

Letters soliciting comments on the scope of the EIS, the purpose, need, and potential alternatives have been sent to appropriate Federal, State, and local agencies, and Tribes. Two meetings were held to identify the scope of issues to be addressed, the major impacts, and the potential alternative. Both meetings were conducted on June 28, 2001, at the Mountaineers Club, Olympus Room 300 Third Avenue West, Seattle, Washington. The first meeting, from 1 to 4 p.m., focused on input from agencies and Tribes. The second meeting from 5 to 8 p.m. was primarily for the public. In addition, a public hearing will be held following circulation of the draft EIS.

Comments and questions concerning this action and the EIS should be directed to FHWA, WSDOT, or the City of Seattle at the addresses provided above.

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

Issued on: September 19, 2003.

**Mary E. Gray,**

*Environmental Program Specialist, Olympia, Washington.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2002-14095]

### National Environmental Policy Act Implementing Procedures

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

**ACTION:** Notice of proposed order; request for comments.

**SUMMARY:** The FMCSA is publishing for public comment its draft Order on agency procedures for implementing the National Environmental Policy Act of 1969 (NEPA). Now that the FMCSA is a separate agency within the Department of Transportation (Department or DOT), it has developed its own draft procedures for complying with NEPA, other pertinent environmental regulations, Executive Orders, statutes, and laws to ensure that it actively incorporates environmental considerations into informed decisionmaking.

**DATES:** Submit comments on or before November 10, 2003.

**ADDRESSES:** You may submit comments identified by DOT DMS Docket Number FMCSA-2002-14095 by any of the following methods:

- Web Site: <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.
- Fax: 1-202-493-2251.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.
- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 am and 5 pm, Monday through Friday, except Federal Holidays.
- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

**Instructions:** All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Please see the Privacy Act heading for further information.

**Docket:** For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 am and 5 pm, Monday through Friday, except Federal Holidays.

**Privacy Act:** Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

Comments received after the comment closing date will be included in the docket and we will consider late comments to the extent practicable. The FMCSA may, however, issue a final FMCSA environmental Order at any time after the close of the comment period.

**FOR FURTHER INFORMATION CONTACT:** Ms. LaKisha R. Pearson or Mr. David R. Miller, Office of Policy, Plans, and Regulations (MC-PR), FMCSA, U.S. Department of Transportation, 400

Seventh St. SW., Washington, DC 20590-0001. Telephone: (202) 366-6408.

### SUPPLEMENTARY INFORMATION:

#### Background

The FMCSA was established within the Department on January 1, 2000, pursuant to the Motor Carrier Safety Improvement Act of 1999 (Public Law No. 106-159, 113 Stat. 1748 (December 9, 1999)). The FMCSA's primary mission is to prevent commercial motor vehicle-related fatalities and injuries. FMCSA activities contribute to ensuring safety in motor carrier operations through strong enforcement of safety regulations; targeting high-risk carriers and commercial motor vehicle drivers; improving safety information systems and commercial motor vehicle technologies; strengthening commercial motor vehicle equipment and operating standards; and increasing safety awareness. To accomplish these activities, the FMCSA works with Federal, State, and local enforcement agencies, the motor carrier industry, labor organizations, safety interest groups, and others.

The majority of the functions FMCSA inherited from the FHWA are safety-related functions that were transferred from the former Interstate Commerce Commission (ICC) to the Department when it was established in 1966 (49 U.S.C. 102 and 102 note). Additional functions inherited from the FHWA relating to registering motor carriers operating in interstate and foreign commerce were carried out by the ICC before 1996 and by the FHWA from 1996-1999.

When the FHWA assumed authority over motor carrier licensing in 1996, it did not adopt the ICC's environmental regulations because the FHWA had its own. The FHWA's environmental impact regulations at 23 CFR part 771, which are primarily geared to highway and urban mass transportation construction projects, contain a categorical exclusion (CE) for the promulgation of rules, regulations, and directives (23 CFR 771.117(c)(17)).

#### Implementation of FMCSA's NEPA Order

It is necessary for FMCSA to issue its own implementing procedures for carrying out its responsibilities under NEPA, 42 U.S.C. 4321, *et seq.*, as amended. FMCSA is soliciting public comments on the draft procedures before making this environmental procedures Order final. Except for most of the appendices, the full text of the draft Order is being published for public