus and Truck Standards and Operations, (202) 366-

4009, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Sections 31315 and 31136 of title 49 of the United States Code (U.S.C.) provide the FMCSA with authority to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). An exemption provides relief from one or more FMCSRs given to a person or class of persons subject to the regulations. An exemption provides 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 consider whether the terms and conditions for the exemption 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.

On December 8, 1998, FMCSA published an interim final rule implementing section 4007 of the Transportation Equity Act for the 21st Century (TEA-21)(codified at 49 U.S.C. 31315) (See 63 FR 67600). The regulations at 49 CFR part 381 establish the procedures to be followed to request waivers and to apply for exemptions from the FMCSRs, and the provisions used to process them.

The agency must publish a notice in the **Federal Register** for each exemption requested, explaining the request that has been filed; providing the public with an opportunity to inspect the safety analysis and any other relevant information known to the agency; and requesting public comment on the exemption (See 49 U.S.C. 31136(e)(1) and 49 CFR part 381.315).

Before granting a request for an exemption, the agency must publish a notice in the **Federal Register** identifying: (1) who will receive the exemption, (2) what regulation is covered by the exemption, (3) how long the exemption is in effect, and (4) all terms and conditions of the exemption. The terms and conditions established by the FMCSA must ensure that the exemption will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with the regulation.

ODOT Application for an Exemption

ODOT applied for exemptions from all the requirements of 49 CFR Parts 393 and 396 on behalf of all motor carriers

certified and registered with ODOT as farmers. A copy of the application is included in the docket referenced in the heading to this notice. There are currently 14,000 motor carriers in this category operating in both interstate and intrastate commerce. The exemption would apply only when these carriers engage in transportation related to farm operations and the commercial motor vehicle (CMV) is registered with ODOT as a farm vehicle. The exemption would not apply when a carrier operates as a for-hire carrier.

ODOT asserts the exemption would have no effect on the enforcement of Oregon laws and regulations concerning rules of the road and vehicle equipment. The State believes that its motor vehicle safety regulations would provide adequate safety requirements for the interstate operation of farm vehicles.

ODOT indicated that it requests the exemption primarily because the State may lose Motor Carrier Safety Assistance Program (MCSAP) funding from the FMCSA for having laws and regulations, applicable to interstate operations, that are less stringent than the Federal requirements. ODOT asserts that based on discussions with legislators and public meetings with farm groups, it is unlikely that the Oregon legislature would revise current law.

ODOT stated that the exemption would be consistent with the long-standing practice of Oregon safety officials. Since 1978, Oregon statutes have included an exemption for farm vehicles that are less than 80,000 pounds. Interstate farmers have been treated the same as intrastate farmers with regard to safety regulations. The State does not believe this practice has had an adverse impact on safety based on its review of reportable crashes in Oregon.

The State defines a reportable crash as one in which there is a fatality, injury, or damage exceeding \$1,000. From 1995 through 2001, commercial farm trucks were involved in 89 reportable crashes, resulting in 7 fatalities. The total number of crashes for all commercial vehicles during the same time period was 11,767 including 459 fatalities. With regard to crash causation, the State indicated that during calendar year 2001, only 3 percent of all reportable crashes in Oregon were attributable, in whole or in part, to the mechanical condition of the commercial vehicle.

Number of Commercial Motor Vehicles That Would Be Exempted

While there are approximately 14,000 motor carriers certified and registered with ODOT as farmers, only about half