

**DEPARTMENT OF TRANSPORTATION****Federal Transit Administration****[FTA Docket No. FTA-2004-17978]****Notice of Request for Extension of a Currently Approved Collection****AGENCY:** Federal Transit Administration, DOT.**ACTION:** Notice of request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to extend the following currently approved information collection: 49 CFR Part 611 Major Capital Investment Projects.

**DATES:** Comments must be submitted before August 2, 2004.

**ADDRESSES:** All written comments must refer to the docket number that appears at the top of this document and be submitted to the United States Department of Transportation, Central Dockets Office, PL-401, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address from 10 a.m. to 5 p.m., *e.t.*, Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard/envelope.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ronald Fisher, Office of Planning and Environment, (202) 366-0257.

**SUPPLEMENTARY INFORMATION:** Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

*Title:* 49 CFR Part 611 Major Capital Investment Projects.

*Background:* On June 9, 1998, the Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178) was enacted. Section 3009(e)(5) of TEA-21 requires FTA to issue regulations on the manner in which candidate projects for capital investment grants and loans for new fixed guideway systems and extensions to existing systems ("New

Starts") will be evaluated and rated for purposes of the FTA Capital Investment Grants and Loans program for New Starts under 49 U.S.C. Section 5309.

The Notice of Proposed Rulemaking (NPRM) for this regulation was issued on April 7, 1999, (64 FR 17062). The Final Rule was issued on December 7, 2000 (65 FR 76864). In the **Federal Register** of October 30, 2001, FTA announced OMB's approval of the collection of information for the Final Rule. That approval expires on August 31, 2004.

It is important to note that while the New Starts project evaluation and rating regulation was new when FTA first requested approval for this information collection, the requirements for project evaluation and data collection for the New Starts program are not. FTA's requirement to evaluate proposed New Starts against a prescribed set of statutory criteria is longstanding. The Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) established in law a set of criteria that proposed projects had to meet in order to be eligible for Federal funding. The requirement for summary project ratings has been in place since 1998. In general, the information used by FTA for New Starts project evaluation and rating purposes should arise as a part of the normal planning process. Prior to this Rule, FTA collected project evaluation information from project sponsors under a Paperwork Reduction Act request (OMB No. 2132-0529) approved under the joint FTA/FHWA planning regulations. However, as the project evaluation criteria expanded under TEA-21, it became apparent that some information required under this Rule might be beyond the scope of ordinary planning activities.

Further, while FTA has long required the reporting of information for project evaluations, there has never been a regulatory requirement until TEA-21. Finally, this Rule added a new requirement for before-and-after data collection for purposes of Government Performance and Results Act reporting as a condition of obtaining a Full Funding Grant Agreement (FFGA). It is also important to note that since this is a new regulatory requirement, the burden estimates include all data collection efforts required by this Rule, regardless of whether the same data would have been required under the previous, policy statement-driven process. Thus, the total burden estimate includes items that would have been required whether this regulation had been issued or not. These estimates

were also provided in the preamble to the Final Rule dated December 7, 2000.

*Respondents:* State and local government.

*Estimated Annual Burden on Respondents:* 487 hours for each of the 97 respondents.

*Estimated Total Annual Burden:* 47,200 hours.

*Frequency:* Annual.

Issued: May 26, 2004.

**Ann M. Linnertz,**

*Deputy Associate Administrator for Administration.*

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**DEPARTMENT OF TRANSPORTATION****Federal Transit Administration****[FTA Docket No. FTA-2004-17977]****Notice of Request for the Extension of Currently Approved Information Collections****AGENCY:** Federal Transit Administration, DOT.**ACTION:** Notice of request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to extend the following currently approved information collection: Reporting of Technical Activities by FTA Grant Recipients.

**DATES:** Comments must be submitted before August 2, 2004.

**ADDRESSES:** All written comments must refer to the docket number that appears at the top of this document and be submitted to the United States Department of Transportation, Central Dockets Office, PL-401, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address from 10 a.m. to 5 p.m., *e.t.* Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard/envelope.

**FOR FURTHER INFORMATION CONTACT:** Ms. Candace Noonan, Office of Planning and Environment, (202) 366-1648.

**SUPPLEMENTARY INFORMATION:** Interested parties are invited to send comments regarding any aspect of these information collections, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality,

utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

*Title:* Reporting of Technical Activities by FTA Grant Recipients. (OMB Number: 2132-0549).

*Background:* 49 U.S.C. 5303 and 5313(a) and (b) authorize the use of Federal funds to assist metropolitan planning organizations (MPOs), States, and local public bodies in developing transportation plans and programs to serve future transportation needs of urbanized areas and nonurbanized areas throughout the nation. As part of this effort, MPOs are required to consider a wide range of goals and objectives and to analyze alternative transportation system management and investment strategies. These objectives are measured by definable activities such as planning certification reviews and other related activities.

The information collected is used to report annually to Congress, the Secretary, and to the Federal Transit Administrator on how grantees are responding to national emphasis areas and congressional direction, and allows FTA to track grantees' use of Federal planning and research funds.

*Respondents:* FTA grant recipients.

*Estimated Annual Burden on Respondents:* 3 hours for each of the 50 respondents.

*Estimated Total Annual Burden:* 150 hours.

*Frequency:* Annual.

Issued: May 26, 2004.

**Ann M. Linnertz,**

Deputy Associate Administrator for Administration.

[FR Doc. 04-12332 Filed 5-28-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2001-10044; Notice 4]

#### Reliance Trailer Co., LLC.; Grant of Application for Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standard No. 224

This notice grants the application by Reliance Trailer Co., LLC, of Spokane, Washington (Reliance), for a renewal of a temporary exemption for its dump body trailer from the Federal Motor Vehicle Safety Standard No. 224, *Rear*

*Impact Protection* (FMVSS No. 224). In accordance with 49 U.S.C. 30113(b)(3)(B)(i), the basis for the grant is that compliance would cause substantial economic hardship to a manufacturer that has made a good faith effort to comply with the standard.

The National Highway Traffic Safety Administration (NHTSA) published a notice of receipt of the application on January 16, 2004, and afforded an opportunity for comment.<sup>1</sup>

#### I. Background

Reliance is a small volume manufacturer of dump body trailers built to work specifically with asphalt paving equipment. On October 16, 2001, Reliance was issued a two-year hardship exemption from the requirements of FMVSS No. 224.<sup>2</sup> Despite their efforts since 2001, Reliance had been unable to bring their dump body trailers in compliance with FMVSS No. 224. Accordingly, Reliance petitioned for renewal on September 24, 2003. We note that because Reliance did not apply for a renewal more than 60 days prior to expiration of the original exemption, their exemption lapsed on October 1, 2003.<sup>3</sup> This exemption is effective as of the day of this notice, and will remain in effect until June 1, 2006.

#### II. Why Reliance Needs a Renewal of a Temporary Exemption

FMVSS No. 224 requires, effective January 26, 1998, that all trailers with a GVWR of 4536 kg or more, including Reliance's dump body trailers, be fitted with a rear impact guard that conforms to Standard No. 223, *Rear Impact Guards*.

In the original petition, Reliance argued that a rear impact guard would prevent its trailers from properly connecting with, and discharging asphalt into paving equipment. According to petitioners, compliance with FMVSS No. 224 would render their dump body trailers useless for performing their intended function. During the two-year temporary exemption period, Reliance anticipated acquiring the revenue necessary to design a complex retractable rear impact guard that would allow for proper interaction with paving equipment. However, petitioners now state that they have not been able to arrive at a practical, and economic solution for complying with the requirements of FMVSS No. 224. Accordingly, Reliance has asked for an additional two year

time period in which they can derive financial resources necessary for further attempts to bring their dump body trailers into compliance with FMVSS No. 224 without negating their intended function.

#### III. Why Compliance Would Cause Substantial Economic Hardship and How Reliance Has Tried in Good Faith To Comply With the Requirements of Standard No. 224

In addition to their inability to design a practicable rear impact guard, Reliance experienced a significant economic downturn in the past three years. Specifically, petitioner's financial statements show a profit of \$69,284 for the fiscal year 2000; an operating loss of \$1,181,900 for the fiscal year 2001; and an operating loss of \$2,477,700 for the 2002 fiscal year. This represents a cumulative loss over a 3 year period of \$3,590,316.<sup>4</sup> These economic losses forced Reliance to shut down one of their manufacturing facilities in Lynnwood, Washington, and the company is in the midst of further restructuring and consolidation. In 2003, Reliance produced only 12 dump body trailers, which is significantly less than the output in the previous two years. In short, Reliance has not been able to generate profits necessary to continue their efforts to develop a dump body trailer that can effectively interact with paving equipment. According to Reliance, denial of this petition would cause further economic harm to the company because their product would become useless to their only customer—the paving industry.

With respect to petitioner's efforts to comply with FMVSS No. 224, Reliance explored the possibility of implementing moveable, retractable, or removable rear impact guards. However, it was decided that moveable and retractable guards would interfere with paving machines to which a Reliance trailer attaches. This is because the hopper for the paving equipment occupies the space directly behind the rear axle. Reliance anticipates that removable guards would not be reinstalled because they would need to be removed every time the trailer was used.

#### IV. Why a Renewal of an Exemption Would Be in the Public Interest and Consistent With the Objectives of Motor Vehicle Safety

Petitioners contend that the renewal of their exemption would be in the

<sup>1</sup> See 69 FR 2644.

<sup>2</sup> For additional background information on the company please see original petition (66 FR 53471).

<sup>3</sup> See 49 CFR 555.8(e).

<sup>4</sup> To see Reliance petition for renewal of their temporary exemption, please go to <http://dms.dot.gov/search/searchFormSimple.cfm> and enter Docket No. NHTSA-2001-10044.