

and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on November 30, 1999 (64 FR 66961).

**DATES:** Comments must be submitted on or before May 30, 2000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ron Ashby, (202) 358-7039, Office of Enforcement and Compliance, Federal Motor Carrier Safety Administration, 400 7th Street, SW., Washington, DC 20590-0001. Office hours are from 7:30 a.m. to 4 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

*Title:* Financial Responsibility for Motor Carriers of Passengers and Motor Carriers of Property.

*OMB Number:* 2126-0008.

*Type of Request:* Renewal of currently-approved information collections.

*Abstract:* Upon OMB approval for renewal of information collections, the FMCSA is requesting to combine two information collections into one as titled above. The 60-day **Federal Register** notice was published prior to OMB's assignment of new approval numbers to accommodate the FMCSA. Therefore, the Notice referenced the two collections under their former Federal Highway Administration (FHWA) OMB approval numbers as 2125-0074 and 2125-0518. They have subsequently been renumbered as 2126-0005 and 2126-0008. FMCSA is requesting that a combined collection maintain OMB Approval No. 2126-0008 and that 2126-0005 be canceled. The two collections, which differ only in regulated audiences, cover similar requirements for motor carriers to document their minimum levels of financial responsibility. Combining these two collections will not result in increased burdens.

The Secretary of Transportation is responsible for regulations which establish minimal levels of financial responsibility for (1) motor carriers of property to cover public liability, property damage, and environmental restoration and (2) for-hire motor carriers of passengers to cover public liability and property damage. The Endorsement for Motor Carrier Policies of Insurance for Public Liability (Form MCS-90/90B) and the Motor Carrier Public Liability Surety Bond (Form MCS-82/82B) contain the minimum amount of information necessary to document that these levels have been obtained and are in effect. The information within these documents is used by the FMCSA and the public to

verify that a motor carrier of property or passengers has obtained and has in effect the required minimum levels of financial responsibility.

*Respondents:* Insurance and surety companies of motor carriers of property (Form MCS-90 and Form MCS-82) and motor carriers of passengers (Form MCS-90B and Form MCS-82B).

*Average Burden per Response:* Two minutes to complete the Endorsement for Motor Carrier Policies of Insurance for Public Liability or the Motor Carrier Public Liability Surety Bond; one minute to file the Motor Carrier Public Liability Surety Bond; one minute to have either document on board the vehicle (foreign-domiciled motor carriers only).

*Estimated Total Annual Burden:* 5,285 hours.

*Frequency:* Upon creation, change, or replacement of an insurance policy or surety bond.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: DOT Desk Officer. Comments are invited on: Whether the proposed collection of information is 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 estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of publication of this Notice.

Issued on: April 20, 2000.

**Brian M. McLaughlin,**

*Director Office of Policy, Plans, & Regulations, Federal Motor Carrier Safety Administration.*

[FR Doc. 00-10547 Filed 4-27-00; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petitions for Waiver of Compliance; Date and Location of Public Hearings

The National Railroad Passenger Corporation (Amtrak), Maryland Mass Transit Administration (MTA), and San Diego Trolley, Inc. (SDTI) each seek a waiver of compliance from 49 CFR 238.203(d)(2) to allow the continued temporary usage of certain railroad

passenger equipment that does not comply with FRA's requirements for static end strength contained in 49 CFR 238.203(a)(1). Amtrak, MTA, and SDTI have petitioned FRA for "grandfathering" approval of this passenger equipment pursuant to 49 CFR 238.203(d), which allows the temporary usage of railroad passenger equipment not conforming to FRA's static end strength requirements to continue while a petition for grandfathering approval is being processed, but not later than May 8, 2000, unless FRA has approved the petition. Amtrak, MTA, and SDTI seek to extend beyond the May 8, 2000 date the period during which passenger equipment that is the subject of the grandfathering petitions may operate, until a date that is 30 days after the date on which FRA acts finally on their grandfathering petitions. SDTI also seeks a waiver from the requirement to file a grandfathering petition before November 8, 1999. FRA announces that it will hold a public hearing on each of these waiver requests, as discussed in more detail below by railroad.

#### National Railroad Passenger Corporation (Amtrak)

[Docket No. FRA-2000-7199]

By public notice published on April 11, 2000 (65 FR 19427), FRA announced the receipt of a petition from Amtrak for a waiver of compliance from the May 8, 2000 date specified in 49 CFR 238.203(d)(2) for cessation of the temporary usage of non-compliant railroad passenger equipment that is the subject of a grandfathering petition filed with FRA, absent FRA approval of the petition by that date. This waiver petition proceeding is identified as Docket No. FRA-2000-7199. On October 18, 1999, Amtrak had filed a grandfathering petition with FRA in which it requested approval to continue using five trainsets that do not meet the static end strength requirements contained in 49 CFR 238.203(a)(1). (This grandfathering petition proceeding is identified as Docket No. FRA-1999-6404.) In the April 11, 2000 notice, FRA invited comments from interested parties on Amtrak's waiver request, and explained that any interested party requesting a public hearing on this request must do so, in writing, by April 20, 2000.

On April 20, 2000, FRA received a request from Bombardier, Inc., for a public hearing in connection with Amtrak's waiver request in Docket No. FRA-2000-7199. Bombardier stated that a public hearing is essential on the basis that the waiver request, as currently

docketed, lacks factual support for a determination that continued operation of the Talgo passenger equipment beyond May 8, 2000, is consistent with railroad safety. Bombardier also stated that a public hearing is essential to address FRA's decision to consider this general waiver request in a newly-docketed proceeding.

In accordance with 49 CFR 211.25, FRA has decided to hold a public hearing in Docket No. FRA-2000-7199 on Amtrak's request to extend the May 8, 2000 date specified in 49 CFR 238.203(d) to a date 30 days after FRA acts finally on Amtrak's grandfathering petition. A public hearing is hereby set for 9:00 a.m. on Wednesday, May 3, 2000, at the Federal Railroad Administration, 7th floor, conference room 2, 1120 Vermont Ave., NW, Washington, DC 20590. Interested parties are invited to present oral statements at the hearing. The hearing will be an informal one and will be conducted in accordance with FRA's Rules of Practice (49 CFR 211.25) by a representative designated by FRA. The hearing will be a non-adversarial proceeding; therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make a brief rebuttal will be given the opportunity to do so in the same order in which initial statements were made. Additional procedures, as necessary for the conduct of the hearing, will be announced at the hearing.

FRA makes clear that the hearing scheduled for May 3, 2000 is not a hearing on the merits of Amtrak's grandfathering petition, identified as Docket No. FRA-1999-6404.

#### **Maryland Mass Transit Administration**

[Docket No. FRA-2000-7286]

FRA announces receipt of a petition from MTA for a waiver of compliance from the May 8, 2000 date specified in 49 CFR 238.203(d)(2) for cessation of the temporary usage of non-compliant railroad passenger equipment that is the subject of a grandfathering petition filed with FRA, absent FRA approval of the petition by that date. This waiver petition proceeding is identified as Docket No. FRA-2000-7286. On November 5, 1999, MTA had filed a grandfathering petition with FRA in which it requested approval to continue using its light rail vehicles on the Central Light Rail Line, which do not meet the static end strength requirements contained in 49 CFR 238.203(a)(1). (This grandfathering

petition proceeding is identified as Docket No. FRA-2000-7054; see 65 FR 14336; Mar. 16, 2000.)

MTA states that extending the May 8, 2000 date is consistent with the public interest on the basis that the equipment that is the subject of the grandfathering petition is currently in use in an operation that guarantees the temporal separation of passenger service from limited freight service that operates on the same line, and because cessation of use of the equipment would cause enormous disruption in the Baltimore area due to the heavy and increasing reliance by the public on the light rail service.

Interested parties are invited to participate in this proceeding (Docket No. FRA-2000-7286) by submitting written views, data, or comments. FRA announces that, in accordance with 49 CFR 211.25, it will hold a public hearing on Docket No. FRA-2000-7286 concerning MTA's request to extend the May 8, 2000 date specified in 49 CFR 238.203(d) to a date 30 days after FRA acts finally on MTA's grandfather petition. A public hearing is hereby set for 9:00 a.m. on Wednesday, May 3, 2000, at the Federal Railroad Administration, 7th floor, conference room 2, 1120 Vermont Ave., NW, Washington, DC 20590. Interested parties are invited to present oral statements at the hearing. The hearing will be an informal one and will be conducted in accordance with FRA's Rules of Practice (49 CFR 211.25) by a representative designated by FRA. The hearing will be a non-adversarial proceeding; therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make a brief rebuttal will be given the opportunity to do so in the same order in which initial statements were made. Additional procedures, as necessary for the conduct of the hearing, will be announced at the hearing.

Written comments should identify Docket No. FRA-2000-7286 and must be submitted to the Docket Clerk, DOT Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW, Washington, DC 20590. Communications received by May 3, 2000 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 this proceeding are available for examination during regular business hours (9 a.m.-5 p.m.) at the above

facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at <http://dms.dot.gov>.

FRA makes clear that the hearing scheduled for May 3, 2000 is not a hearing on the merits of MTA's grandfathering petition, identified as Docket No. FRA-2000-7054.

#### **San Diego Trolley, Inc.**

[Docket No. FRA-2000-7274]

FRA announces the receipt of a petition from SDTI for a waiver of compliance from the May 8, 2000 date specified in 49 CFR 238.203(d)(2) for cessation of the temporary usage of non-compliant railroad passenger equipment that is the subject of a grandfathering petition filed with FRA, absent FRA approval of the petition by that date. SDTI's petition also seeks a waiver of compliance from the November 8, 1999 date specified in 49 CFR 238.203(d)(2) before which a grandfathering petition is required to be filed with FRA. This waiver petition proceeding is identified as Docket No. FRA-2000-7274.

On March 22, 2000, SDTI filed a grandfathering petition with FRA in which it requested approval to continue using its light rail vehicles which do not meet the static end strength requirements contained in 49 CFR 238.203(a)(1). This grandfathering petition proceeding is identified as Docket No. FRA-2000-7137, and FRA is separately publishing notice in the **Federal Register** of the receipt of this grandfathering petition in accordance with 49 CFR 238.203(f).

SDTI believes that its waiver requests in Docket No. FRA-2000-7274 are in the public interest and consistent with railroad safety, citing the temporal separation of the SDTI's light rail transit operations from freight rail operations on the SDTI system, and existence of an approved system safety program. SDTI believes that allowing the continued operation of its light rail vehicles on its system past the May 8, 2000 date will not jeopardize rail safety.

Interested parties are invited to participate in this proceeding (Docket No. FRA-2000-7274) by submitting written views, data, or comments. FRA announces that, in accordance with 49 CFR 211.25, it will hold a public hearing on Docket No. FRA-2000-7274 concerning SDTI's request to extend the May 8, 2000 date specified in 49 CFR 238.203(d) to a date 30 days after FRA acts finally on SDTI's grandfathering petition, as well as on SDTI's request to waive compliance with the date by which a grandfathering petition is required to be filed with FRA. A public

hearing is hereby set for 9:00 a.m. on Wednesday, May 3, 2000, at the Federal Railroad Administration, 7th floor, conference room 2, 1120 Vermont Ave., NW, Washington, DC 20590. Interested parties are invited to present oral statements at the hearing. The hearing will be an informal one and will be conducted in accordance with FRA's Rules of Practice (49 CFR 211.25) by a representative designated by FRA. The hearing will be a non-adversarial proceeding; therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make a brief rebuttal will be given the opportunity to do so in the same order in which initial statements were made. Additional procedures, as necessary for the conduct of the hearing, will be announced at the hearing.

Written comments should identify Docket No. FRA-2000-7274 and must be submitted to the Docket Clerk, DOT Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW, Washington, DC 20590. Communications received by May 3, 2000, 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 this proceeding are available for examination during regular business hours (9:00 a.m.-5:00 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at <http://dms.dot.gov>.

FRA makes clear that the hearing scheduled for May 3, 2000 is not a hearing on the merits of SDTI's grandfathering petition, identified as Docket No. FRA-2000-7137.

Issued in Washington, DC, on April 25, 2000.

**S. Mark Lindsey,**

*Acting Deputy Administrator, Federal Railroad Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2000-7137]

#### Petition for Grandfathering of Non-Compliant Equipment; San Diego Trolley, Inc.

In accordance with 49 CFR 238.203(f), notice is hereby given that San Diego Trolley, Inc. (SDTI) has petitioned the Federal Railroad Administration (FRA) for grandfathering of non-compliant railroad passenger equipment for use on SDTI's light rail transit system.

Section 238.203 of title 49 of the Code of Federal Regulations addresses static end strength requirements for passenger rail equipment. Paragraph (a)(1) provides that all passenger equipment (subject to limited exceptions) shall resist a minimum static end load of 800,000 pounds applied on the line of draft without permanent deformation of the body structure. Paragraph (d)(2) provides that "[a]ny passenger equipment placed in service on a rail line or lines before November 8, 1999 that does not comply with the requirements of paragraph (a)(1) may continue to be operated on that particular line or (those particular lines) if the operator of the equipment files a petition seeking grandfathering approval under paragraph (d)(3) before November 8, 1999. Such usage may continue while the petition is being processed, but in no event later than May 8, 2000, unless the petition is approved."

SDTI requests that all conventional light rail vehicles operating on the Blue Line and Orange Line be grandfathered to permit usage pursuant to 49 CFR 238.203(d). The applicant states that the Blue Line operates in the cities of San Diego, National City, Chula Vista, and an unincorporated area of San Diego County and extends for 25.2 miles. The Orange Line operates through the City of San Diego, Lemon Grove, La Mesa, El Cajon and Santee and extends for 21.6 miles.

Interested parties are invited to participate in this proceeding by submitting written views, data or comments. FRA does not anticipate scheduling a public hearing in connection with this proceeding, however, 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 this proceeding should be identified with Docket Number FRA-2000-7137 and must be submitted to the Docket Clerk, DOT Central Docket Management

Facility, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590-0001. Communications received within 30 days of publication of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered to the extent possible. SDTI's petition and all written communications concerning this proceeding are available for examination during regular business hours (9:00 a.m. to 5:00 p.m.) at the DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 Seventh, SW, Washington, DC 20590-0001. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Elsewhere in today's **Federal Register**, FRA is publishing notice of the receipt of a petition from SDTI for a waiver of compliance from the May 8, 2000 date specified in 49 CFR 238.203(d)(2) for cessation of the temporary usage of non-compliant railroad passenger equipment that is the subject of a grandfathering petition filed with FRA, absent FRA approval of the petition by that date. SDTI's petition also seeks a waiver of compliance from the date by which a grandfathering petition is required to be filed with FRA. This waiver petition proceeding is identified as Docket No. FRA-2000-7274. FRA will hold a public hearing on Docket No. FRA-2000-7274 on May 3, 2000, as detailed in the separate **Federal Register** notice.

Issued in Washington, DC on April 25, 2000.

**S. Mark Lindsey,**

*Acting Deputy Administrator, Federal Railroad Administration.*

[FR Doc. 00-10705 Filed 4-27-00; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Denial of Motor Vehicle Defect Petition, DP00-002

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Denial of petition for a defect investigation.

**SUMMARY:** This notice sets forth the reasons for the denial of a petition submitted to NHTSA under 49 U.S.C. 30162, requesting that the agency commence a proceeding to determine the existence of a defect related to motor