

into consideration comments made directly through the docket, raised at the various workshops, and collected through other outreach efforts. The FHWA expects to complete its recommendations by February 28, 2007, and publish them in the **Federal Register** for public review and comment.

The FHWA is initiating this reassessment with the intention of maximizing public input and providing as much flexibility as possible in meeting future HPMS data needs. However, there are a number of principal objectives that will guide the outcome of the reassessment effort. First, the future HPMS will need to support any changes to the FHWA's stewardship and oversight responsibilities that result from SAFETEA-LU. In addition, the future HPMS will need to continue to support various Congressional requirements, including the Conditions and Performance Reports and those imposed by the GPR. Finally, the outcome of the reassessment process must recognize the national interest in the NHS and the need to continue to assess highway conditions and performance at the national level.

**Authority:** 23 U.S.C. 502; 23 CFR 1.5.

Issued on: April 3, 2006.

**J. Richard Capka,**

*Acting Federal Highway Administrator.*  
[FR Doc. E6-5139 Filed 4-7-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-24624]

#### Agency Information Collection Activities; Request for Comment; Renewal of an Existing Information Collection: Annual and Quarterly Reports of Class I Motor Carriers of Passengers (Formerly OMB 2139-0003)

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

**ACTION:** Notice and request for comments.

**SUMMARY:** This notice announces that the Federal Motor Carrier Safety Administration (FMCSA) intends to submit to the Office of Management and Budget (OMB) its request to renew a currently-approved information collection for Class I Motor Carriers of Passengers, Form MP-1, Annual and Quarterly Reports. This information

collection is necessary to ensure that motor carriers comply with financial and operating statistics requirements at 49 CFR part 1420. This notice is required by the Paperwork Reduction Act of 1995 (PRA).

**DATES:** Comments must be submitted on or before June 9, 2006.

**ADDRESSES:** All comments should reference Docket No. FMCSA-2006-24624. You may 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; telefax comments to 202/493-2251; or submit electronically at <http://dms.dot.gov>.

You may examine and copy all comments received at the above address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. If you desire your comment to be acknowledged, you must include a self-addressed stamped envelope or postcard or, if you submit your comments electronically, you may print the acknowledgment.

**FOR FURTHER INFORMATION CONTACT:** Ms. Toni Proctor, Federal Motor Carrier Safety Administration Office of Research and Analysis, Washington, DC 20590, phone (202) 366-2998, FAX (202) 366-3518, e-mail [Toni.Proctor@fmcsa.dot.gov](mailto:Toni.Proctor@fmcsa.dot.gov), Office hours are from 8 a.m. to 4 p.m., ET, Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** For-hire Class I motor carriers of passengers (including interstate and intrastate)<sup>1</sup> are required to file Motor Carrier Quarterly and Annual Reports (Form MP-1) that provide financial and operating data (see 49 U.S.C. 14123). The agency uses this information to assess the health of the industry and identify industry changes that may affect national transportation policy. The data also show company financial stability and traffic patterns. Motor carriers of

<sup>1</sup>For purposes of the Financial & Operating Statistics (F&OS) program, passenger carriers are classified into the following two groups: (1) Class I carriers are those having average annual gross transportation operating revenues (including interstate and intrastate) of \$5 million or more from passenger motor carrier operations after applying the revenue deflator formula in the Note of section 1420.3; (2) Class II passenger carriers are those having average annual gross transportation operating revenues (including interstate and intrastate) of less than \$5 million from passenger motor carrier operations after applying the revenue deflator formula as shown in Note A of section 1420.3. Only Class I carriers of passengers are required to file Annual and Quarterly Report Form MP-1, but Class II passenger carriers must notify the agency when there is a change in their classification or their revenues exceed the Class II limit.

passengers required to comply with the regulations are classified on the basis of their annual gross carrier operating revenues. Under the F&OS program the FMCSA collects balance sheet and income statement data along with information on tonnage, mileage, employees, transportation equipment, and other related data.

The data and information collected is made publicly available as prescribed in 49 CFR part 1420. The regulations were formerly administered by the Interstate Commerce Commission (ICC), the Interstate Commerce Act, 49 U.S.C. 11145, 49 U.S.C. 11343(d)(1) and the Bus Regulatory Act of 1982 and later transferred to the U.S. Department of Transportation on January 1, 1996, by the ICC Termination Act of 1995 (ICCTA) (Pub. L. 104-88, 109 Stat. 803 (Dec. 29, 1995)), now codified at 49 U.S.C. 14123. The Secretary of Transportation (Secretary) transferred the authority to administer the F&OS program to the former Bureau of Transportation Statistics on September 30, 1998 (63 FR 52192). Pursuant to this authority, the BTS, now part of the Research and Innovative Technology Administration (RITA), became the responsible DOT modal administration for implementing the F&OS program and requirements at 49 CFR part 1420. On September 29, 2004, the Secretary transferred the responsibility for the F&OS program from BTS, to FMCSA (69 FR 51009). FMCSA plans to publish a final rule in the future to transfer and redesignate the F&OS program reporting requirements at part 1420, title 49 of the CFR, from BTS (now RITA) to FMCSA.

#### Type of Information Collection

**Request:** Renewal of an existing information collection.

#### Title of Information Collection:

Annual and Quarterly Report of Class I Motor Carriers, of Passengers (formerly OMB 2139-0004).

**OMB Control Number:** 2126-0031.

**Respondents:** Class I Motor Carriers of Passengers.

**Frequency:** Quarterly and annually.

**Estimated Annual Number of Respondents:** 26.

**Estimated Annual Number of Responses:** 130.

**Estimated Average Burden per Response:** 1.5 hours per response.

**Estimated Total Annual Burden**

**Hours:** 195 hours [130 responses × 1.5 hours per response = 195 hours].

**Public Comments Invited:** You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA's performance; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to

enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued on: April 4, 2006.

**Warren E. Hoemann,**

*Deputy Administrator.*

[FR Doc. E6-5209 Filed 4-7-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2005-20930 (PDA-31(F))]

#### District of Columbia Requirements for Highway Routing of Certain Hazardous Materials

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), United States Department of Transportation (DOT).

**ACTION:** Notice of administrative determination of preemption.

*Applicant:* American Trucking Associations, Inc.

*Local Laws Affected:* Terrorism Prevention in Hazardous Materials Transportation Act of 2005; Terrorism Prevention in Hazardous Materials Transportation Congressional Review Emergency Act of 2006.

*Applicable Federal Requirements:* Federal hazardous material transportation law, 49 U.S.C. 5101 et seq., and FMCSA regulations at 49 CFR part 397.

**SUMMARY:** Federal hazardous material transportation law preempts the highway routing requirements in the Terrorism Prevention in Hazardous Materials Transportation Act of 2005 [D.C. Act 16-266, Jan. 26, 2006] and the Terrorism Prevention in Hazardous Materials Transportation Congressional Review Emergency Act of 2006 [D.C. Act 16-325, Mar. 23, 2006].

**FOR FURTHER INFORMATION CONTACT:** Mr. Brian Yonish, Office of Chief Counsel (Tel. No. 202-366-0834); Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

#### SUPPLEMENTARY INFORMATION:

##### I. Application for a Preemption Determination

This proceeding is based on the March 14, 2005, application

(“Application”) of the American Trucking Associations, Inc. (“ATA”) for an administrative determination that Federal hazardous material transportation law, 49 U.S.C. 5101 et seq., and FMCSA regulations at 49 CFR part 397 preempt highway routing requirements under the Terrorism Prevention in Hazardous Materials Transportation Emergency Act of 2005 [D.C. Act 16-43, Feb. 15, 2005] (“Emergency DC Act”). Since the time that ATA filed its Application, the Emergency DC Act has expired. However, the Council of the District of Columbia (“D.C. Council”) has since introduced and enacted a series of acts with substantively identical language. The Terrorism Prevention in Hazardous Materials Transportation Congressional Review Emergency Act of 2006 [D.C. Act 16-325, Mar. 23, 2006] will expire June 21, 2006. The Terrorism Prevention in Hazardous Materials Transportation Act of 2005 [D.C. Act 16-266, Jan. 26, 2006] was transmitted to the United States Congress on February 6, 2006, for review.<sup>1</sup> Because the relevant portions of the successive acts are substantively identical, these acts will hereinafter collectively be referred to as the “DC Act.”

The DC Act applies to the transportation of certain hazardous materials within 2.2 miles of the United States Capitol Building. The DC Act refers to this zone as the “Capitol Exclusion Zone.”

In the Application, ATA challenges the following two sections of the DC Act:

(1) Section 4 of the DC Act, titled “Prohibition on shipments of hazardous materials.” Section 4 makes it illegal, except in cases of emergency, to transport in the Capitol Exclusion Zone without a permit any of the materials in the list below. Section 4 also makes it illegal in the Capitol Exclusion Zone, without a permit, to operate a vehicle which is capable of containing, and has exterior placarding or other markings indicating it contains, any of the listed materials:

(a) Explosives of Class 1, Division 1.1, or Class 1, Division 1.2, as designated in 49 CFR 173.2, in a quantity greater than 500 kilograms;

(b) Flammable gasses of Class 2, Division 2.1, as designated in 49 CFR

173.2, in a quantity greater than 10,000 liters;

(c) Poisonous gasses of Class 2, Division 2.3, as designated in 49 CFR 173.2, in a quantity greater than 500 liters, and belonging to Hazard Zones A or B, as defined in 49 CFR 173.116; and

(d) Poisonous materials, other than gasses, of Class 6, Division 6.1, in a quantity greater than 1,000 kilograms, and belonging to Hazard Zones A or B, as defined in 49 CFR 173.133.

Section 3 of the DC Act defines an “emergency” as an unanticipated, temporary situation that threatens the immediate safety of individuals or property, as determined by the District of Columbia Department of Transportation.

(2) Section 5 of the DC Act, titled “Permits.” Section 5 of the DC Act enables the District of Columbia Department of Transportation to issue a permit authorizing transportation of the materials listed in Section 4 if there is no “practical alternative route”—defined in Section 3 of the DC Act as a route which lies entirely outside the Capitol Exclusion Zone and whose use would not make shipment of the hazardous materials cost-prohibitive. The DC Act provides that the permit may require the adoption of safety measures, including time-of-day restrictions. Section 5 authorizes the District of Columbia Department of Transportation to collect fees for the permits, but any permit fees are not to exceed the cost of implementing and enforcing the DC Act.

In its Application, ATA states the DC Act was enacted without regard to the procedures set forth in the Federal hazardous materials routing regulations found in 49 CFR part 397, subpart C. Specifically, ATA asserts the District of Columbia failed to provide the requisite notice and comment period as required by 49 CFR 397.71(b)(2) and failed to hold a public hearing. ATA further states the District of Columbia failed to consult with officials of neighboring jurisdictions as required by 49 CFR 397.71(b)(3). Additionally, ATA asserts the District of Columbia did not engage in the risk analysis required by 49 CFR 397.71(b)(4). Lastly, ATA states the D.C. Council's testimony and findings include no discussion or analysis of population density or special populations in the area outside the Capitol Exclusion Zone, characteristics of the alternative highways to be used, an analysis of the number of shipments that would be impacted by the DC Act, an analysis of the impact upon emergency response capabilities, consideration of comments and concerns of affected persons, impact

<sup>1</sup> Except for emergency acts and certain enumerated types of legislation, all acts passed by the D.C. Council must be transmitted to the U.S. Congress for a specified review period. The review period for acts that do not relate to the criminal code is 30 days in which Congress is in session. After this review period, the act takes effect unless Congress enacts a joint resolution disapproving the act. D.C. Code § 1-206.02.