

reviewing the information. Pursuant to 44 U.S.C. 3506(c)(2)(B), FRA solicits comments concerning: whether these information collection requirements are necessary for the proper performance of the function of FRA, including whether the information has practical utility; the accuracy of FRA's estimates of the burden of the information collection requirements; the quality, utility, and clarity of the information to be collected; and whether the burden of collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology, may be minimized. For information or a copy of the paperwork package submitted to OMB, contact Robert Brogan at 202-493-6292.

FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a "user friendly" format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Comments must be received no later than [60 days after the date of publication]. Organizations and individuals desiring to submit comments on the collection of information requirements should direct them to Robert Brogan, Federal Railroad Administration, RRS-21, Mail Stop 17, 1120 Vermont Ave., NW., MS-17, Washington, DC 20590.

OMB is required to make a decision concerning the collection of information requirements contained in this interim final rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

FRA cannot impose a penalty on persons for violating information collection requirements which do not display a current OMB control number, if required. FRA intends to obtain current OMB control numbers for any new information collection requirements resulting from this rulemaking action prior to the effective date of a final rule. The OMB control number, when assigned, will be

announced by separate notice in the **Federal Register**.

#### *D. Environmental Impact*

FRA has evaluated this interim final rule in accordance with its procedures for ensuring full consideration of the environmental impact of FRA actions, as required by the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), other environmental statutes, Executive Orders, and DOT Order 5610.1c. FRA has prepared a final environmental impact statement (FEIS) analyzing the environmental impacts associated with this rule. The FEIS is being issued concurrently with this interim final rule. The principal environmental effect and potentially significant impact of the interim final rule is reduced horn noise in aggregate at approximately 150,000 public at-grade crossings and additional horn noise at some crossings where whistle bans currently exist.

The application of the requirement to provide an audible warning at existing whistle ban crossings has been substantially modified in the interim final rule. Provisions have been made that would qualify certain existing whistle bans for quiet zone status according to their risk levels. This is expected to result in the continued absence of train horns at many Pre-Rule Quiet Zones and would reduce the potential for additional horn noise impacts. Train horns will continue to be silenced at other Pre-Rule Quiet Zones through implementation of supplemental or alternative safety measures. Thus, additional horn noise impact is unlikely to approach the levels that would occur if horns were to sound where all whistle bans now exist.

This rule contains provisions that would reduce existing train horn noise exposure over time. The provision limiting the distance for regular horn sounding would reduce the total amount of horn noise generated. This provision would reduce existing horn noise impacts by approximately 27 percent. The provision for a maximum horn sound level would reduce horn noise for some particularly loud locomotives and would reduce existing horn noise impacts by approximately 14 percent. It is estimated that the combined effect of these two provisions would reduce horn noise impacts by approximately 38 percent.

Finally, the interim final rule contains provisions that would make it possible for the creation of quiet zones in many communities that are currently exposed to train horn noise. The potential benefit from these New Quiet Zones is indeterminate, as it is impossible to

determine prospectively the number of New Quiet Zones and their establishment date; however, FRA's best estimate is that there will likely be approximately 107 New Quiet Zones.

Copies of the FEIS are being distributed to organizations and individuals who filed comments on the Draft environmental impact statement. The FEIS is also available on FRA's Web site ([www.fra.dot.gov](http://www.fra.dot.gov)), or from the FRA at the following address: Office of Safety, FRA, 1120 Vermont Avenue, NW, (Mail Stop 25), Washington, DC 20590.

#### *E. Federalism Implications*

Executive Order 13132, entitled, "Federalism," issued on August 4, 1999, requires that each agency "in a separately identified portion of the preamble to the regulation as it is to be issued in the **Federal Register**, provides to the Director of the Office of Management and Budget a Federalism summary impact statement, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of State and local officials have been met.

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FRA has complied with E.O. 13132 in issuing this rule. FRA consulted extensively with State and local officials prior to issuance of the NPRM, and we have taken very seriously the concerns and views expressed by State and local officials as expressed in written comments and testimony at the various public hearings throughout the country. FRA staff provided briefings to many State and local officials and organizations during the comment period to encourage full public participation in this rulemaking. As discussed earlier in this preamble, because of the great interest in this subject throughout various areas of the country, FRA was involved in an extensive outreach program to inform communities which presently have whistle bans of the effect of the Act and the regulatory process. Since the passage of the Act, FRA headquarters and regional staff has met with a large number of local officials. FRA also held a number of public meetings to discuss the issues and to receive information from the public. In addition to local citizens, both local and State officials attended and participated in the public meetings. Additionally, FRA took the unusual step of establishing a public docket before formal initiation of rulemaking proceedings in order to