Dated: March 27, 1987.

By direction of the Administrator.

David A. Cox,

Associate Deputy Administrator for Management.

Extension

1. Department of Medicine and Surgery.
2. Application for Voluntary Service.
3. VA Form 10–7055.
4. This information is used in the selection, screening and placement of volunteers in the nationwide VA voluntary service program.
5. One time.
6. Individuals or households.
7. 36,000 responses.
8. 9,000 hours.
9. Not applicable.

Extension

1. Department of Veterans Benefits.
2. Nonsupervised Lender's Nomination and Recommendation of Credit Underwriter.
3. VA Form 26–8736a.
4. Nonsupervised lender's nomination of credit underwriter to evaluate loans proposed for guaranteed financing and used to determine the underwriter's qualifications.
5. On occasion.
6. Businesses or other for-profit; Small businesses or organizations.
7. 100 responses.
8. 33 hours.
9. Not applicable.

[FR Doc. 87–7190 Filed 4–1–87; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 63
Thursday, April 2, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., April 15, 1987.

PLACE: 2033 K St., NW., Washington, DC, 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Proposed rule amendments submitted by the Chicago Board of Trade authorizing an evening trading session.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87–7345 Filed 3–31–87; 11:20 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:30 a.m., April 15, 1987.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87–7346 Filed 3–31–87; 11:20 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., April 22, 1987.

PLACE: 2033 K St., NW., Washington, DC, 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Application of the Philadelphia Board of Trade for designation as a contract market in Australian Dollar Futures

Application of the New York Cotton Exchange for designation as a contract market in the Five-Year U.S. Treasury Index

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87–7347 Filed 3–31–87; 11:20 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., April 22, 1987.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87–7348 Filed 3–31–87; 11:20 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:30 a.m., April 24, 1987.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Sales Practice Reviews.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87–7349 Filed 3–31–87; 11:20 am]

BILLING CODE 6351–01–M

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NO.: 87–6701.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, April 2, 1987, 10:00 a.m.

The following item has been withdrawn from the Agenda: Proposed Financial Control and Compliance Manual for Presidential primary canidates receiving public financing.

* * * * *

DATE AND TIME: Tuesday, April 7, 1987, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATES AND TIME: Thursday, April 9, 1987, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC. (Ninth Floor).

STATUES: This meeting will be open to the public.

MATTERS TO BE CONSIDERED

Setting of Dates for Future Meetings.

Correction and Approval of Minutes.

Public Financing of Presidential Candidates—Revised draft of Proposed Rules.

Routine Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: 202–376–3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 87–7396 Filed 3–31–87; 2:24 pm]

BILLING CODE 6715–01–M

Corrections

Federal Register
Vol. 52, No. 63
Thursday, April 2, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, 522, 524, and 529

Animal Drugs, Feeds, and Related Products; Change of Sponsor; Labeler Code Correction

Correction

In rule document 87-5378 beginning on page 7831 in the issue of Friday, March 13, 1987, make the following correction:

On page 7831, in the table, in the second column, in the tenth entry, "(intment" should read "Ointment".

BILLING CODE 1505-01-D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Parts 905 and 968

[Docket No. R-87-1308; FR-2262]

Indian Housing Program and Comprehensive Improvement Assistance Program--Cost Containment

Correction

In proposed rule document 87-2854 beginning on page 4349 in the issue of Wednesday, February 11, 1987, make the following correction:

On page 4349, in the third column, in **SUPPLEMENTARY INFORMATION**, in the second paragraph, in the last line, the FR citation should read "51 FR 33898)".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-940-07-4212-12; A-20347-B]

Exchange of Public and State Lands in Arizona

Correction

In notice document 87-3427 beginning on page 5193 in the issue of Thursday, February 19, 1987, make the following corrections:

1. On page 5193, in the second column, in the 26th line from the bottom of the page, "SW½" should read "SW¼".

2. On the same page, in the third column, in the 28th line, the first "SE¼" should read "SW¼".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 133

[T.D. 87-40]

Customs Regulations Amendments Relating to Copyrights

Correction

In rule document 87-6486 beginning on page 9471 in the issue of Wednesday, March 25, 1987, make the following correction:

§ 133.42 [Corrected]

On page 9475, in the third column, in § 133.42(c), in the 10th line, "§ 133.42(a)" should read "§ 133.43(a)".

BILLING CODE 1505-01-D

federal register

Thursday
April 2, 1987

Part II

Department of the Interior

National Park Service

36 CFR Parts 1, 2, 4, 7, and 34
Vehicles and Traffic Safety; Final Rule

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Parts 1, 2, 4, 7, and 34

Vehicles and Traffic Safety

AGENCY: National Park Service, Interior.
ACTION: Final rule.

SUMMARY: This rulemaking revises the National Park Service's (NPS) regulations pertaining to vehicles and traffic safety. The existing regulations have not been revised significantly since 1966 and are outdated in many respects. The final rule reflects the fact that the NPS generally considers the respective States to be the appropriate authorities to regulate traffic, and relies heavily on the adoption of State vehicle codes. The other objectives of this rulemaking are: (1) To delete unnecessary general and special regulations; (2) to eliminate the remaining references to the management categories formerly used to classify park areas; and (3), to make use of and expand the discretionary authority provided park superintendents in other NPS general regulations to protect resources and provide for public safety. These revised traffic regulations are limited to those that address problems or situations that are not addressed by individual State vehicle codes in a manner consistent with NPS agency missions and program objectives and to those that reflect a need to apply a consistent Servicewide regulatory approach. The results of this revision will provide a consistent, yet flexible approach to the management of traffic in park areas in the interests of public safety and the protection of park resources and public and private property.

EFFECTIVE DATE: June 1, 1987.

FOR FURTHER INFORMATION CONTACT: Andy Ringgold, National Park Service, Branch of Ranger Activities, P.O. Box 37127, Washington, DC 20013–7127, Telephone: 202–343–1360.

SUPPLEMENTARY INFORMATION:

Background

The NPS administers 337 park areas throughout the country under the broad statutory mandates to promote and regulate their use; to conserve the scenery, the natural and cultural objects and the wildlife therein; and to provide for their enjoyment in such manner as will leave them unimpaired for the enjoyment of future generations. Facilities developed by the NPS in park areas, including roads, are limited to those necessary to carry out these legislative mandates and to support the purposes of the individual park areas as defined by Congress.

Although visitors to the National Park System use a variety of access methods, the vast majority continue to rely on motor vehicles and roadways to reach park areas and to circulate within them. Consequently, the NPS has major program responsibilities in the areas of road construction and maintenance, traffic safety and traffic law enforcement.

The NPS currently administers almost 8,000 miles of roads within the National Park System that are open to the public. There is great variety in the nature and extent of park roads, ranging from very short lengths of unpaved secondary roadways, to well-developed road systems complete with spur roads, parking areas and overlooks, to parkways running for hundreds of miles through several states, to parkways used primarily as commuter routes in the Washington, DC area. Although the types of roadways vary, their designs are generally consistent with the policy of providing the public safe, but low profile, low impact and low speed road access that blends into its natural surroundings. NPS roads are intended to facilitate and enhance a visitor's leisurely enjoyment of a park area, not to detract from it. As a result, park roads generally relate simply and harmoniously with the topography and environment and are often more narrow and winding than roads outside parks that are designed to facilitate the movement of vehicles in the most direct and expeditious manner.

NPS general regulations pertaining to vehicles and traffic safety are codified in Title 36 of the Code of Federal Regulations (36 CFR) Part 4. These regulations apply to all units of the National Park System. Special regulations pertaining to traffic that apply only to individual park areas are codified in 36 CFR Part 7 and supplement provisions of the general regulations. The general regulations in Part 4 were last revised significantly in 1966. The evolution of the National Park System, new statutory authorities and directions, changes in vehicle technology and designs, modifications in recreation and visitation patterns and the general strengthening of State vehicle codes since then have all contributed to rendering many of the existing NPS regulations unnecessary, ineffective and/or otherwise outdated. This rulemaking represents an effort on the part of the NPS to strengthen its overall traffic safety program and, in the process, to update and clarify certain of its traffic regulations and delete others that are unnecessary.

Unnecessary regulations are those whose provisions are duplicated by the respective State vehicle codes or those that contain provisions that can be imposed by park superintendents without a rulemaking, using discretionary authority provided by general regulations promulgated in 1984 and codified elsewhere in 36 CFR. The existing regulations in Part 4 that are being deleted or restructured as part of this rulemaking are listed in the Organizational Summary found later in this document. The NPS is also deleting from Part 7 a number of special regulations that have been rendered unnecessary by other provisions of this rulemaking and is making minor revisions to provisions in Part 34 that cross-reference regulations in Part 4. Further discussion on these matters is found in the Section-by-Section Analysis portion of this document.

The NPS intends that the foundation of its vehicle and traffic safety regulations be the nonconflicting provisions of the respective State vehicle codes, which are adopted in § 4.2. NPS regulations supplementing those codes are limited to ones that are necessary to resolve visitor safety and/or resource protection concerns that cannot be satisfied on a Servicewide basis by applying and enforcing State vehicle code provisions.

Summary of Public Comments

The NPS published a proposed rule in the **Federal Register** on June 16, 1986 (51 FR 21840), with a sixty-day period provided for public review and comment. That rulemaking was based largely on suggestions submitted by NPS field managers and their staffs and their suggested changes to a draft of the rule that was circulated for Servicewide internal review in the fall of 1985. This final rule reflects further refinements and changes made as a result of public and internal NPS comments received during the comment period.

The NPS received a total of 148 timely written comments in response to publication of the proposed rule. Comments were received from 11 individuals, 7 organizations, 14 representatives of the legal/judicial communities and 116 offices or individuals within the NPS. No comments were received from State agencies.

Analysis of Comments

The following section of this rulemaking contains details of the comments received, the NPS response to the issues raised by commenters and general descriptions of any revisions

made to the regulatory text as a result. A detailed discussion of the text and the regulatory intent of the final regulations, including revisions made to the proposed rule, appears in the Section-by-Section Analysis of this rulemaking. Unless otherwise noted, section numbers used in these discussions refer to the section numbers used in the final rule.

Miscellaneous/General Comments

The NPS received a number of comments of an editorial nature, most of which were adopted. One comment was received objecting in general to the deletion of references to administrative categories from NPS regulations because of the commenter's feeling that such action has resulted in a more restrictive approach to the management of recreation areas. The last remaining references to the categories of natural, historical and recreation areas, formerly used to classify park areas for purposes of guiding management, protection and visitor use activities, were found in the former NPS regulation pertaining to bicycles (36 CFR 4.3). As explained in the proposed rule, the NPS ceased using these categories in 1978 and subsequently removed all references to them from its Management Policies (1978) and general regulations (1983–84). The question whether or not to reinstitute the use of these administrative categories for purposes of managing park areas is an issue outside the scope of this rulemaking. The references to these categories have been deleted from the bicycle regulation in the final rule (§ 4.30).

Several comments were received that pertained to regulations in 36 CFR Parts 2, 3 and 5 that were not reviewed as part of the proposed rule. The NPS did not consider these comments since they addressed issues that were clearly outside the scope of this rulemaking. Another comment suggested that the NPS seek legislation to revise the penalty provisions that apply to NPS regulations. The NPS has attempted to do so on several occasions, without success.

A comment that suggested developing a regulation pertaining to mopeds was also not adopted. At this time there is no demonstrated need for a general regulation addressing the use of such vehicles. Superintendents who are faced with problems involving these vehicles may apply State law and/or establish conditions for their use under the authority of 36 CFR 1.5.

Finally, one commenter pointed out that the proposed rule did not include a consideration of whether the regulations in Part 4 would apply on non-federal lands within park areas. The commenter suggested that, in order to provide necessary public safety services on non-federal roads where the NPS is the only reasonable source available for such services, all of the regulations in Part 4 should be made applicable to such lands. The NPS gave this suggestion serious consideration and has adopted it in the final rule as section 4.1. The regulations in Part 4 have been made applicable on all roadways and parking areas within park areas that are under the legislative jurisdiction of the United States and that are open to public traffic, i.e. those that are located on lands within a park area that are not owned or administered by the NPS but over which the State has ceded to the NPS either concurrent or exclusive jurisdiction. However, the NPS intends that the enforcement of these regulations on nonfederal lands be limited to actions necessary to provide essential public safety services to the public and the landowner. The inclusion of this new section has resulted in the renumbering of §§ 4.1, 4.2 and 4.3 of the proposed rule to 4.2, 4.3 and 4.4, respectively, in the final rule.

Part 1—General Provisions

Section 1.2(e) Applicability and scope.

This paragraph was proposed as § 1.2(f), but a rulemaking that has been completed in the interim has removed another paragraph in this section and resulted in a redesignation of this paragraph. The NPS received numerous comments pertaining to this paragraph, all of which supported the proposal, but many of which urged that the terms "standard non-motorized or motorized wheelchair" be defined. Another person suggested that the term "physically handicapped" was too broad when applied to persons that require a wheelchair for locomotion and that the term "mobility-impaired" was more appropriate. The NPS has adopted these suggestions in the final rule, using the terms "mobility-impaired", "manual wheelchair" and "motorized wheelchair" in this paragraph and defining the last two terms in § 1.4.

Section 1.4 Definitions.

Two comments were received addressing definitions other than wheelchairs. One commenter suggested defining the term "alcoholic beverage", another the term "motor vehicle accident". The NPS considers these common terms easily and consistently understood and, as used in the final rule, not necessary to define.

Section 1.8 Information collection.

One commenter indicated that § 4.4 had been omitted from the list of information collection references in this section. It has been included in the final rule.

Part 2—Resource Protection, Public Use and Recreation

Section 2.18 Snowmobiles.

Only one comment was received pertaining to this section, a suggestion that § 4.21 be included in the list of regulations in Part 4 that apply to the operation of a snowmobile. The NPS agrees with this suggestion as a means of improving public safety programs in winter recreation areas and has revised this section accordingly.

Section 2.33 Report of injury or damage.

The comments that pertained to this section addressed two issues: that the relationship between this section, § 3.4, and § 4.4 was confusing and that the $100 damage threshold for reporting an incident was too low. In the final rule the NPS has attempted to clarify the fact that § 2.33 applies to the reporting of incidents other than motor vehicle accidents and boating accidents by revising the text of § 2.33 and revising the heading of § 4.4. The threshold for reporting incidents resulting in property damage was raised to $300 to encourage the reporting of significant incidents but to alleviate the existing burden on park visitors to report minor ones.

Section 2.35 Alcoholic beverages and controlled substances.

One commenter suggested that the NPS take steps to phase out the sale of alcoholic beverages in all park areas. Such action was viewed as being much more restrictive than necessary in order for the NPS to manage public safety problems that occur as a result of alcohol consumption in park areas.

Several comments were received suggesting additions to the list of specific public use areas within a park area that can be closed by the superintendent to the consumption of alcoholic beverages. After reviewing the existing list and the suggested additions, the NPS has reworded this section using the phrase "all or a portion of a public use area or public facility" to replace the detailed listing of specific locations and types of public use sites within a park area that can be closed by a superintendent after meeting the prerequisite conditions of this regulation. However, the scope of this

particular closure authority remains less than parkwide.

Another commenter pointed out the difficulty of enforcing a closure pertaining solely to the *consumption* of alcoholic beverages and described the fine line that can be drawn between a person actually consuming an alcoholic beverage and one merely carrying an open container of an alcoholic beverage but not observed in the act of drinking. This commenter suggested that, if incidents of aberrant behavior related to alcohol consumption in an area have reached the proportions required to justify a closure under this section, the superintendent should also have the discretion to prohibit carrying an open container of an alcoholic beverage as well. The NPS agrees with this suggestion in that there would be no additional burden imposed on the public if, in an area already closed to the consumption of alcoholic beverages because of incidents related to alcohol abuse, the area is also closed to the possession of an open container of an alcholic beverage. Such additional closure authority would benefit public safety programs, contribute to greater enjoyment of park facilities by visitors and facilitate NPS enforcement efforts. This section has been revised to add this closure authority and to cross-reference the conditions in section 4.14 under which an open container may legally be stored in a motor vehicle in an area closed to the possession of an open container pursuant to this section.

Part 4—Vehicles and Traffic Safety

Section 4.2 State law applicable.

One commenter expressed concern that the regulations, with their heavy reliance on adopting State law, would increase the workload of attorneys prosecuting cases in Federal court because of their general unfamiliarity with State law. Since both the existing regulations and this revision contain provisions adopting State law, the NPS does not anticipate a significant increase in attorney workload. The number and the relative complexity of existing NPS regulations in Part 4 that are being deleted in this rulemaking in favor of adopting corresponding sections of State law are not significant.

Another commenter suggested that adopting State law alone did not provide regulations that were broad enough in scope, but that local laws should be adopted as well. The term "State law" as defined in § 1.4 includes regulations of State political subdivisions.

One commenter suggested that the NPS adopt applicable tribal law within park areas that are located within the exterior boundaries of Indian reservations. The NPS considers State law and NPS regulations adequate to govern traffic safety programs in those areas and intends that they apply to all persons and vehicles within those parks.

Several commenters requested clarification of the NPS authority used to adopt State law and questioned applying NPS penalty provisions to violations of State laws that might have different penalty provisions attached. Discussions of these issues are found in the Section-by-Section Analysis of this rulemaking.

Section 4.3 Authorized emergency vehicles.

Several comments were received that suggested requiring that authorized emergency vehicles be operated and equipped in compliance with NPS policies and standards. This section was developed to establish basic requirements for the operation of authorized emergency vehicles (as defined in section 1.4) and to provide their operators a limited number of qualified exemptions from traffic regulations that are considered essential in order for them to carry out their public safety responsibilities. Beyond these provisions, the operators of NPS emergency vehicles must comply with NPS policy, the operators of emergency vehicles owned by other Federal agencies must comply with their respective agency policies and the operators of emergency vehicles owned by State agencies and private organizations must comply with State law and their respective agency/organization policies. Vehicles must also be equipped in accordance with respective agency policies and for non-federal vehicles, in accordance with State law. A requirement that all operators and vehicles be bound by NPS policies was considered unnecessary and inappropriate.

Several other commenters expressed concern that this section did not adequately stress the operator's responsibility to consider individual and public safety. The NPS feels that the provision requiring the operator to give due regard for the safety of persons and property is a reasonable condition to impose on operators of emergency vehicles and provides appropriate levels of protection for the public, the operator and property. This section is published unchanged.

Section 4.4 Report of motor vehicle accident.

The heading of this section was revised in response to requests to clarify the difference between the accident reporting requirements of this section and those of § 2.33. Several commenters suggested revising the text of this section to focus on the moving of a vehicle involved in an accident, not just its towing, and to clarify reporting responsibilities in cases when the operator is incapacitated. Other commenters pointed out that there are certain conditions under which it is appropriate and/or necessary for an operator to move a vehicle that has been involved in an accident and that the regulation did not provide such flexibility. The NPS has adopted these suggestions and has revised this section to reflect these concerns.

Three comments were received suggesting that various damage threshholds be established for the reporting of motor vehicle accidents. The NPS agrees that a requirement to report all motor vehicle accidents regardless of the amount of property damage involved may sometimes cause inconvenience for vehicle operators involved in minor accidents. However, this inconvenience is outweighed by the benefits to the operators involved of assuring that appropriate identification and insurance information is exchanged and to park visitors in general that all information that could be useful in identifying and correcting traffic engineering and safety problems in a park area is made available to the superintendent. Requiring an operator to report a minor vehicle accident does not carry a corresponding requirement that a detailed accident investigation be conducted by NPS personnel; basic information pertaining to such accidents can be recorded very easily. The final rule was not revised in this respect.

A suggestion that this section be revised to address operators' leaving the scene of an accident and operator responsibilities following a collision with an unoccupied vehicle was not adopted because such provisions are addressed by State law.

Section 4.10 Travel on park roads and designated routes.

Two commenters opposed the provision in this section that restricts the designation of routes for off-road vehicle (ORV) use to national recreation areas, national seashores, national lakeshores and national preserves, stating that this provision unreasonably restricts opportunities for visitors to enjoy some park areas and is inconsistent with the earlier NPS decision to eliminate the use of administrative categories to manage park areas. The references to these

types of park areas are found in the former regulation pertaining to ORV use (§ 4.19) and were originally included in a 1974 rulemaking when the NPS revised its regulations to comply with the provisions of Executive Order 11644, which still governs ORV use on public lands. At that time the NPS used the administrative categories of park areas (natural, historical and recreational) to guide the management of park areas. The NPS determined that in order to comply with the provision of the Executive Order limiting the designation of ORV routes in units of the National Park System to areas where such use would not adversely affect their natural, aesthetic or scenic values, the designation of ORV routes could take place only in recreation areas. When the NPS decided no longer to use the administrative categories as management tools, this had no effect on the original determination made concerning the areas where ORV use could take place without adversely affecting park values. ORV use is an appropriate use of park areas that were established to provide recreational opportunities for the public, when that recreational activity is managed to provide for the protection of park resources and visitors. National recreation areas, seashores, lakeshores and preserves are park areas that have been established by Congress not only to conserve their natural, historic and scenic values, but also to provide outdoor recreational opportunities for visitors. ORV use may be appropriate in those areas, but not in park areas whose primary purposes, as established by Congress, do not include outdoor recreation. This provision remains in the final rule but results in no greater restriction on ORV use than has existed since 1974.

A suggestion was received to address vehicles that are parked outside of designated areas. This proposal was not adopted since a vehicle first must be operated outside of a designated area in order to be parked there.

One commenter objected to the word "unreasonable" as used in paragraph 4.10(c)(2) as being vague. The NPS intends this term, when used to describe damage to a park road or route, to mean damage to a degree beyond that which would ordinarily be expected under conditions existing at the time.

Concerns were also expressed that this regulation does not address licensing or registration requirements for off-road vehicles and their operators nor the operation on park roads of vehicles that are not street-legal. The NPS intends that such issues be resolved by applying State law or, if State law does not adequately address the local situations faced by individual park managers, that the discretionary authority provided superintendents in 36 CFR 1.5 to impose closures, conditions or restrictions on a use or activity be used to manage these activities.

Finally, one commenter pointed out that Executive Order 11644 authorizes the designation of areas for ORV use, not just routes. The NPS agrees and has added this term to the text of the final rule to assist individual park managers in describing in special regulations specific locations that are open to ORV use but that do not lend themselves to designation in terms of well-defined routes. However, this change is a clarification of terms only and does not reflect a relaxation of NPS policies pertaining to the management of ORV use.

Section 4.11 Load, weight and size limits.

No comments were received concerning this section; its text is published unchanged.

Section 4.12 Traffic control devices.

No comments were received concerning this section; its text is published unchanged.

Section 4.13 Obstructing traffic.

Two comments were received from persons who felt that the proposed rule was more restrictive than the existing regulation in that it prohibits stopping a vehicle on a park road except where authorized rather than allowing stopping except where prohibited. However, that is not the case. Both versions are similar, but the proposed rule provides greater discretion to superintendents (as defined in § 1.4) to allow a vehicle to stop on a park road. The superintendent's authorization need not take the form of a sign; a ranger's decision to allow a vehicle operator to stop on a park road to take a photograph also constitutes authorization by the superintendent. But if the same action by the operator creates a hazard or interferes with traffic flow, the ranger may use this section as the basis for action to resolve the situation.

Another commenter felt that the phrase "interfere with the normal flow of traffic" was too general and should include a qualifying provision addressing a specific number of vehicles being backed up or delayed. The NPS feels that such a provision would be too rigid, would not allow for the variety of types of roads and road conditions found within the National Park System and would conflict unnecessarily with provisions of State vehicle codes. The regulation as written provides an appropriate degree of flexibility that is necessary to manage traffic effectively within park areas. This section is published unchanged.

Section 4.14 Open container of alcoholic beverage.

This section has been changed in response to suggested improvements submitted by several persons. The first suggestion implemented was to address the carrying or storing of an open container within a motor vehicle anywhere in a park area rather than limit the scope of this section to a vehicle upon a park road, parking area or designated off-road vehicle route. Another revision clarifies the fact that the NPS intends the prohibitions of this section to apply to an open container carried in the living quarters of a motor home or camper but not to an open container that is stored in such areas.

A new paragraph was also added stressing that although each occupant of a motor vehicle is responsible for complying with the provisions of this section that pertain to carrying an open container, the motor vehicle operator is the person responsible for complying with the open container storage provisions of this section. This provision was added to assign responsibility for an unlawful open container in a motor vehicle that is not being carried by any of the vehicle occupants.

An exemption was discussed in the preamble of the proposed rule but was not included in the original regulatory text of this section, authorizing a person to carry an open container in a motor vehicle when the vehicle is parked at a campsite. This provision has been clarified and also included as a new paragraph in the final rule as a result of a comment submitted.

Finally, the phrase "readily accessible to" was added in response to a suggestion to describe more clearly the areas within a motor vehicle that are near the vehicle's occupants and that are considered unsuitable for storage of an open container.

One commenter pointed out that prohibiting the carrying of an open container but not an empty container of an alcoholic beverage might encourage a person to consume the entire contents of a container to avoid the possibility of violating this section. Although this situation might occur occasionally, the NPS does not feel that a detailed NPS regulation describing the conditions under which empty containers may be carried or stored in a motor vehicle is necessary or appropriate. The NPS

intends to leave the issue of carrying and storing empty containers of alcoholic beverages to be addressed by State law.

The final version of this section has been reorganized significantly to accommodate the revised text.

Section 4.15 of the proposed rule: Safety belts.

The NPS received numerous comments pertaining to this section, the vast majority of which opposed promulgation of this regulation. Reasons given for opposition included individual philosophical grounds, inappropriate federal role, conflicts created with State law, the absence of a demonstrated NPS need, and deviation from the basic NPS objective as stated in the proposed rule to use State law as the basis for NPS traffic regulations.

Since publication of the proposed rule a number of additional states have enacted mandatory safety belt legislation; over half of the states have now enacted legislation that is either in effect or that will go in effect in 1987. All states have mandatory child restraint laws in effect. These provisions of State law apply within park areas located in those states and can be adopted by the NPS under § 4.2. As additional states enact safety belt laws, they too can be adopted by the NPS.

The NPS has reevaluated this section of the proposed rule, concentrating particularly on the need for it, the creation of conflicts with State law and the effects of those conflicts on visitors and NPS enforcement staffs. The NPS supports the use of appropriate restraint systems by vehicle occupants but agrees that there is no greater need for the use of restraints within park areas than exists outside parks. As proposed, the NPS regulation would have superceded State law pertaining to safety belts in park areas located within states with mandatory safety belt legislation in effect and also would have applied in park areas located within states without safety belt legislation. Significant conflicts would have been created in both types of situations. On one hand, park visitors would have been faced with a federal regulation that differed from the State law in effect outside the park, with no apparent need for the discrepancy. NPS staffs would have been faced with the task of informing park visitors of the existence of the different federal regulation and with enforcing its provisions. On the other hand, park visitors would have been subject to a unique federal regulation, with no similar requirement in effect outside the park, and with no apparent need for its existence. Serious conflicts and management problems would result in both types of situations, with many NPS staffs faced with the tasks of providing notice to visitors and enforcing the NPS regulation in park areas with multiple access roads or on access roads that wind in and out of park areas.

Given the stated NPS position that the respective states are generally the appropriate authorities to regulate traffic, the absence of a need for a restraint requirement that is specific to occupants of vehicles within park areas and the conflicts and confusion for both visitors and NPS staffs that a NPS safety belt regulation would create, the NPS has omitted this regulation from the final rule and will rely on the individual states to determine whether mandatory safety belt legislation is needed and appropriate. Where such legislation is enacted, the NPS will enforce its provisions in park areas under 36 CFR 4.2.

Section 4.20 Right of way.

Three comments were received pertaining to this section. The NPS has adopted a suggestion to include dog sleds as a vehicle to which a motor vehicle operator must yield the right of way by including the phrase "vehicles drawn by animals". The NPS did not adopt a suggestion to include authorized emergency vehicles since that issue is adequately addressed by State law.

One commenter pointed out hazards associated with mixing motor vehicle traffic with other traffic and suggested that encouraging such use by providing the right of way to non-motor vehicle traffic was inadvisable. This section does not provide blanket authorization for pedestrian traffic, stock, or vehicles drawn by animals to mix indiscriminately with motor vehicle traffic. The superintendent retains both the authority and the responsibility to regulate these activities in the interest of public safety; however, where they are authorized in the same location, this section establishes who must yield the right of way.

Section 4.21 Speed limits.

Very few comments were received concerning this section. One person suggested including park tour roads in the category of park roads having a 25 mph speed limit. This is not necessary since the superintendent has the authority to establish speed limits other than those specified in paragraphs (a)(1) through (3). Another person suggested prohibiting the use of radar detectors. The NPS has decided that this is an issue that should be addressed by State law.

A commenter also suggested that the basic speed limits described in paragraphs (a) (1) through (3) are policies provided for the guidance of superintendents that should not be codified in the CFR. Although these limits do serve as basic policy, they also provide a Servicewide standard for speed limits on similar types of park roads. The NPS feels that having these standards codified in regulations helps achieve consistency in establishing speed limits throughout the National Park System and provides appropriate notice to vehicle operators and other interested persons concerning basic speed limits in park areas. The text of this section remains unchanged.

Section 4.22 Unsafe operation.

Three comments addressed this section. One opposed the provision allowing persons to ride on the floor of a truck bed equipped with sides as being an unsafe activity that conflicted in principle with the concern for safety reflected in the provision that required all occupants of a motor vehicle to wear a safety belt. Although the NPS recognizes that persons seated in such a manner may be at risk in case of collision, this method of riding in a truck is very common and accepted in many areas of the country. The NPS has retained this provision in the final rule, but conditioned it so as not to conflict with State law.

Another commenter pointed out that there are some conveyances such as trams and other specialized trailers that are designed specifically for carrying passengers while being towed and suggested that the prohibition in paragraph (b)(4)(i) be modified to provide for such vehicles. The NPS agrees and has revised this paragraph accordingly.

Section 4.23 Operating under the influence of alcohol or drugs.

All comments submitted pertaining to this section supported the regulation but many suggested improvements or requested clarifications of certain provisions. Also in response to a comment, the NPS has made minor editorial changes in several paragraphs to eliminate text that provided instructions to the judiciary. That text is appropriate in provisions passed by a legislative body but not in a regulation promulgated by an executive agency. Those provisions now are worded to reflect the NPS regulatory intent instead.

The NPS has slightly revised the definition of the term "operator" in § 1.4 of the final rule in response to suggestions submitted to include

consideration of the person who is in actual physical control of a motor vehicle. Rather than insert this phrase in several paragraphs in § 4.23, the NPS has revised the term "operator" to include the person who is in actual physical control of a motor vehicle. The term "operator" is now applicable whether the vehicle is in motion or not.

One commenter stated that the NPS was imposing an unnecessary burden of proof by requiring in paragraph (a)(1) a showing that the operator is incapable of *safe* operation. The NPS feels that this term is an important element of this paragraph and should be the focus of investigative and prosecution efforts to prove that a motor vehicle operator is operating under the influence. This element can be shown through descriptions of personal and witness observations, physical evidence and the results of field tests and quantitative tests.

A number of commenters expressed concern about potential confusion and administrative complications arising in situations where State law establishes more restrictive alcohol concentration levels than those established in the proposed NPS regulation. In order to prevent such situations from arising, the NPS has revised paragraph (a)(2) of the final rule to adopt alcohol concentrations established by State law *but only if they are more restrictive than the NPS levels established in that paragraph.*

Several commenters also requested clarification of the alcohol concentration levels specified in paragraph (a)(2), suggesting the inclusion of equivalent measures. The NPS recognizes that some State laws establish levels using other measures. However, the NPS has used both the standard concentrations and standard units of measure contained in the Uniform Vehicle Code. Conversion tables are readily available for the use of enforcement personnel, attorneys and U.S. Magistrates who are more familiar with other systems of measure. The applicability of equivalent measures is understood and need not be specified in the regulation

Several commenters addressed paragraph (c) which pertains to testing, questioning whether the NPS intended the provision that prohibits refusing to submit to a test to constitute a separate violation. Others suggested that this provision be expanded to include refusal to submit to field sobriety tests as well. Another commenter suggested that the term "refusal" be replaced with the word "failure". The NPS does intend this provision to describe a prohibited action, violation of which constitutes a criminal violation that is separate from, and in addition to, the prohibitions contained in paragraph (a). In order to clarify and emphasize this fact, the prohibitory clause has been broken out as a separate paragraph in the final rule. However, the NPS did not adopt the suggestions to expand this provision to include refusal to submit to field sobriety tests or to revise the principal element from refusal to submit to a test to failure to submit to a test. The NPS feels that it would not be appropriate or legally supportable to require a motor vehicle operator to submit to field sobriety tests. Such physical agility tests are often conducted prior to the existence of probable cause to arrest an operator for operating under the influence and contribute to establishing that probable cause. Likewise, broadening the prohibition to cover failure to submit to a test would encompass many passive situations where the operator might be unable to submit to a test for reasons beyond his or her control. The NPS intends this provision to encompass only situations where there is an active refusal by the operator to submit to a test.

Several comments concerned quantitative tests, the type of equipment used and the qualifications of the persons administering the tests. The NPS has not adopted any of the suggestions submitted that would serve to lower the standard set in the proposed rule for reliability of testing equipment and certification of equipment operators. Nor has the NPS adopted suggestions to specify exactly who may administer tests that involve drawing blood and relieving those persons of liability in connection with those activities. Those issues are addressed by State law. Liability is determined on the basis of State and Federal statutory law and is not an appropriate subject for these regulations.

Finally, several commenters questioned the usefulness of the presumptions found in paragraph (d). The NPS intends this paragraph to serve as notice to all parties concerned (vehicle operators, enforcement personnel, attorneys, judicial officials) that, although the results of quantitative tests may indicate that the alcohol concentration in the blood or breath of a motor vehicle operator is less than the limits established in paragraph (a)(2), the operator may still be convicted of violating paragraph (a)(1) based on other evidence.

Section 4.30 Bicycles.

Several persons submitted comments indicating that various issues involving the use of bicycles such as speeding, reckless operation, conflicts with pedestrian use, operation against traffic, etc., were not specifically addressed by this section. The NPS intends such problems to be resolved by applying State law or paragraph (c) of this section which makes a bicycle operator subject to most of the other traffic regulations in Part 4.

Other persons suggested that the superintendent, in order to be able to respond to local problems and situations, should be provided the authority to establish special conditions or restrictions governing bicycle use. That authority is already available to the superintendent under 36 CFR 1.5.

Several commenters pointed out that there were other sections in Part 4 other than § 4.10 that did not apply to the operation of a bicycle and that should be added to paragraph (c). In response, the NPS has added several sections to this paragraph in the final rule. Section 4.14 was added to the list of regulations that do not apply to bicycle operation since the methods available for storing an open container of an alcoholic beverage on a bicycle are limited and all constitute carrying an open container. However, paragraph (d)(4) has been added to this section to replace the open container provision, prohibiting the operation of a bicycle while consuming an alcoholic beverage or while carrying in hand an open container of an alcoholic beverage.

Other comments addressed both sides of the issue regarding the provision that prohibits possession of a bicycle in a designated wilderness area. The NPS position remains as discussed in the proposed rule. Bicycles are considered a mechanical form of transport that, in addition to the use of motor vehicles and motorized equipment, is specifically prohibited in designated wilderness areas by the Wilderness Act [16 U.S.C. 1133(C)]. Paragraph (d)(1) was included in this section to reflect that prohibition and to attach a penalty to violations of this statutory provision.

Several persons questioned the need for the rulemaking requirement in paragraph (b) in order for the superintendent to designate a route for bicycle use outside of developed areas and special use zones. Although the NPS recognizes that the rulemaking process is more cumbersome and time-consuming than the local designation process favored by some persons, the NPS continues to support the rulemaking process as the decisionmaking method that provides the greatest opportunity for public review of a proposal. Since a proposal to designate a bicycle route outside of developed areas has the

potential to generate significant public interest, controversy and questions related to visitor use conflicts and environmental impacts, the NPS feels that the public involvement associated with the rulemaking process would be of great benefit to the superintendent in arriving at a decision. A decision made by local designation would not provide the superintendent the same degree of public involvement. This provision remains unchanged in the final rule.

Section 4.31 Hitchhiking.

The comments received in response to this section were mixed. Some persons supported a total prohibition of hitchhiking; others preferred a regulation that allowed hitchhiking except where prohibited. The primary concern of the NPS in developing this regulation is public safety. Hitchhiking can be a very hazardous activity, exposing the hitchhiker to dangers from motor vehicles and motor vehicle occupants and exposing motor vehicle occupants to dangers from other motor vehicles and from hitchhikers. However, a strict prohibition of hitchhiking would not alter the fact that, in many park areas, a certain number of visitors depend on hitchhiking as a means of traveling to, from and within the park and would continue to engage in the activity regardless of the prohibition. Recognizing this fact, the NPS supports a regulation that generally prohibits hitchhiking but that provides the superintendent the discretion to designate areas where and establish conditions under which hitchhiking may take place and be managed to reduce the levels of hazards involved.

This section is published unchanged.

Organizational Summary

The NPS has prepared the following organizational summary to assist in the review and analysis of the revisions to 36 CFR Part 4 that are reflected in this rulemaking.

Old section	New section
4.1 State law applicable	4.2.
4.3 Bicycles	4.30.
4.4 Commercial towing service	4.4.
4.5 Driver's license	Deleted in favor of State law.
4.6 Driving under the influence	4.23.
4.7 Entrances and exits	Deleted.
4.8 Excessive acceleration	4.22.
4.9 False report	Deleted in favor of 36 CFR 2.32.
4.10 Following vehicles	Deleted in favor of State law.
4.11 Load, weight, length and width limitations.	4.11.
4.12 Mufflers	Deleted in favor of State law.
4.13 Obstructing traffic	4.13.
4.14 Reckless or careless driving.	4.22 and State law.
4.15 Report of motor vehicle accident.	4.4.
4.16 Right-of-way	4.20.
4.17 Speed limits	4.21.
4.18 Traffic control and signs	4.12.
4.19 Travel on roads and designated routes.	4.10.
4.20 Vehicle registration	Deleted in favor of State law.
4.21 Brakes	Deleted in favor of State law.
4.22 Hitchhiking	4.31.
NEW REGULATIONS	
4.1 Applicability and scope.	
4.3 Authorized emergency vehicles.	
4.14 Open container of alcoholic beverage.	(Deleted from 36 CFR 2.35 and revised).

Section-by-Section Analysis

The following terms used in the regulatory text of this rulemaking are defined in 36 CFR 1.4 and have specific meanings: authorized person, bicycle, carry, developed area, legislative jurisdiction, motor vehicle, operator, pack animal, park area, park road, permit, person, possession, State, superintendent, traffic, vehicle, and wildlife.

These terms are used throughout the NPS regulations codified in 36 CFR Parts 1, 2, 3, 4, 7, and 13 in order to facilitate consistent interpretation, understanding and enforcement. The definitions of the terms "authorized person", "operator" and "superintendent" are particularly important to a reader's clear understanding of the provisions of this rulemaking. "Authorized person" means "an employee or agent of the National Park Service with delegated authority to enforce the provisions of this chapter", i.e. a NPS law enforcement officer. "Operator", as revised in this rulemaking, means "a person who operates, drives, controls, otherwise has charge of or is in actual physical control of a mechanical mode of transportation or any other mechanical equipment". "Superintendent" means "the official in charge of a park area or an authorized representative thereof".

This rulemaking also incorporates the use of discretionary authority provided park superintendents in 36 CFR 1.5. That section authorizes a superintendent, after having met certain decision criteria, to establish public use limits, impose closures, designate areas for a specific use or activity or impose conditions or restrictions on a use or activity. These management tools provide the flexibility necessary for a superintendent to react to changing situations in the field without having to resort to a lengthy rulemaking process each time closures or restrictions are imposed, changed or relaxed. Whenever the text of a section of this rulemaking contains the terms "designate" or "designated", or authorizes the superintendent to "establish conditions or restrictions", the NPS intends that language to constitute authorization for a superintendent to exercise the discretionary authority provided in § 1.5. When exercising the authority of § 1.5, a superintendent is required to comply with public notice procedures specified in 36 CFR 1.7. The use of this discretionary authority is discussed further under the headings of the individual sections in Part 4 in which it is included.

Although the primary focus of this rulemaking is Part 4, other Parts of 36 CFR are affected as well. The following outlines the purpose and intent of each section of this rulemaking and provides applicable background information.

Part 1

Section 1.2(e) Applicability and scope.

A paragraph has been added to this section, which pertains to the general applicability and scope of all the regulations codified in 36 CFR, clarifying the fact that NPS regulations are not intended to restrict the activities of a mobility-impaired person using a manual or motorized wheelchair, beyond the degree that the activities of pedestrians are restricted by the same regulations. The purposes of this provision are to eliminate potential confusion and to emphasize the NPS intent that a manual wheelchair or motorized wheelchair, as defined in 36 CFR 1.4, not be considered a bicycle or motor vehicle within the context of NPS regulations.

Section 1.4 Definitions.

The list of definitions in section § 1.4 is amended as follows. The definition of "authorized emergency vehicle" is revised to restrict the types of vehicles that qualify for this designation to a vehicle in official use for emergency purposes by a Federal agency or an emergency vehicle as defined by applicable State law. The NPS considers the former definition too broad and not clearly delineating the few types of vehicles that are appropriately classified as emergency vehicles. This defined term is subsequently used in § 4.3 of this rulemaking.

The definitions of "bicycle" and "motor vehicle" have been revised to specifically exclude a manual or motorized wheelchair.

The definition of "operator" has been revised to clarify the NPS intent that this term also include the person in actual physical control of a mechanical mode of

transportation or any other mechanical equipment.

Definitions of the terms "manual wheelchair" and "motorized wheelchair" have been developed to clarify which types of devices used by a mobility-impaired person qualify for exemption from restrictions that otherwise apply to bicycles and motor vehicles. The term "motorized wheelchair" encompasses only devices that are designed solely for and used by a mobility-impaired person for locomotion and that are capable of and suitable for use in indoor pedestrian areas. Accordingly, a small, motorized, three or four-wheel vehicle designed for outdoor recreational purposes would not qualify as a motorized wheelchair, even if used by a mobility-impaired person.

A comprehensive definition of "State law" has been added to clarify the many references made to this term in Part 4 as well as in other parts of 36 CFR. As it applies to the regulations in Part 4, the definition is intended to encompass the full spectrum of State and local provisions that apply to traffic, including provisions of State vehicle codes that have been decriminalized by the respective States. However, in the case of a park area located within the exterior boundaries of an Indian Reservation, this definition does not include Tribal Law.

A definition of "traffic control device" has also been added to this section. This definition is intended to cover the various types and purposes of signs and other markings used for the purpose of regulating traffic. By policy, NPS traffic control devices generally must comply with the Manual on Uniform Traffic Control Devices, the document that establishes national standards for traffic signs and markings, as supplemented by the NPS Sign Manual. The term is used in §§ 4.3, 4.12 and 4.21 of this rulemaking.

Section 1.8 Information collection.

This section has been revised to list the permit requirements contained in § 4.11, but otherwise remains unchanged.

Part 2

Section 2.18 Snowmobiles.

The NPS addresses the use of snowmobiles separately from traffic regulations. However, the close connection between snowmobile activities and certain aspects of traffic control are reflected in the fact that this section lists eight regulations in Part 4 that are made applicable to snowmobile operations. These references have been revised to reflect the deletions and renumbering of the sections in Part 4 resulting from this rulemaking. In addition, in response to requests from affected field area staffs, the NPS has added §§ 4.14 (Open Container) and 4.21 (Speed Limits) to the list of sections that apply to snowmobile operations in order to address public safety problems related to excessive speed and the consumption of alcoholic beverages by individuals while operating oversnow machines.

Section 2.33 Report of injury or damage.

This section has been revised to clarify the relationship of the reporting requirements imposed by this section to those imposed by §§ 3.4 and 4.4 and to raise the threshold for reporting incidents involving property damage unrelated to boating or motor vehicle accidents from $100 to $300. The NPS intends that incidents such as confrontations with wildlife, tree failures, vandalism, etc., resulting in personal injury or significant property damage be reported so that the NPS can provide assistance to visitors and to provide documentation necessary to improve park safety programs. However, the superintendent retains the discretion to investigate and document incidents of lesser severity if requested by visitors or if otherwise determined to be in the interest of public safety.

Section 2.35 Alcoholic beverages and controlled substances.

This general regulation pertains to the use of alcoholic beverages and controlled substances in park areas. However, paragraphs (a)(2) (iii) and (iv) of this section addressed carrying or storing an opened container of an alcoholic beverage within a motor vehicle on a park road or parking area, provisions that are more appropriately codified in Part 4. Section 2.35 has been revised to delete those two paragraphs. Additional discussion is found under the listing for § 4.14.

This rulemaking also revises paragraph (a)(3) of § 2.35, substituting the general terms "public use area or public facility" for the extensive list of specific types of sites within a park area that a park superintendent may close to the consumption of alcoholic beverages. This rulemaking also authorizes the superintendent to close the same types of areas to the possession of an open container of an alcoholic beverage as well, since in an area closed to the consumption of alcoholic beverages there is no legitimate reason to possess an open container. An exception is included that allows for the storage of an open container in a motor vehicle in accordance with the provisions of § 4.14.

However, both of these closure authorities are subject to the prerequisite conditions specified in § 2.35. A closure may only be imposed if based upon one of two determinations: (1) that the consumption of an alcoholic beverage or the possession of an open container of an alcoholic beverage would be inappropriate considering other uses of the location and the purpose for which it is maintained or established; or (2) incidents of aberrant behavior related to the consumption of alcoholic beverages are of such magnitude that the diligent application of the authority to establish public use limits and the enforcement of disorderly conduct regulations over a reasonable period of time have failed to alleviate the problem.

These limited closure authorities are site-specific and less than parkwide in scope. Parkwide closures to the consumption of alcoholic beverages or the possession of an open container *may not* be implemented locally under the authority of §§ 2.35 or 1.5. The NPS has determined that such expanded closures require a separate rulemaking to ensure the opportunity for full public notice and comment as required by 36 CFR 1.5(b) and the Administrative Procedures Act.

Part 4

The regulations in 36 CFR Part 4 are codified by general category in order to provide a logical system of organization and to facilitate their use and understanding by NPS employees and interested members of the public. These categories are: administrative provisions (§§ 4.1 through 4.4), general traffic provisions (§§ 4.10 through 4.14), moving violations (§§ 4.20 through 4.23) and non-motor vehicle provisions (§§ 4.30 and 4.31). Numerical gaps exist to allow for future changes and additions to each category.

Section 4.1 Applicability and scope.

This section was added as a result of a comment received in response to the proposed rule; its text differs from that of similar provisions in 36 CFR Parts 1 and 2 to provide a clearer indication of NPS intent. It provides that the regulations in Part 4 apply as specified in 36 CFR 1.2 and also apply on all roadways and parking areas within a park area that are open to the public and that are under the legislative jurisdiction of the United States, regardless of ownership. The NPS has added this provision in the interest of protecting the property rights of private, commercial and State landowners

within park areas and to assure that essential public safety services are available in those areas. However, these regulations do not apply on all non-federal lands, but apply *only* on roadways and parking areas, *only* on those over which the State has ceded either exclusive or concurrent legislative jurisdiction to the NPS and *only* on those that are open to the public.

This section has been added in an effort to provide services to non-federal landowners within park areas and to State agencies having responsibility for public safety on State highways located within park areas. A number of park areas contain private roads over which the State has no jurisdiction and/or State roads that are isolated from the closest State agency representatives responsible for providing law enforcement coverage. However, the NPS emphasizes that responsibility for public safety on State highways remains with the respective State agencies. The NPS intends that the enforcement of these regulations on non-NPS roadways take place only in emergency situations or in cases when State and local authorities are unable to provide the necessary enforcement action or response.

Section 4.2 State law applicable.

This section, which applies regardless of the type of jurisdiction exercised by the NPS, adopts State vehicle codes as the basis for the regulation and control of traffic in park areas. The NPS is adopting, as if they were a part of the regulations in Part 4, all the applicable and nonconflicting vehicle and traffic laws of the State and local political subdivision(s) within whose exterior boundaries a park area or a portion thereof is located. The NPS regulations in Part 4 supercede any State vehicle code provisions that might conflict with or duplicate these sections and must be applied by NPS law enforcement personnel in lieu of State law.

The Secretary of the Interior's primary authority for promulgating regulations that pertain to the National Park System is 16 U.S.C. 3. Section 4.2 and all other regulations in Part 4 are considered necessary for the use and management of park areas and are promulgated under this authority. The same statute also establishes the penalty for violating a regulation promulgated under that authority. Under section 4.2, applicable and nonconflicting elements of State law are adopted and applied to units of the National Park System as if they were regulations promulgated by the Secretary of the Interior, therefore making violations subject to the penalty provision of 16 U.S.C. 3.

The NPS wishes to emphasize the fact that, although substantive provisions of State law are adopted, administrative or penalty provisions of State law are not. A person convicted in Federal court of a violation of State law under § 4.2 would be subject only to the penalty provisions in 36 CFR 1.3, regardless of whether State law provides for a greater or less severe penalty, a mandatory penalty or only a minor administrative penalty such as remedial training. However, imposition of specific penalties remains a matter of judicial discretion.

Furthermore, since drivers license suspensions and revocations are administrative procedures exercised by State agencies, the NPS has no authority or mechanism to apply such procedures to a conviction of a violation of State law under § 4.2 or a violation of any other section of Part 4 except through the cooperation of the appropriate State agency. The penalty provisions codified in 36 CFR 1.3 are established by statute and can be revised only through legislation.

Section 4.3 Authorized emergency vehicles.

This section allows operators of Federal, State, local or private emergency vehicles qualified exemptions from compliance with certain traffic regulations under certain emergency circumstances. These provisions apply only to an operator of a vehicle that meets the definition of "authorized emergency vehicle" as defined in § 1.4. Although this section is intended to facilitate prompt response in emergency situations and to provide operators a certain degree of protection from liability under those circumstances, it does not relieve them from the duty to drive safely. More specific guidance on the operation and equipping of emergency vehicles is found in agency guidelines and State law.

Section 4.4 Report of motor vehicle accident.

This section includes only those motor vehicle accident reporting requirements that pertain directly to the NPS and that are necessary for park area staffs to carry out their public safety responsibilities. These requirements are the only ones retained from the former §§ 4.15 and 4.4.

Paragraph (a) requires the operator of a vehicle that has been involved in an accident resulting in property damage, personal injury or death to report the accident to the superintendent as soon as practicable, but no later than 24 hours after the accident. A new provision has been added to this section that makes a vehicle occupant responsible for reporting an accident if the operator is physically incapable of doing so. Paragraph (b) prohibits moving a vehicle involved in an accident without first notifying the superintendent, unless the vehicle constitutes a hazard or prior notification is not practicable.

The requirements for notification of the superintendent are imposed so that park staffs can provide emergency assistance promptly and initiate and complete accident investigations in a timely manner. However, the requirement to report a minor motor vehicle accident to the superintendent does not automatically translate into the need for a detailed investigation and report of that accident. The requirement to report all motor vehicle accidents, regardless of severity, is made in the interest of identifying and correcting traffic safety hazards and engineering problems and to assure that appropriate information is exchanged between the operators involved.

The reporting requirements that States impose to assure protection of the public interest and State agency notification are reflected in State law and are not affected by this section. A motor vehicle operator and occupants remain responsible for satisfying applicable State reporting requirements; these can also be enforced in park areas under 36 CFR 4.2.

Section 4.10 Travel on park roads and designated routes.

This section retains most of the basic provisions codified in the former § 4.19, edited for clarity. Its purpose is to establish broad and consistent Servicewide standards for the operation of motor vehicles in the interest of protecting park resources and facilities. These particular limitations are not typically found in State vehicle codes. This section prohibits the operation of motor vehicles in park areas except on park roads, in parking areas and on routes and areas designated for off-road vehicle (ORV) use.

Paragraph (c) of this section addresses three issues related to the impacts of motor vehicle use on park visitors, resources and facilities. The first prohibits operation of a motor vehicle not equipped with pneumatic tires, except for limited authorized use of track-laying vehicles. The second prohibits causing unreasonable damage to the surface of roads or routes. The NPS intends the term unreasonable damage to mean damage to a degree beyond that which would ordinarily be expected under conditions existing at the time. The third provision of this paragraph imposes minimum visibility

requirements for motor vehicles used on ORV routes at night.

This rulemaking does not revise the existing conditions under which off-road motor vehicle activities may be conducted in park areas. These activities are governed by Federal statutory law and the provisions of Executive Orders 11644 and 11989 which apply to all Federal agencies. These Executive Orders require that ORV activities on public lands be limited to designated routes or areas and that these designations be based on the protection of resources, the promotion of visitor safety and the minimization of user conflicts. Furthermore, routes and areas may be designated in units of the National Park System only if the agency head determines that ORV use in such locations will not adversely affect their natural, aesthetic or scenic values. This section requires that ORV routes and areas in park areas be designated by special regulation and limits these designations to national recreation areas, national seashores, national lakeshores and national preserves.

The operation of a motor vehicle on park roads is governed by the regulations in 36 CFR Part 4 and by State law. Any vehicle that may be operated legally on a State highway may be operated legally on a park road unless otherwise restricted by the superintendent. The operation of a motor vehicle on a designated ORV route or area is governed by the provisions of this section, special regulations developed by individual superintendents in 36 CFR Part 7, and conditions and restrictions established by superintendents pursuant to 36 CFR 1.5. ORV use in park areas in Alaska is also governed by regulations codified in 36 CFR Part 13.

Section 4.11 Load, weight and size limits.

This section is a revision and clarification of the former section with the same number. Paragraph (a) provides that limits established by State law are used as the standard in each park area, but authorizes the superintendent to designate more restrictive limits and require a permit for a motor vehicle that exceeds an established limit. This discretionary authority is essential in order for a superintendent to impose restrictions, based on local conditions, for public safety purposes or for the protection of park resources or the road surface itself. Paragraph (b) contains the specific prohibitions of this section and paragraph (c) authorizes the superintendent to suspend or revoke the permit of a person who has violated one of its terms or conditions.

This rulemaking also provides for increasing to 10 inches the size of auxiliary side mirrors that are allowed under certain conditions and deletes the provision of the former section that pertained to transportation of explosives.

Section 4.12 Traffic control devices.

This section is a revision of the former section 4.18. The superintendent's authorities to erect signs and control public use are outlined in 36 CFR 1.5 and 1.7. This section serves as a basic requirement for a motor vehicle operator to comply with a traffic control device (as defined in § 1.4), a requirement that is essential to assuring the safety of park visitors and the protection of resources.

Section 4.13 Obstructing traffic.

This section is a revision of the former section of the same number, the text having been clarified and simplified. This section is intended to address the typical situations found in park areas where vehicle operators are often faced with narrow roads, steep grades, slow moving traffic and distractions caused by wildlife, points of interest or scenic vistas. State vehicle codes do not address these situations in a consistent manner.

Paragraph (a) prohibits stopping or parking a vehicle upon a park road (as defined in § 1.4) except as authorized by the superintendent or as a result of a condition beyond the control of the operator. The primary purpose of this provision is to provide for public safety by preventing obstructions and traffic congestion on the main-traveled surface of roadways. The exception provided allows the superintendent the discretion and flexibility, without the need for posting signs, to allow parking or stopping that, under conditions that exist at the time, does not pose a hazard to other traffic.

Paragraph (b) is intended to prevent hazards, mechanical problems, overheating and unsafe actions by vehicle operators that often occur as a result of situations when vehicle operators proceed at a speed well below the posted limit and that which is safe and, in doing so, impede the progress of operators of vehicles to the rear.

Section 4.14 Open container of alcoholic beverage.

This section addresses the carrying and storing of an open container containing an alcoholic beverage within a motor vehicle. These provisions were formerly codified in 36 CFR 2.35 but, since they pertain directly to motor vehicles and traffic safety, have been moved to Part 4. This section prohibits the carrying or storing of an open container of an alcoholic beverage in a motor vehicle within a park area except for specified areas within a motor vehicle that are not immediately accessible to the vehicle's operator or occupants. The NPS intends these provisions to apply to both moving and parked motor vehicles, except as specified in paragraph (c). The primary purpose of this section is to prevent public safety hazards created by individuals drinking and driving by physically separating vehicle operators and occupants from alcoholic beverages located in the vehicle.

Paragraph (a) specifies that each vehicle occupant is responsible for complying with the provisions of this section that pertain to the carrying of an open container and specifically makes the vehicle operator responsible for complying with the open container storage provisions. Paragraph (b) contains a detailed description of what constitutes an open container of an alcoholic beverage and contains the basic prohibitory elements of the regulation.

Paragraph (c) contains three exceptions to the prohibitions listed in paragraph (b). The first allows the *storage* of an open container in the trunk of a motor vehicle or, *if the motor vehicle is not equipped with a trunk*, in some other portion of the motor vehicle designed for the storage of luggage and not normally occupied by or readily accessible to the operator or passengers. The unoccupied bed of a pickup truck or hatchback area of an automobile are examples of areas that fall under this exception. The second exception applies to an open container *stored* in the living quarters of a motor home or camper. The final exception allows the carrying or storing of an open container in a motor vehicle parked at an authorized campsite *where the motor vehicle's occupants are camped* unless such action is otherwise prohibited (as would be the case in an area closed to the consumption of alcoholic beverages or the possession of an open container under 36 CFR 2.35 or in the case of a minor in possession of alcohol). This provision describes the only situation when carrying an open container within a motor vehicle is considered by the NPS to be appropriate, i.e. when that vehicle is parked at a campsite and being used more as an extension of the campsite than as a means of transportation.

Paragraph (d) clarifies the text used in paragraph (c), emphasizing that a utility or glove compartment is considered an area readily accessible to the operator and passengers of a motor vehicle and therefore not suitable for storage of an open container. The extended cab of a pickup truck is also in that category.

Section 4.20 Right-of-way.

This revision retains the basic provisions of the former § 4.16 that address the protection of pedestrians, saddle and pack animals and vehicles drawn by animals. These elements, which are typical traffic safety concerns in park areas, are not addressed consistently by State law. This section does not limit the superintendent's authority to establish restrictions and closures that serve to limit the use of park roads by pedestrians, stock or vehicles drawn by animals. However, in locations where their use of park roads is allowed in conjunction with motor vehicle traffic, this section specifies that a motor vehicle operator must yield the right of way. The issue of yielding right of way to emergency vehicles is addressed by State law.

Section 4.21 Speed Limits.

This section contains the basic provisions of the former § 4.17. Paragraph (a) lists the basic speed limits that are established for park areas in order to encourage Servicewide consistency and limit confusion on the part of park visitors. Paragraph (b) provides the superintendent discretionary authority to alter those limits in the interest of public safety and requires speed limits to be posted by using standard traffic control devices. Paragraph (c) contains the prohibitory text.

Paragraph (d) contains authorization for the use of radar and specifies that applicable signing is not required. These provisions are included to resolve questions and potential conflicts in some park areas arising from provisions of State law. However, the NPS intends that NPS law enforcement personnel who operate radar as part of traffic safety programs be certified according to applicable Federal, State or industry standards.

Section 4.22 Unsafe Operation.

This section is a significant revision of the former § 4.14 which combined elements related to reckless driving and careless driving. Paragraph (a) emphasizes that reckless driving is not addressed by this regulation; reckless driving is defined by State law and will be enforced by adopting applicable State law under 36 CFR 4.2.

Paragraph (b) prohibits a number of careless driving actions, less severe than reckless driving, that are not addressed consistently by State law but that occur frequently in park areas and are public safety concerns. The first prohibits operating a motor vehicle without due care or at a speed greater than that which is reasonable and prudent considering existing conditions. A motor vehicle operator is responsible for considering all of the listed factors when making decisions related to vehicle operation. The second prohibits the unnecessary squealing or skidding of tires. The third prohibits failure to maintain control of a motor vehicle to the extent necessary to avoid danger to persons, property or wildlife.

The final prohibited actions focus on the vehicle operator but are intended to enhance passenger safety. The first prohibits operating a motor vehicle while allowing a person to ride on or within any vehicle or trailer or other mode of conveyance while being towed, unless the towed vehicle is specifically designed for carrying passengers while being towed. A tram is an example of the type of vehicle that qualifies as an exception. The second provision prohibits allowing a passenger to ride on an exterior portion of a motor vehicle that is not designed or intended for the use of a passenger. The latter restriction does not apply to a person seated on the floor of a truck bed equipped with sides unless that also is prohibited by State law.

Section 4.23 Operating under the influence of alcohol or drugs.

This section represents a major revision of the former § 4.6 and is based on a model regulation developed by the Department of Transportation, tailored to fit NPS needs. This section prohibits operating a motor vehicle while under the influence of alcohol or drugs or a combination of both, includes a specific blood alcohol concentration limit, allows a great deal of flexibility in the use of state or federal training and equipment standards, includes a provision requiring an alleged violator to submit to quantitative blood-alcohol tests and leaves the choice of tests to the officer or ranger rather than the alleged violator. Key terms used in this section that are defined in section 1.4 include "authorized person" and "operator".

Paragraph (a) of this regulation addresses two individual offenses. The first is a standard prohibition against operating or being in actual physical control of a motor vehicle while under the influence of alcohol or drugs to a degree that renders the operator incapable of safe operation. The elements necessary to prove a violation of this provision can be demonstrated through descriptions of observations made by the arresting officer and witnesses, physical evidence and the results of field tests conducted by the officer at the scene. The results of chemical or other quantitative tests conducted may be used to supplement the other items of evidence. The second offense involves operating a vehicle while the alcohol concentration in the operator's blood is 0.10 grams or more of alcohol per 100 milliliters of blood or 0.10 grams or more of alcohol per 210 liters of breath. These specific concentrations and units of measure are taken from the Uniform Vehicle Code. Equivalent units of measure are by definition equal and may obviously be substituted. However, in order to eliminate unnecessary conflicts with State law in cases where State law provides for more restrictive alcohol concentrations than the Uniform Vehicle Code, the NPS has included a provision in this paragraph adopting the more restrictive State levels. Therefore, if State law establishes an alcohol concentration of 0.08 grams or more of alcohol per 100 milliliters of blood as the threshold for a determination of operating under the influence, that level applies within park areas located in that State rather than the 0.10 limit specified in this paragraph. But if State law establishes a less restrictive alcohol concentration such as 0.12 grams or more of alcohol per 100 milliliters of blood, then the 0.10 limit specified in this paragraph applies within park areas located in that State.

The elements necessary to prove a violation of paragraph (a)(2) can be shown only through the results of chemical or other quantitative tests; the officer's probable cause for believing that the person is operating a motor vehicle while under the influence must be comprised of other factors. In cases where the specified alcohol concentrations cannot be shown, an operator can only be charged with a violation of paragraph (a)(1).

Paragraph (b) provides that the prohibitions in paragraph (a) also apply to an operator who is legally entitled to use alcohol or another drug. Therefore, the fact that a person charged with a violation of paragraph (a) is legally entitled to use alcohol or another drug for medical reasons does not constitute authorization to operate a motor vehicle while under the influence of those substances.

Paragraph (c) pertains to quantitative testing for the purpose of determining an

operator's blood alcohol or drug content. Regardless of the medium being tested, the results of quantitative tests measure the concentration of the drug in the operator's blood. Paragraph (c)(1) requires an operator, when requested by an authorized person who has probable cause to believe that the operator has violated a provision of paragraph (a), to submit to one or more tests of body fluids or breath to determine blood alcohol or drug content. Paragraph (c)(2) provides that refusal by an operator to submit to a test under the conditions specified in paragraph (c)(1) is prohibited and constitutes a separate violation, subjecting the operator to the penalty provisions of 36 CFR 1.3. Proof of a violation of paragraph (c)(2) is not dependent upon a prior finding of the operator's guilt on a charge of violating a provision of paragraph (a).

Paragraphs (c)(1) and (2) are essential to the success of NPS public safety and alcohol enforcement programs because of the inability of the NPS to adopt State implied consent statutes which provide for the administrative revocation of the operator's drivers license when he or she refuses to take a quantitative test. The NPS wishes to emphasize, however, that a vehicle operator is not required to submit to a qualitative test (field sobriety test) and that there is no penalty attached to a refusal to take such a test.

Paragraph (c)(3) establishes that the choice of quantitative tests to be taken by an operator rests with the authorized person, not with the operator. This provision is necessary because park staffs are often limited in the types of testing equipment and facilities and the number of certified testers available. The isolation of many park areas and the distance to alternative testing equipment or facilities preclude giving the choice of tests to the operator. This provision also favors the operator, the person who benefits most from a situation that provides for prompt access to testing equipment and facilities.

Paragraph (c)(4) limits the conducting of quantitative tests to accepted scientific methods and equipment of proven accuracy and reliability operated by personnel certified in its use. The NPS intent is to assure that equipment and methods used for such tests are of a type or nature commonly used by Federal, State and local law enforcement agencies and accepted as reliable for such purposes by Federal, State or local courts. The NPS also intends that tests be conducted by personnel who have been certified in the use of that equipment by the manufacturer or by an appropriate Federal, State or local official or agency.

Paragraph (d) addresses the issue of presumptions. If the results of quantitative tests indicate that the alcohol concentration in the operator's blood is less than the alcohol concentrations specified in paragraph (a)(2), there can be no presumption drawn concerning whether or not the operator is under the influence. However, this absence of presumption is not intended to preclude the introduction of other evidence, such as the elements comprising the officer's probable cause to arrest the operator, that addresses the question of whether the operator was, at the time of the alleged violation, under the influence of alcohol or drugs.

Section 4.30 Bicycles.

This section is a revision of the former section 4.3 and provides that the use of bicycles is allowed in park areas under the same basic conditions as are motor vehicles, i.e. on park roads, in parking areas and on routes designated for their use. These provisions reflect the facts that the NPS generally considers bicycle use a very appropriate, low impact method for visitors to enjoy park areas, but that certain limitations on their use are necessary and appropriate in the interest of public safety, resource protection and the avoidance of visitor conflicts.

Paragraph (a) authorizes the use of bicycles within park areas on roads, in parking areas and on routes designated by the superintendent for bicycle use but reinforces the fact that the superintendent may impose closures pursuant to 36 CFR 1.5. The superintendent may also establish conditions and restrictions on bicycle use under the same authority. The NPS intends that the discretionary authority provided superintendents to designate bicycle routes without a formal rulemaking be a flexible tool used to accommodate the needs of bicyclists for reasonable access to areas away from park roads. This process provides the opportunity for a superintendent, after making the required written determination that such use is consistent with the protection of park values and purposes and safety considerations, to designate routes (trails) for bicycle use only and/or for the common use of bicyclists and other visitors as appropriate, given local conditions. However, this discretionary authority to designate bicycle routes without a formal rulemaking may be exercised only for routes located in developed areas or special use zones of park areas, which are land management and use categories established pursuant to a park area's Statement for Management and General Management Plan.

Developed areas include lands within development and historic zones; these areas are generally impacted to a certain degree by structures, facilities or other improvements which reflect the fact that the primary purpose or management objective for the use of these lands is other than the preservation of their natural resources. Special use zones include non-federal lands within the exterior boundaries of a park area that are used for non-park purposes but over which the NPS exerts some degree of administrative control. Ranch, forest, industrial, or agricultural lands and transportation or utility corridors are all examples of land uses that could occur within special use zones and where recreational activities such as bicycling could be compatible.

Paragraph (b) requires a formal rulemaking in order for a bicycle route to be designated outside of a developed area or special use zone. The NPS has determined that the designation of a bicycle route outside of such developed areas, in areas whose primary purpose and land uses are related more to the preservation of natural resources and values, would have a much greater potential to result in adverse resource impacts or visitor use conflicts. This paragraph therefore provides for a much more stringent decisionmaking process for such a proposal by requiring a formal rulemaking. Such a process will provide for a thorough review of all environmental and visitor use considerations and assure the superintendent of having had the benefit of public review and comment before making a decision on any proposed designation.

Paragraph (c) establishes operator responsibilities by making applicable to a bicycle operator all the provisions of Part 4 that apply to a motor vehicle operator except §§ 4.4, 4.10, 4.11 and 4.14. Bicycle accidents are reported pursuant to the provisions of 36 CFR 2.33; §§ 4.10 and 4.11 do not apply to bicycle use; § 4.14 has very little applicability beyond the primary area of concern addressed in paragraph (d)(4) of this section and discussed below.

Most activities involving the operation of a bicycle are regulated under paragraph (c) by applying other sections of Part 4. However, paragraph (d) addresses four additional areas involving bicycle use. The first prohibits the possession of a bicycle in a designated wilderness area. This provision reflects a statutory prohibition

on forms of mechanical transport in wilderness areas that is contained in the Wilderness Act of 1964 [16 U.S.C. 1133(c)] and that has been in effect since that law was passed. This rulemaking establishes a regulatory provision (and an accompanying penalty) that is consistent with regulations promulgated by the United States Forest Service and the Bureau of Land Management, Federal land management agencies which administer extensive areas of public lands designated as wilderness.

The second provision of paragraph (d) imposes certain minimum visibility requirements on bicycle operators in the interest of their own safety. The third prohibits bicycle operators from riding abreast of one another except where authorized by the superintendent. This provision is also intended to enhance the safety of bicycle operators and to prevent obstruction of traffic.

The last provision of this paragraph prohibits consuming an alcoholic beverage or carrying in hand an open container of an alcoholic beverage while operating a bicycle. The NPS has determined that, because of the limited storage options available to a bicycle operator, it is unreasonable to expect a bicycle operator to comply with the requirements for carrying and storing an open container of an alcoholic beverage specified in § 4.14. This paragraph allows an operator to carry or store, for later consumption, an open container of an alcoholic beverage in a backpack or in a cooler or storage bag attached to the bicycle, but prohibits the unsafe practice of consuming an alcoholic beverage while operating the bicycle.

Section 4.31 Hitchhiking.

This section is a revision of the former § 4.22 which prohibits hitchhiking altogether. This regulation reflects the NPS concern over the public safety issues involved with hitchhiking but also recognizes that, under certain circumstances and in certain locations, hitchhiking is the only practical method for some pedestrians to circulate within park areas. This section prohibits hitchhiking but provides the superintendent the discretion to allow hitchhiking through designations and under conditions established in the interest of public safety pursuant to the authority of § 1.5. This position recognizes the dangers inherent in hitchhiking and establishes a Servicewide standard that discourages the activity. But it also allows hitchhiking to take place on a limited basis under conditions that can reduce somewhat the types and levels of hazards to which participants are exposed. Based on local circumstances, a superintendent can allow hitchhiking in designated locations and under specific conditions that would reduce the public safety hazards involved in this activity.

Part 7

As a result of the revisions to 36 CFR Parts 1, 2 and 4 contained in this rulemaking, the NPS is deleting 22 regulations (park-specific) in 36 CFR Part 7 that pertain to motor vehicles and traffic safety. These regulations have been rendered unnecessary by the terms of this rulemaking either through duplication or by the fact that the restrictions can be imposed through use of the superintendent's discretionary authority. The subjects addressed by the regulations being deleted include load, weight and size limitations, limitations on vehicle types, speed limits and hitchhiking. A number of special regulations have also been revised to change or delete cross-references to regulations in Part 4.

Part 34

Minor revisions to the regulations in this Part were required to change cross-references to regulations in Parts 1 and 4.

Drafting Information

The workgroup that developed this rulemaking is composed of Paul Anderson (Delaware Water Gap National Recreation Area—Yosemite National Park), Pat Buccello (Sequoia National Park), Jim Fox (Blue Ridge Parkway), Bob Mihan (Yellowstone National Park), Pete Nigh (Grand Canyon National Park), Bob Reid, (U.S. Park Police), Andy Ringgold (Branch of Ranger Activities), Steve Shackelton (Hawaii Volcanoes National Park) and John Sharp (Office of the Solicitor). Numerous other NPS employees also contributed to its development and review.

Paperwork Reduction Act

The information collection requirements contained in § 4.11 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024–0026.

Compliance with Other Laws

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 (February 19, 1981), 46 FR 13193, and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*). These findings are based on the fact that the overall economic effects of this rulemaking are negligible; they impose no additional costs on any group or class of individuals.

The National Park Service has determined that this rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, this rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental regulations in 516 DM 6, (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects

36 CFR Part 1

National parks, Penalties, Reporting and recordkeeping requirements, Signs and symbols.

36 CFR Part 2

Environmental protection, National parks, Reporting and recordkeeping requirements.

36 CFR Part 4

National parks, Traffic regulations.

36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

36 CFR Part 34

National parks, Administrative site, Penalties, Traffic regulations.

In consideration of the foregoing, 36 CFR Chapter 1 is amended as follows:

PART 1—GENERAL PROVISIONS

1. The authority citation for Part 1 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460*l*–6a(e), 462(k); D.C. Code 8–137 (1981) and D.C. Code 40–721 (1981).

2. By adding a new paragraph (e) to § 1.2 to read as follows:

§ 1.2 Applicability and scope.

* * * * *

(e) The regulations in this chapter are intended to treat a mobility-impaired person using a manual or motorized wheelchair as a pedestrian, and are not intended to restrict the activities of such a person beyond the degree that the activities of a pedestrian are restricted by the same regulations.

§ 1.4 [Amended]

3. By amending the list of definitions in § 1.4 as follows:

a. By revising the definition of "Authorized emergency vehicle" to read as follows:

"Authorized emergency vehicle" means a vehicle in official use for emergency purposes by a Federal agency or an emergency vehicle as defined by State law.

b. By revising the definition of "Bicycle" to read as follows:

"Bicycle" means every device propelled solely by human power upon which a person or persons may ride on land, having one, two, or more wheels, except a manual wheelchair.

c. By revising the definition of "Motor vehicle" to read as follows:

"Motor vehicle" means every vehicle that is self-propelled and every vehicle that is propelled by electric power, but not operated on rails or upon water, except a snowmobile and a motorized wheelchair.

d. By revising the definition of "Operator" to read as follows:

"Operator" means a person who operates, drives, controls, otherwise has charge of or is in actual physical control of a mechanical mode of transportation or any other mechanical equipment.

e. By adding the following definitions and inserting them in alphabetical order:

"Manual wheelchair" means a device that is propelled by human power, designed for and used by a mobility-impaired person.

"Motorized wheelchair" means a self-propelled wheeled device, designed solely for and used by a mobility-impaired person for locomotion, that is both capable of and suitable for use in indoor pedestrian areas.

"State law" means the applicable and nonconflicting laws, statutes, regulations, ordinances, infractions and codes of the State(s) and political subdivision(s) within whose exterior boundaries a park area or a portion thereof is located.

"Traffic control device" means a sign, signal, marking or other device placed or erected by, or with the concurrence of, the Superintendent for the purpose of regulating, warning, guiding or otherwise controlling traffic or regulating the parking of vehicles.

4. By revising § 1.8 to read as follows:

§ 1.8 Information collection.

The information collection requirements contained in §§ 1.5, 2.4, 2.5, 2.10 2.12, 2.17, 2.33, 2.38, 2.50, 2.51, 2.52, 2.60, 2.61, 2.62, 3.3, 3.4, 4.4 and 4.11 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*, and assigned clearance number 1024–0026. This information is being collected to provide superintendents data necessary to issue permits for special uses of park areas and to obtain notification of accidents that occur within park areas. This information will be used to grant administrative benefits and to facilitate prompt emergency response to accidents. In §§ 2.33, 3.4 and 4.4, the obligation to respond is mandatory; in all other sections the obligation to respond is required in order to obtain a benefit.

PART 2—RESOURCE PROTECTION, PUBLIC USE AND RECREATION

5. The authority citation for Part 2 is revised to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 462(k).

6. By revising paragraphs (a) and (d)(4) of § 2.18 to read as follows. The introductory text of paragraph (d) is republished.

§ 2.18 Snowmobiles.

(a) Notwithstanding the definition of vehicle set forth in § 1.4 of this chapter, the provisions of §§ 4.4, 4.12, 4.13, 4.14, 4.20, 4.21, 4.22 and 4.23 of this chapter apply to the operation of a snowmobile.

* * * * *

(d) The following are prohibited: * * *

(4) Racing, or operating a snowmobile in excess of 45 mph, unless restricted in accordance with § 4.22 of this chapter or otherwise designated.

* * * * *

7. By revising paragraph (a) of § 2.33 to read as follows:

§ 2.33 Report of injury or damage.

(a) A person involved in an incident resulting in personal injury or property damage exceeding $300, other than an accident reportable under §§ 3.4 or 4.4 of this chapter, shall report the incident to the superintendent as soon as possible. This notification does not satisfy reporting requirements imposed by applicable State law.

* * * * *

8. By amending § 2.35 as follows:

a. By removing paragraphs (a)(2) (iii) and (iv).

b. By revising paragraph (a)(3) to read as follows:

§ 2.35 Alcoholic beverages and controlled substances.

(a) * * *

(3)(i) The superintendent may close all or a portion of a public use area or public facility within a park area to the consumption of alcoholic beverages and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or that has been opened, or whose seal is broken or the contents of which have been partially removed. *Provided however*, that such a closure may only be implemented following a determination made by the superintendent that:

(A) The consumption of an alcoholic beverage or the possession of an open container of an alcoholic beverage would be inappropriate considering other uses of the location and the purpose for which it is maintained or established; or

(B) Incidents of aberrant behavior related to the consumption of alcoholic beverages are of such magnitude that the diligent application of the authorities in this section and §§ 1.5 and 2.34 of this chapter, over a reasonable time period, does not alleviate the problem.

(ii) A closure imposed by the superintendent does not apply to an open container of an alcoholic beverage that is stored in compliance with the provisions of § 4.14 of this chapter.

(iii) Violating a closure imposed pursuant to this section is prohibited.

* * * * *

9. By revising Part 4 to read as follows:

PART 4—VEHICLES AND TRAFFIC SAFETY

Sec.

4.1 Applicability and scope.
4.2 State law applicable.
4.3 Authorized emergency vehicles.
4.4 Report of motor vehicle accident.
4.10 Travel on park roads and designated routes.
4.11 Load, weight and size limits.
4.12 Traffic control devices.
4.13 Obstructing traffic.
4.14 Open container of alcoholic beverage.
4.20 Right of way.
4.21 Speed limits.
4.22 Unsafe operation.
4.23 Operating under the influence of alcohol or drugs.
4.30 Bicycles.
4.31 Hitchhiking.

Authority: 16 U.S.C. 1, 3, 9a, 462(k).

§ 4.1 Applicability and scope.

The applicability of the regulations in this part is described in § 1.2 of this chapter. The regulations in this part also apply, regardless of land ownership, on

all roadways and parking areas within a park area that are open to public traffic and that are under the legislative jurisdiction of the United States.

§ 4.2 State law applicable.

(a) Unless specifically addressed by regulations in this chapter, traffic and the use of vehicles within a park area are governed by State law. State law that is now or may later be in effect is adopted and made a part of the regulations in this part.

(b) Violating a provision of State law is prohibited.

§ 4.3 Authorized emergency vehicles.

(a) The operator of an authorized emergency vehicle, when responding to an emergency or when pursuing or apprehending an actual or suspected violator of the law, may:

(1) Disregard traffic control devices;

(2) Exceed the speed limit; and

(3) Obstruct traffic.

(b) The provisions of paragraph (a) of this section do not relieve the operator from the duty to operate with due regard for the safety of persons and property.

§ 4.4 Report of motor vehicle accident.

(a) The operator of a motor vehicle involved in an accident resulting in property damage, personal injury or death shall report the accident to the superintendent as soon as practicable, but within 24 hours of the accident. If the operator is physically incapable of reporting the accident, an occupant of the vehicle shall report the accident to the superintendent.

(b) A person shall not tow or move a vehicle that has been involved in an accident without first notifying the superintendent unless the position of the vehicle constitutes a hazard or prior notification is not practicable, in which case notification shall be made before the vehicle is removed from the park area.

(c) Failure to comply with a reporting requirement specified in paragraph (a) or (b) of this section is prohibited.

(d) The notification requirements imposed by this section do not relieve the operator and occupants of a motor vehicle involved in an accident of the responsibility to satisfy reporting requirements imposed by State law.

§ 4.10 Travel on park roads and designated routes.

(a) Operating a motor vehicle is prohibited except on park roads, in parking areas and on routes and areas designated for off-road motor vehicle use.

(b) Routes and areas designated for off-road motor vehicle use shall be promulgated as special regulations. The designation of routes and areas shall comply with § 1.5 of this chapter and E.O. 11644 (37 FR 2887). Routes and areas may be designated only in national recreation areas, national seashores, national lakeshores and national preserves.

(c) The following are prohibited:

(1) Operating a motor vehicle not equipped with pneumatic tires, except that a track-laying motor vehicle or a motor vehicle equipped with a similar traction device may be operated on a route designated for these vehicles by the superintendent.

(2) Operating a motor vehicle in a manner that causes unreasonable damage to the surface of a park road or route.

(3) Operating a motor vehicle on a route or area designated for off-road motor vehicle use, from ½ hour after sunset to ½ hour before sunrise, without activated headlights and taillights that meet the requirements of State law for operation on a State highway.

§ 4.11 Load, weight and size limits.

(a) Vehicle load, weight and size limits established by State law apply to a vehicle operated on a park road. However, the superintendent may designate more restrictive limits when appropriate for traffic safety or protection of the road surface. The superintendent may require a permit and establish conditions for the operation of a vehicle exceeding designated limits.

(b) The following are prohibited:

(1) Operating a vehicle that exceeds a load, weight or size limit designated by the superintendent.

(2) Failing to obtain a permit when required.

(3) Violating a term or condition of a permit.

(4) Operating a motor vehicle with an auxiliary detachable side mirror that extends more than 10 inches beyond the side fender line except when the motor vehicle is towing a second vehicle.

(c) Violating a term or condition of a permit may also result in the suspension or revocation of the permit by the superintendent.

§ 4.12 Traffic control devices.

Failure to comply with the directions of a traffic control device is prohibited unless otherwise directed by the superintendent.

§ 4.13 Obstructing traffic.

The following are prohibited:

(a) Stopping or parking a vehicle upon a park road, except as authorized by the superintendent, or in the event of an accident or other condition beyond the control of the operator.

(b) Operating a vehicle so slowly as to interfere with the normal flow of traffic.

§ 4.14 Open container of alcoholic beverage.

(a) Each person within a motor vehicle is responsible for complying with the provisions of this section that pertain to carrying an open container. The operator of a motor vehicle is the person responsible for complying with the provisions of this section that pertain to the storage of an open container.

(b) Carrying or storing a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal is broken or the contents of which have been partially removed, within a motor vehicle in a park area is prohibited.

(c) This section does not apply to:

(1) An open container stored in the trunk of a motor vehicle or, if a motor vehicle is not equipped with a trunk, to an open container stored in some other portion of the motor vehicle designed for the storage of luggage and not normally occupied by or readily accessible to the operator or passengers; or

(2) An open container stored in the living quarters of a motor home or camper; or

(3) Unless otherwise prohibited, an open container carried or stored in a motor vehicle parked at an authorized campsite where the motor vehicle's occupant(s) are camping.

(d) For the purpose of paragraph (c)(1) of this section, a utility compartment or glove compartment is deemed to be readily accessible to the operator and passengers of a motor vehicle.

§ 4.20 Right of way.

An operator of a motor vehicle shall yield the right of way to pedestrians, saddle and pack animals and vehicles drawn by animals. Failure to yield the right of way is prohibited.

§ 4.21 Speed limits.

(a) Park area speed limits are as follows:

(1) 15 miles per hour: within all school zones, campgrounds, picnic areas, parking areas, utility areas, business or residential areas, other places of public assemblage and at emergency scenes.

(2) 25 miles per hour: upon sections of park road under repair or construction.

(3) 45 miles per hour: upon all other park roads.

(b) The superintendent may designate a different speed limit upon any park road when a speed limit set forth in

paragraph (a) of this section is determined to be unreasonable, unsafe or inconsistent with the purposes for which the park area was established. Speed limits shall be posted by using standard traffic control devices.

(c) Operating a vehicle at a speed in excess of the speed limit is prohibited.

(d) An authorized person may utilize radiomicrowaves or other electrical devices to determine the speed of a vehicle on a park road. Signs indicating that vehicle speed is determined by the use of radiomicrowaves or other electrical devices are not required.

§ 4.22 Unsafe operation.

(a) The elements of this section constitute offenses that are less serious than reckless driving. The offense of reckless driving is defined by State law and violations are prosecuted pursuant to the provisions of section 4.2 of this chapter.

(b) The following are prohibited:

(1) Operating a motor vehicle without due care or at a speed greater than that which is reasonable and prudent considering wildlife, traffic, weather, road and light conditions and road character.

(2) Operating a motor vehicle in a manner which unnecessarily causes its tires to squeal, skid or break free of the road surface.

(3) Failing to maintain that degree of control of a motor vehicle necessary to avoid danger to persons, property or wildlife.

(4) Operating a motor vehicle while allowing a person to ride:

(i) On or within any vehicle, trailer or other mode of conveyance towed behind the motor vehicle unless specifically designed for carrying passengers while being towed; or

(ii) On any exterior portion of the motor vehicle not designed or intended for the use of a passenger. This restriction does not apply to a person seated on the floor of a truck bed equipped with sides, unless prohibited by State law.

§ 4.23 Operating under the influence of alcohol or drugs.

(a) Operating or being in actual physical control of a motor vehicle is prohibited while:

(1) Under the influence of alcohol, or a drug, or drugs, or any combination thereof, to a degree that renders the operator incapable of safe operation; or

(2) The alcohol concentration in the operator's blood or breath is 0.10 grams or more of alcohol per 100 milliliters of blood or 0.10 grams or more of alcohol per 210 liters of breath. *Provided however,* that if State law that applies to operating a motor vehicle while under the influence of alcohol establishes more restrictive limits of alcohol concentration in the operator's blood or breath, those limits supersede the limits specified in this paragraph.

(b) The provisions of paragraph (a) of this section also apply to an operator who is or has been legally entitled to use alcohol or another drug.

(c) *Tests.* (1) At the request or direction of an authorized person who has probable cause to believe that an operator of a motor vehicle within a park area has violated a provision of paragraph (a) of this section, the operator shall submit to one or more tests of the blood, breath, saliva or urine for the purpose of determining blood alcohol and drug content.

(2) Refusal by an operator to submit to a test is prohibited and proof of refusal may be admissable in any related judicial proceeding.

(3) Any test or tests for the presence of alcohol and drugs shall be determined by and administered at the direction of an authorized person.

(4) Any test shall be conducted by using accepted scientific methods and equipment of proven accuracy and reliability operated by personnel certified in its use.

(d) *Presumptive levels.* (1) The results of chemical or other quantitative tests are intended to supplement the elements of probable cause used as the basis for the arrest of an operator charged with a violation of paragraph (a)(1) of this section. If the alcohol concentration in the operator's blood or breath at the time of testing is less than alcohol concentrations specified in paragraph (a)(2) of this section, this fact does not give rise to any presumption that the operator is or is not under the influence of alcohol.

(2) The provisions of paragraph (d)(1) of this section are not intended to limit the introduction of any other competent evidence bearing upon the question of whether the operator, at the time of the alleged violation, was under the influence of alcohol, or a drug, or drugs, or any combination thereof.

§ 4.30 Bicycles.

(a) The use of a bicycle is prohibited except on park roads, in parking areas and on routes designated for bicycle use; *provided, however,* the superintendent may close any park road or parking area to bicycle use pursuant to the criteria and procedures of §§ 1.5 and 1.7 of this chapter. Routes may only be designated for bicycle use based on a written determination that such use is consistent with the protection of a park area's natural, scenic and aesthetic values, safety considerations and management objectives and will not disturb wildlife or park resources.

(b) Except for routes designated in developed areas and special use zones, routes designated for bicycle use shall be promulgated as special regulations.

(c) A person operating a bicycle is subject to all sections of this part that apply to an operator of a motor vehicle, except §§ 4.4, 4.10, 4.11 and 4.14.

(d) The following are prohibited:

(1) Possessing a bicycle in a wilderness area established by Federal statute.

(2) Operating a bicycle during periods of low visibility, or while traveling through a tunnel, or between sunset and sunrise, without exhibiting on the operator or bicycle a white light or reflector that is visible from a distance of at least 500 feet to the front and with a red light or reflector visible from at least 200 feet to the rear.

(3) Operating a bicycle abreast of another bicycle except where authorized by the superintendent.

(4) Operating a bicycle while consuming an alcoholic beverage or carrying in hand an open container of an alcoholic beverage.

§ 4.31 Hitchhiking.

Hitchhiking or soliciting transportation is prohibited except in designated areas and under conditions established by the superintendent.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

10. The authority citation for Part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 462(k); section 7.96 also issued under D.C. Code 8–137 (1981) and D.C. Code 40–721 (1981).

11. The authority citations following all the sections in Part 7 are removed.

§ 7.3 [Amended]

12. In § 7.3, Glacier National Park, by removing paragraph (g) and redesignating paragraph (h) as paragraph (g).

§ 7.4 [Amended]

13. In § 7.4, Grand Canyon National Park, by removing paragraphs (a), (b), (c), (d), (e), and (f) and redesignating paragraph (g) as (a), paragraph (h) as (b) and paragraph (i) as paragraph (c).

§ 7.7 [Amended]

14. In § 7.7, Rocky Mountain National Park, paragraph (h)(3) is amended by revising the cross-reference to "§ 4.14" to read "§ 4.22".

§ 7.12 [Amended]

15. In § 7.12, Gulf Islands National Seashore, paragraph (b)(1)(i) is amended by revising the cross-reference to "§ 4.19(b)" to read "§ 4.10(b)" and paragraph (b)(2)(v)(B) is amended by removing the cross-references to "§§ 4.12, 4.19(e), 4.20 and 4.21" and adding in place thereof a cross-reference to read "§ 4.10(c)(3)".

§ 7.13 [Amended]

16. In § 7.13, Yellowstone National Park, by removing paragraph (a), redesignating paragraph (b)(2) as paragraph (a), removing paragraph (b)(1), and redesignating the introductory text of paragraph (b)(3) and paragraphs (b)(3)(i) and (b)(3)(ii) as the introductory text of paragraph (b) and paragraphs (b)(1) and (b)(2).

§ 7.15 [Amended]

17. In § 7.15, Shenandoah National Park, by removing paragraphs (e) and (f).

§ 7.16 [Amended]

18. In § 7.16, Yosemite National Park, by removing and reserving paragraphs (d), (f) and (g).

§ 7.20 [Amended]

19. In § 7.20, Fire Island National Seashore, by amending paragraph (a)(7)(iv) by removing the cross-references to "§§ 4.12, 4.19(e), 4.20 and 4.21" and adding in place thereof a cross-reference to read "§ 4.10(c)(3)".

§ 7.29 [Amended]

20. In § 7.29, Gateway National Recreation Area, by amending paragraph (a) by revising the cross-reference to "§ 4.19(b)" to read "§ 4.10(b)".

§ 7.34 [Amended]

21. In § 7.34, Blue Ridge Parkway, by removing paragraph (k) and redesignating paragraph (l) as (k).

§ 7.41 [Amended]

22. In § 7.41, Big Bend National Park, by removing paragraph (d).

§ 7.43 [Amended]

23. In § 7.43, Natchez Trace Parkway, by removing paragraphs (c)(5) (iii) and (iv) and redesignating paragraph (c)(5)(v) as paragraph (c)(5)(iii).

§ 7.57 [Amended]

24. In § 7.57, Lake Meredith Recreation Area, by removing paragraph (a)(2), by removing only the paragraph designation (1), not the text, of paragraph (a)(1) and revising paragraph (b) to read as follows:

* * * * *

(b) *Safety Helmets.* The operator and each passenger of a motorcycle shall wear a safety helmet while riding on a motorcycle in an off-road area designated in paragraph (a) of this section.

* * * * *

§ 7.58 [Amended]

25. In § 7.58, Cape Hatteras National Seashore, by removing paragraph (b) and redesignating paragraph (c) as (b).

§ 7.65 [Amended]

26. In § 7.65, Assateague Island National Seashore, by amending paragraph (b)(2)(ii)(C) by removing the cross-references to "§§ 4.12, 4.19 and 4.21" and adding in place thereof a cross-reference to read "§ 4.10".

§ 7.75 [Amended]

27. In § 7.75, Padre Island National Seashore, by removing paragraphs (a)(1)(iii) and (a)(2)(v), by redesignating paragraphs (a)(1) (iv), (v) and (vi) as paragraphs (a)(1) (iii), (iv) and (v), and by amending paragraph (a)(1)(ii) by removing the cross-references to "§§ 4.12, 4.19, and 4.21" and adding in place thereof a cross-reference to § 4.10.

PART 34—EL PORTAL ADMINISTRATIVE SITE REGULATIONS

28. The authority citation for Part 34 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 47–1, 460*l*–6a(e).

29. By revising paragraphs (a)(1) and (d) of § 34.5 to read as follows:

§ 34.5 Applicable regulations.

* * * * *

(a) *General provisions.* (1) 1.2(d) Applicability and scope; exception for administrative activities.

* * * * *

(d) *Vehicles and traffic safety.* (1) 4.2 State law applicable.

(2) 4.4 Report of motor vehicle accident.

(3) 4.10(a), (c)(1) and (c)(2) Travel on park roads and designated routes.

(4) 4.11 Load, weight and size limits.

(5) 4.12 Traffic control devices.

(6) 4.14 Open container of alcoholic beverage.

(7) 4.21 Speed limits.

(8) 4.22 Unsafe operation.

(9) 4.23 Operating under the influence of alcohol or drugs.

* * * * *

Dated: March 5, 1987.

P. Daniel Smith,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87–6391 Filed 4–1–87; 8:45 am]

BILLING CODE 4310–70–M