

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2002-11733]

**Agency Information Collection Submission for OMB Review: Notice of Request for Renewal of a Currently-Approved Information Collection: Federal Motor Carrier Safety Regulations, Accident Recordkeeping Requirements****AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Notice.

**SUMMARY:** The FMCSA announces that the Information Collection Request (ICR) described in this notice is being sent to the Office of Management and Budget (OMB) for review and approval. On April 5, 2002, the FMCSA published a "Notice of Request for Renewal of a Currently Approved Information Collection: Federal Motor Carrier Safety Regulations, Accident Recordkeeping Requirements" in the **Federal Register**. Comments on the proposed information burden were solicited. No comments regarding the ICR were received. We are required to send ICRs to OMB under the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by August 26, 2002.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC 20503, *Attention:* DOT Desk Officer. We particularly request your comments on whether the collection of information is necessary for the FMCSA to meet its goal of reducing truck crashes, including whether the information is useful to this goal; the accuracy of the estimate of the burden of the information collection; ways to enhance the quality, utility and clarity of the information 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.

**FOR FURTHER INFORMATION CONTACT:** Ms. Deborah M. Freund, Office of Motor Carrier Research and Standards, (202) 366-4009, Department of Transportation, 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:**

*Title:* Accident Recordkeeping Requirements.

*OMB Number:* 2126-0009.

*Background:* The Federal Motor Carrier Safety Regulations (FMCSRs), at section 390.15 of title 49 of the Code of Federal Regulations (CFR), require motor carriers to make all records and information pertaining to crashes (accidents) available to an authorized representative or special agent of the FMCSA upon request or as part of an inquiry. For the purposes of § 390.15, the word "accident" is defined as an occurrence involving a commercial motor vehicle operating on a public road in interstate or intrastate commerce which results in: (1) A fatality; (2) bodily injury to a person who, as a result of the injury, receives medical treatment away from the scene of the accident; or (3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle (49 CFR 390.5). Occurrences involving only boarding and alighting from a stationary motor vehicle or involving only the loading or unloading of cargo are not included in the definition.

Motor carriers are required to maintain an accident register for one year after the date of the accident. The register must include a list of each accident. The information for each accident must include, at a minimum, the following elements: date of accident; city or town in which or most near where the accident occurred and the State in which the accident occurred; driver name; number of injuries; number of fatalities; and whether hazardous materials, other than fuel spilled from the fuel tanks of motor vehicles involved in the accident, were released. In addition, the register must contain copies of all accident reports required by State or other governmental entities or insurers.

There are no prescribed forms. The records are used by the FMCSA and its representatives as a source of information for investigations or special studies, and to assess the effectiveness of motor carriers' safety management controls.

*Respondents:* Motor carriers.

*Estimated Burden:* The FMCSA estimates approximately 155,000 accidents involving trucks and 17,000 accidents involving buses as defined in section 390.5 of the FMCSRs occur annually (source: National Highway Traffic Safety Administration General Estimates System). Of these, approximately 80 percent involve trucks and buses operated by interstate motor

carriers. About 85 percent of the buses involved in crashes are school or transit buses and are not subject to this recordkeeping requirement. The number of accidents is therefore estimated to be 126,040 (124,000 (0.80 × 155,000) + 2,040 (0.80 × 0.15 × 17,000) = 126,040).

The agency estimates it takes approximately 18 minutes for interstate motor carriers to collect and record the seven elements of information on the accident register. Based on these assumptions, the agency estimates a time burden of 37,812 hours (126,040 × 18 minutes divided by 60 minutes) per year for accident report register information.

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

Issued on: July 19, 2002.

**Joseph M. Clapp,**

*Administrator.*

[FR Doc. 02-18918 Filed 7-25-02; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2002-11732]

**Agency Information Collection Submission for OMB Review: Financial Responsibility, Trucking and Freight Forwarding****AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Notice.

**SUMMARY:** The FMCSA announces that the Information Collection Request (ICR) described in this notice is being sent to the Office of Management and Budget (OMB) for review and approval. On March 26, 2002, FMCSA published a "Notice of Request for Renewal of a Currently Approved Information Collection: Financial Responsibility, Trucking and Freight Forwarding" in the **Federal Register**. Comments on the proposed information burden were solicited. No comments regarding the ICR were received. We are required to send ICRs to OMB under the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by August 26, 2002.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC 20503, *Attention:* DOT Desk Officer. We particularly request your comments on whether the collection of information is necessary

for FMCSA to meet its goal of reducing truck crashes, including whether the information is useful to this goal; the accuracy of the estimate of the burden of the information collection; ways to enhance the quality, utility and clarity of the information 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.

**FOR FURTHER INFORMATION CONTACT:** Ms. Marian Lee, (202) 358-7028, Insurance Compliance Division (MC-ECI), Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 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:**

*Title:* Financial Responsibility, Trucking and Freight Forwarding.

*OMB Number:* 2126-0017.

*Background:* The Secretary of Transportation (Secretary) is authorized to register for-hire motor carriers of regulated commodities under the provisions of 49 U.S.C. 13902, surface freight forwarders under the provisions of 49 U.S.C. 13903, and property brokers under the provisions of 49 U.S.C. 13904. These persons may conduct transportation services only if they are registered pursuant to 49 U.S.C. 13901. The Secretary has delegated authority pertaining to these registrations to the FMCSA. Registration remains valid only as long as the transportation entities maintain, on file with the FMCSA, evidence of the required levels of insurance coverage pursuant to 49 U.S.C. 13906. Regulations governing financial responsibility requirements are found at 49 CFR part 387.

Forms BMC-91, 91X, and 82 provide evidence of the required coverage for bodily injury and property damage (BI&PD) liability. Forms BMC-34 and 83 establish compliance with cargo liability requirements. Forms BMC-84 and 85 are filed by brokers to comply with the requirement for a \$10,000 surety bond or trust fund agreement. Forms BMC-35, 36, and 85 cancel prior filings. Forms BMC-90 and 32 are endorsements that must be attached to BI&PD and cargo insurance policies, respectively, but are not filed with the FMCSA.

Motor carriers can also apply to self-insure BI&PD and/or cargo liability in lieu of filing certificates of insurance or surety bonds with the FMCSA. Form BMC-40 is the application used to apply for self-insurance authority.

*Respondents:* Motor carriers, freight forwarders, and brokers.

*Estimated Burden Per Response:* The estimated average burden per response for the BMC-40 is 40 hours. The estimated average burden per response for each of the other forms (BMC-32, 34, 35, 36, 82, 83, 84, 85, 90, 91, and 91X) is 10 minutes per form.

*Estimated Total Annual Burden:* The estimated total annual burden is 200 hours for the BMC-40 based on 5 filings per year (5 filings per year × 40 hours to complete = 200). The estimated total annual burden for all of the other forms described above is 45,025 hours based on 270,152 filings per year (270,152 filings per year × 10 minutes to complete divided by 60 minutes = 45,025 total burden hours). Therefore, the total burden hour request is 45,225 (200 estimated annual burden hours for the BMC-40 + 45,025 hours for the other forms = 45,225 total burden hours).

*Frequency:* Certificates of insurance, surety bonds, and trust fund agreements are required when the transportation entity first registers with the FMCSA and then when such coverages are replaced. Notices of cancellation are required only when such certificates of insurance, surety bonds, or trust fund agreements are canceled. Form BMC-40 is generally filed only when a carrier seeks approval to self-insure its BI&PD and/or cargo liability.

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

Issued on: July 19, 2002.

**Joseph M. Clapp,**

*Administrator.*

[FR Doc. 02-18919 Filed 7-25-02; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 552 (Sub-No. 6)]

#### Railroad Revenue Adequacy—2001 Determination

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of decision.

**SUMMARY:** On July 26, 2002, the Board served a decision announcing the 2001 revenue adequacy determinations for the Nation's Class I railroads. No carrier is found to be revenue adequate.

**EFFECTIVE DATE:** This decision is effective July 26, 2002.

**FOR FURTHER INFORMATION CONTACT:**

Leonard J. Blistein, (202) 565-1529.

[Assistance for the hearing impaired is available through the Federal

Information Relay Service (FIRS) at 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** The Board is required to make an annual determination of railroad revenue adequacy. A railroad is considered revenue adequate under 49 U.S.C. 10704(a) if it achieves a rate of return on net investment equal to at least the current cost of capital for the railroad industry for 2001, determined to be 10.2% in *Railroad Cost of Capital—2001*, STB Ex Parte No. 558 (Sub-No. 5) (STB served June 20, 2002). This revenue adequacy standard was applied to each Class I railroad, and no carrier was found to be revenue adequate for 2001.

Additional information is contained in the Board's formal decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Da-To-Da Legal, Room 405, 1925 K Street, NW., Washington, DC 20423. Telephone: 202 293-7776. [Assistance for the hearing impaired is available through FIRS at 1-800-877-8339.] The decision is also available on the Board's Internet site at [www.stb.dot.gov](http://www.stb.dot.gov). Environmental and energy considerations

This action will not significantly affect either the quality of the human environment or the conservation of energy resources. Regulatory flexibility analysis

Pursuant to 5 U.S.C. 603(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. The purpose and effect of the action is merely to update the annual railroad industry revenue adequacy finding. No new reporting or other regulatory requirements are imposed, directly or indirectly, on small entities.

Decided: July 19, 2002.

By the Board, Chairman Morgan and Vice Chairman Burkes.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 02-18849 Filed 7-25-02; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34222]

#### Fraser N.H. LLC—Acquisition Exemption—Rail Lines of Berlin Mills Railway, Inc.

Fraser N.H. LLC (Fraser), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from