

number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for Part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

2. Section 75.100 is amended as follows:

J-213 [Amended]

By removing the words "to Beckley," and by substituting the words "Beckley; INT Beckley 264°T(270°M) and Louisville, KY, 101°T(100°M) radials; to Louisville."

Issued in Washington, DC, on July 5, 1989.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 89-16665 Filed 7-14-89; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 703

Rule on Informal Dispute Settlement Procedures

AGENCY: Federal Trade Commission.

ACTION: Extension of time for public comment on Advance Notice of Proposed Rulemaking.

SUMMARY: The Federal Trade Commission has granted all interested parties a 60-day extension, until September 15, 1989, of the time for filing public comments on an Advance Notice of Proposed Rulemaking for possible amendments to its rule governing informal dispute settlement procedures (16 CFR Part 703). The Advance Notice, published on May 16, 1989 (54 FR 21070), had provided a 60-day period for submitting written comments ending on July 17, 1989. In addition, the Commission has denied a request for an additional 30-day extension for possible rebuttal on the grounds that such a request was premature.

DATES: Written comments will now be accepted until September 15, 1989.

ADDRESS: Written comments and suggestions should be marked "Rule 703 Review" and sent to the Division of Marketing Practices, Federal Trade Commission, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Carole I. Danielson, Division of Marketing Practices, Federal Trade Commission, Washington, DC 20580, (202) 326-3115

or Steven Toporoff, Division of Marketing Practices, Federal Trade Commission, Washington, DC 20580, (202) 326-3135

SUPPLEMENTARY INFORMATION: On May 26, 1988, the Attorneys General for the States of Minnesota, California, Connecticut, Florida and New York filed a joint request for an extension of the public comment period on the review of the Commission's Rule Governing Informal Dispute Settlement Procedures, 16 CFR Part 703 ("Rule 703"). In an Advance Notice of Proposed Rulemaking ("ANPR") published on May 16, 1989, the Commission had requested written public comment on whether Rule 703 should remain unchanged, or whether it should be amended (54 FR 21070). The comment period was to have ended on July 17, 1989.

The Attorneys General state that because the revision of Rule 703 could affect the rights of consumers in all states, many states will wish to submit a collective comment on the issues now being raised. The Attorneys General request an extension of 60 days beyond July 17 for submission of their comments in order to notify the individual states, collect responsive information and present the information in a collective answer.

The Attorneys General also request an additional period of not less than thirty days to review and respond to any economic or cost data or factual statements which may be submitted by the petitioners, by an informal dispute settlement mechanism, or by any agent of these parties.

Having considered the request, the complexity of the issues raised by the ANPR, and the desirability of obtaining comments from all interested parties that fully reflect their individual or combined views and experience, the Commission has determined that a 60-day extension of time should be granted to all who wish to comment. Accordingly, the Commission has extended the deadline for filing public comments on the ANPR to September 15, 1989.

The Commission has denied the request of the Attorneys General for an additional rebuttal period to review and respond to certain information which

may be submitted during the comment period. This process is only at the ANPR level, which is intended to be an informal procedure, laying out a series of questions to assist the Commission in determining whether to initiate a proceeding to consider amendments to Rule 703 and, if so, what amendments should be considered. If the Commission issues a Notice of Proposed Rulemaking, such Notice would be published in the *Federal Register* and there would be ample opportunity at that time for additional comments and, if appropriate, rebuttal periods. Therefore, the Commission has determined that it would be premature to grant an extension of time to commentators for rebuttal at this stage of the proceeding.¹

By direction of the Commission, Commissioners Azcuenaga and Strenio dissenting.

Donald S. Clark,

Secretary.

[FR Doc. 89-16798 Filed 7-14-89; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 625 and 645

[FHWA Docket No. 86-13, Notice 3]

RIN 2125-AC 32

Design Standards for Highways; Reference Material; Roadside Design Guide

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking

SUMMARY: The American Association of State Highway and Transportation Officials (AASHTO) has approved and published a document entitled "Roadside Design Guide" which superseded its 1977 "Guide for Selecting, Locating and Designing Traffic Barriers." The FHWA is proposing to replace references to the latter document in 23 CFR Parts 625 and 645 with references to the 1989 "Roadside Design Guide." Further, the FHWA is soliciting comments on whether the "Roadside Design Guide" should be adopted in whole or in part or modified in any way for application to Federal-aid highway projects.

¹ Commissioners Azcuenaga and Strenio agree that the Commission should grant a 60-day extension of the public comment period. However, they dissent from the Commission majority decision to deny the request for a 30-day rebuttal period.

DATE: Comments on the contents and/or application of the "Roadside Design Guide" to Federal-aid Highway Projects must be received on or before October 25, 1989.

ADDRESS: Submit written, signed comments to FHWA Docket No. 86-13, Notice No. 3, Federal Highway Administration HCC-10, Room 4232, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination between 8:30 a.m. and 3:30 p.m. e.t., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. Powers, Office of Engineering, (202) 366-1320, or Mr. Michael J. Laska, Office of the Chief Counsel, (202) 366-1383, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: The American Association of State Highway and Transportation Officials (AASHTO) has published a document entitled "Roadside Design Guide" which was prepared by the AASHTO Task Force for Roadside Safety. The initiation of this activity was announced on January 12, 1987, at 52 FR 1200 (Docket 86-13, Notice No. 1) and was followed by a status report on February 9, 1988, at 53 FR 3757 (Docket No. 86-13, Notice No. 2). The Roadside Design Guide was approved by the AASHTO Executive Committee in October 1988 and published in March 1989.

The Roadside Design Guide contains state-of-the-practice information on virtually all aspects of roadside safety design including clear zones, topographic and drainage features, sign and luminaire supports, roadside and median traffic barriers, bridge railings, crash cushions and work zone applications of these features. Also included is a section on a cost-effectiveness evaluation procedure developed for use with a microcomputer.

The Roadside Design Guide is not intended to be a policy document or standard as evidenced by its inclusion in 23 CFR as a guide or reference document. However, it can properly be used by a highway agency to develop appropriate policies and standards.

The FHWA, through this notice of proposed rulemaking, is requesting comments on any of the material presented in the "Roadside Design Guide," as well as the effect such information is likely to have on the Federal-aid highway program. Based on

a comprehensive analysis of an internal FHWA review and the comments received in response to this notice, the FHWA may develop guidelines for the application of the "Roadside Design Guide" for use on Federal-aid projects. If the "Roadside Design Guide" contains material not acceptable to the FHWA, such material will be noted and excluded at the time it is cited in 23 CFR Parts 625 and 645.

A limited distribution of the Roadside Design Guide has been made by AASHTO to its member agencies and by FHWA to its field offices. Additional copies should be ordered through AASHTO at the following address: American Association of State Highway and Transportation Officials, 444 North Capitol Street, NW., Suite 225, Washington, DC 20001

The cost is \$35.00 per copy, plus a \$3.50 postage and handling charge. A copy of the Guide is also available for inspection in the FHWA Public Docket, Room 4232 of the Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

Regulatory Evaluation and Impact

The FHWA has determined that this proposed amendment does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. This determination was based on the facts that the Roadside Design Guide is an update and consolidation of earlier publications and generally reflects state-of-the-practice in roadside safety design, and is cited for use as a reference document, not a policy document or design standard.

Regulatory Flexibility Act and Federalism Assessment

Based on the discussions above and under the criteria of the Regulatory Flexibility Act (Pub. L. 96-354), the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. The FHWA has carefully considered the federalism implications of this action in light of the principles, criteria, and requirements of the President's Executive Order on Federalism, E.O. 12612, October 26, 1987. The FHWA has determined that this proposed rule does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes

the Unified Agenda in April and October each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

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

List of Subjects in 23 CFR Parts 625 and 645

Design standards, Grant programs—transportation, Highways and roads, Incorporation by reference, Utilities.

In consideration of the foregoing, the FHWA is proposing to amend Chapter I of Title 23, Code of Federal Regulations, Parts 625 and 645 as set forth below:

Issued on: July 10, 1989.

R. D. Morgan,
Executive Director.

The FHWA proposes to amend 23 CFR Parts 625 and 645 as follows:

PART 625—DESIGN STANDARDS FOR HIGHWAYS

1. The authority citation for Part 625 continues to read as follows:

Authority: 23 U.S.C. 109, 315, and 402; 49 CFR 1.48(b).

2. In § 625.5, paragraph (a)(3) is revised to read as follows:

§ 625.5 Guides and References.

* * *

(a) * * *

(3) Roadside Design Guide, AASHTO 1989.[3]

PART 645—UTILITIES

Subpart B—Accommodation of Utilities

3. The authority citation for Part 645 continues to read as follows:

Authority: 23 U.S.C. 109, 111, 116, 123 and 315; 23 CFR 1.23 and 1.27; 49 CFR 1.48(b); and E.O. 11990, 42 FR 26961 (May 24, 1977).

§ 645.207 Definitions.

4. In § 645.207, the definition of "clear recovery area" in paragraph (b) is amended by removing reference to the AASHTO "Guide for Selecting, Locating and Designing Traffic Barriers," 1977 and inserting in its place the reference "Roadside Design Guide," 1989.

5. In § 645.211, the introductory paragraph is amended by revising the first three sentences to read as follows:

§ 645.211 State highway agency accommodation policies.

The FHWA shall use the AASHTO publication, "A Guide for Accommodating Utilities Within Highway Right-of-Way," 1981, and should use the AASHTO "Roadside Design Guide," 1989, to assist in the evaluation of adequacy of State highway agency utility accommodation policies. (The Guide for Accommodating Utilities is incorporated by reference and is on file at the Office of the Federal Register in Washington, DC. It is available for inspection from the FHWA Washington Headquarters and all FHWA Division and Regional Offices as prescribed in 49 CFR Part 7, Appendix D. * * *).

* * *

[FR Doc. 89-16582 Filed 7-14-89; 8:45 am]

BILLING CODE 4910-22-M

49 CFR Part 390

[FHWA Docket No. MC-89-6]

RIN 2125-AC28

Federal Motor Carrier Safety Regulations; General; Motor Vehicle Marking

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: The FHWA is requesting comments on possible revisions to the current requirements contained in 49 CFR 390.21, Marking of Motor Vehicles. Three areas are being considered for possible revision: (1) The applicability of the marking requirements to all commercial motor vehicles operated in interstate commerce, (2) postcard type registration of motor carriers, and (3) the treatment of rental vehicles. The FHWA is considering these issues to ensure that motor vehicles are safely maintained, equipped, loaded and operated. The third area of concern is also being considered in response to a request for interpretation filed by the Truck Rental and Leasing Association (TRALA).

DATE: Comments must be received on or before September 15, 1989.

ADDRESS: Submit written, signed comments to FHWA Docket No. MC-89-6, Room 4232, HCC-10, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Commenters may, in addition to submitting "hard copies" of their comments, submit a floppy disk (either 1.2Mb or 360Kb density) in a format that is compatible with Word Perfect or WordStar word

processing programs. Such commenters should identify the word processing program used in the preparation of the comments. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m. e.t., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT:

Mr. Thomas P. Kozlowski, Office of Motor Carrier Standards, (202) 366-2981, or Mr. Thomas P. Holian, Office of the Chief Counsel, (202) 366-1350, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: A final rule, published in the Federal Register on May 19, 1988 (53 FR 18042, Docket No. MC-114), and effective on November 15, 1988, amended Part 390 of the Federal Motor Carrier Safety Regulations (FMCSRs) by adding a new § 390.21, Marking of motor vehicles. The new rule generally requires every self-propelled commercial motor vehicle operated by a private motor carrier of property in interstate motor carrier of migrant workers to be marked with specific information. The required marking must be located on both sides of the self-propelled vehicle and consist of the motor carrier's name or trade name, the city or community and State [name abbreviated] in which the carrier maintains its principal place of business, or in which the vehicle is customarily based, and the motor carrier identification number, if issued by the FHWA, preceded by the letters "USDOT." The statutory authority for the promulgation of this rule is 49 U.S.C. 3104. Accordingly, the FHWA limited the application of this marking requirement to private motor carriers of property and motor carriers of migrant workers expressly covered by this section.

Applicability of the Marking Requirement to All Vehicles Subject to the FMCSRs

The Interstate Commerce Commission (ICC) regulates the marking of commercial motor vehicles operated by another segment of the motor carrier industry. That segment is comprised of 2 groups of for-hire motor carriers, namely, common and contract motor carriers of property or passengers.

The preamble to the final rule issued on May 19, 1988, which established the marking requirement stated:

There is a segment of the motor carrier industry that neither the DOT nor the ICC has the authority to regulate insofar as vehicle identification and marking is concerned. That segment is known as "exempt carriers." "Exempt carriers" are for-hire motor carriers that have been exempted from economic regulation. This group of for-hire motor carriers is currently subject to Federal safety regulations, but will not be required to mark their vehicles.

Generally, the "exempt carrier" segment is comprised of (1) for-hire motor carriers who transport commodities (e.g., fresh fruits or vegetables) in interstate commerce that are exempt from the economic regulations of the ICC; (2) for-hire motor carriers transporting the U.S. mail in interstate commerce under contract to the United States Postal Service; (3) for-hire motor carriers of passengers transporting school children or school personnel in interstate commerce when such transportation is at the direction and/or under the control of a public school system; (4) for-hire motor carriers of property engaged in the emergency towing of disabled vehicles from the point of disablement to another location in interstate commerce; and (5) for-hire motor carriers of property operating wholly within ICC designated commercial zones.

The FHWA believes that having these groups of motor carriers exempt from any type of marking requirement is a problem. A substantial number of commercial motor vehicles would continue to be operated on public highways with little or no information visible to the general public to identify the operator of a specific vehicle.

The Motor Carrier Safety Act of 1984 (MCSA of 1984) (49 U.S.C. app. 2501-2520 (Supp. II 1984)) authorizes the FHWA to establish a minimum vehicle marking requirement for all commercial motor vehicles, as defined in the MCSA of 1984, if such a requirement will assist in ensuring that commercial motor vehicles are safely maintained, equipped, loaded, and operated. The FHWA believes that a marking requirement for all commercial motor vehicles operated in interstate commerce will assist in ensuring that those vehicles are safely maintained, equipped, loaded, and operated.

The FHWA is interested in receiving comments on a proposal to extend the marking requirements to all self-propelled commercial motor vehicles subject to the Federal Motor Carrier Safety Regulations (FMCSRs). The FHWA is also interested in what effect such requirements would have on foreign motor carriers.

To implement such a new provision, the FHWA would add to the motor carriers now covered under § 390.21, all for-hire motor carriers (including those currently exempt from the ICC's marking requirements) of property and passengers. Should any motor carrier subject to the FMCSRs be exempt from the marking requirements? The FHWA is particularly interested in comments regarding the burden, if any, such a requirement would place on those carriers not currently subject to the FHWA's marking requirements. We believe that the costs associated with an extension of the vehicle marking requirement will be minimal, especially for those motor carriers already required to mark their vehicles (i.e., ICC authorized carriers and private motor carriers transporting hazardous materials).

The FHWA could allow ICC authorized motor carriers to comply with the marking requirements of § 390.21 through the display of their ICC (MC) number. The FHWA's Motor Carrier Census File contains both the ICC number and the FHWA census number (DOT identification number) for each for-hire motor carrier which is required by the ICC to display its identification number. The FHWA believes that it should require the ICC authorized motor carriers to appropriately mark their self-propelled commercial motor vehicles because State enforcement personnel will then be able to enforce the marking requirements if it is part of the FMCSRs and their State safety regulations. We believe that compliance with such a vehicle marking requirement will enhance overall compliance with applicable safety regulations, and will make noncomplying motor carriers more accountable for their noncompliance.

The FHWA believes that with the adoption of a requirement that all commercial motor vehicles operating in interstate commerce be marked with either a DOT identification number or, in the case of ICC authorized carriers, an MC number, the need for individual State mandated motor carrier identification numbers may be duplicative of, or even detract from the Federal requirement. Thus, the FHWA recognizes that Federalism will be an issue in this proposal, and invites public comment on that issue.

The FHWA has long been a proponent of and supported uniformity within the motor carrier industry. The agency has led the way with the advent of the Motor Carrier Safety Assistance Program (MCSAP) and the Commercial Driver License (CDL) program. It is

hoped that, in the final analysis, the various States and other government agencies would recognize the DOT identification number as a universal number to be used nationwide as a single motor carrier identifier for a variety of purposes (e.g., International Registration Program (IRP), fuel tax, highway use taxes). The universal use of a single identification number has the potential for saving both the States and the motor carrier industry substantial sums of monies as well as simplifying the motor carrier identification process which could lead to other efficiencies and savings. The FHWA is interested in receiving comments from the various States, other government agencies, and the motor carrier industry, generally, concerning the concept of utilizing a single identification number on a national basis. Motor carriers subject to the ICC requirements should include, in their comments, data regarding the possible remarking of their vehicles with a single identification number (the DOT identification number). The FHWA is also interested in receiving comments on the appropriate size, shape, location and color of the marking from all motor carriers, regardless of type of operation.

Postcard Type Registration

The FHWA's marking requirement was, in part, promulgated to identify the motor carrier population that is subject to the FMCSRs and to assist in maintaining a current, up-to-date census file of all those motor carriers. As required by 49 CFR 385.21, Motor carrier identification report, each motor carrier of property and each for-hire motor carrier of passengers, who operates one or more commercial motor vehicles in interstate commerce, must make a onetime filing with the FHWA on a Form MCS-150. Temporarily, Form MCS-137 is being used in lieu of the Form MCS-150. The FHWA is requesting comments on the adequacy of a one-time filing to properly maintain such a census file. The FHWA is considering the possible use of a postcard type form for annual census purposes. Such a postcard type form would, it is envisioned, replace the Forms MCS-137 and MCS-150 and be filed annually by each motor carrier subject to the FMCSRs. To minimize the paperwork burden, the form would be preprinted with current information, including the carrier identification number, and mailed to the business entities of record on the census each year in late December for return by January 31 of the following year. Additional postcard forms would be made readily available at convenient locations or upon request for new

entities or as needed by existing carriers. The following information would be reported and or corrected:

1. Motor carrier's name and U.S. DOT identification number.
2. Motor carrier's principal place of business address and mailing address, if different.
3. Motor carrier's telephone number.
4. Name of the person completing the form.
5. As of December 31, 19__, were you still operating as motor carrier in interstate commerce? (Yes) (No)
6. Do you transport hazardous materials? (Yes) (No)
7. Principal commodity transported? During the reporting year:
8. Number of straight trucks (over 10,000 pounds GVWR) operated.
9. Number of truck-tractors operated.
10. Number of semi-trailers or full trailers operated.
11. Number of buses (designed to transport 16 or more persons, including the driver) operated.
12. Total number of miles operated in the United States. Bus ____ Truck ____.

The FHWA is interested in receiving comments from all interested parties concerning the concept of an annual postcard type filing by all motor carriers subject to the FMCSRs and the concurrent discontinuance of Forms MCS-137 and MCS-150. The FHWA is also seeking suggestions on how such a filing should be structured.

Marking of Rental Vehicles

The TRALA has requested that the FHWA amend the marking requirements found at 49 CFR 390.21 and thereby eliminate certain costly operational problems associated with the short-term rental of commercial motor vehicles to private and for-hire motor carriers. The TRALA states:

The nature of the truck rental industry makes the vehicle marking rules for short term commercial rental vehicles impractical for a variety of reasons. Trucks and tractors that are available for rental to motor carriers are, in fact, rented as frequently as 50-150 times per year. Because of this frequency, any vehicle marking would have to be under the control of the truck rental company. To place the responsibility of vehicle marking on the customer could result in damage or disfigurement to the vehicle. Additionally, if the responsibility is placed on the customer, there will be many inadvertent violations of the regulations due to misunderstanding or confusion on the part of the customer. . . . Nearly 15% of the companies that rent vehicles for short term use do not own or operate any trucks of their own. Because [they believe] they are not motor carriers, it is unlikely that they would have a census identification number

In view of the above, the TRALA proposes amending the marking rule as follows:

a. That upon application by a truck rental company, the DOT will issue a census identification number to the company provided it certifies to the DOT that it will display its census number and its own vehicle identification on the side of the vehicle and, it will, upon request of the DOT, provide the identity of any rental customer given the vehicle number and the time and date of a reported driving infraction.

b. That the display of the rental company's own census identification number and vehicle identification number will satisfy the vehicle marking requirements of any motor carriers using rental vehicles in interstate commerce.

[c]. Because the rules do not apply to 'the occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise,' we propose that the rules relating to the marking of Motor Vehicles specifically exclude those vehicles, available for rent by the public, that are primarily dedicated to just such transportation.

The TRALA also proposes that the FHWA require the renting motor carrier's name, address, and DOT identification number be placed on the rental agreement and that rental agreement be carried on the vehicle during the full term of the rental agreement. Further, it proposes that the rental company display conspicuously, on the rental agreement, the following statement: "THIS LESSOR COOPERATES WITH FEDERAL, STATE AND LOCAL LAW ENFORCEMENT OFFICIALS NATIONWIDE TO PROVIDE THE IDENTITY OF CUSTOMERS WHO OPERATE [THIS RENTAL] VEHICLE."

The TRALA contends regulatory uniformity, motor carrier and vehicle identification, and driver identification will be enhanced if its proposal is acted upon affirmatively. The FHWA believes that the TRALA proposal warrants careful consideration.

The FHWA envisions that if the proposed TRALA amendment is adopted, § 390.21 would be modified in a manner similar to that requested by the TRALA. In order for a motor carrier to take advantage of the provision for a rental vehicle and be exempted from placing its name, principal place of business, and DOT identification number on the sides of the self-propelled vehicle, the following conditions would need to be met:

(1) The rental company's (lessor's) name, place of business, and DOT identification number would have to be on both sides of the self-propelled motor vehicle as required by § 390.21.

(2) The motor carrier's (lessee's) name, principal place of business, and

DOT identification number, if issued to the carrier, would have to be contained in legible form on the vehicle's rental agreement, and such agreement would be carried on board the vehicle during the full term of the rental agreement.

(3) The rental company would agree to provide the DOT or its designee (State or local enforcement officials), upon request, the identity of any rental customer who has rented a self-propelled commercial motor vehicle from the lessor, provided the DOT or its designee could provide the vehicle number(s), time, and place the vehicle was seen. The lease agreement would indicate, in a conspicuous manner, that the rental company cooperates with Federal, State and local enforcement officials in identifying the lessee of the motor vehicle.

If any of these conditions were not met, the motor carrier could not make use of this provision. If an enforcement official stopped the rental vehicle and any of the requirements were not met, the lessee motor carrier would be in violation of § 390.21. If a rental vehicle were stopped and it did not contain the required motor carrier marking on the vehicle or on the rental agreement, it is possible that the enforcement official would issue a citation for a violation of the marking requirement or any vehicle defect to the lessor since that would be the only identification information available.

The FHWA is seeking comments on this TRALA proposal from interested parties, especially State law enforcement officials charged with the responsibility of enforcing commercial motor carrier safety regulations. The FHWA is especially interested in receiving responses to the following questions; however, commenters need not limit their responses to just these questions and issues.

1. Authorized for-hire motor carriers that have entered into lease arrangements have been, and currently are, required to identify the leased equipment with the name, or trade name, of the motor carrier and MC number under whose authority the vehicle is being operated (49 CFR Part 1058). Has this requirement resulted in damage to the leased commercial motor vehicles?

2. What damage has occurred to date to vehicles which were rented for short time periods and marked as currently required? Are there methods to repeatedly mark vehicles without damaging each vehicle? If so, what are the costs involved?

3. What economic and/or paperwork burdens are being placed on the motor carrier industry if the marking

requirements remain unchanged? What burdens would be placed on the industry if the marking requirements are amended as proposed by the TRALA?

4. What impact would the proposed TRALA amendment have upon the ability of State enforcement officials to accurately identify the motor carrier actually operating the rental motor vehicle?

5. If the proposed TRALA amendment is subsequently adopted, should it be limited only to those emergency situations where a motor carrier is supplementing its motor vehicle fleet? If so, should that period of time be limited to 5 days, 10 days, 15 days, 30 days, or some other period?

6. How many vehicle rentals each year could take advantage of the proposed TRALA amendment? Please provide these estimates for each of the time periods set forth in question number 5.

7. Could the amendment proposed by the TRALA be adequately enforced by State enforcement officials?

8. Is there a way, such as requiring rental companies to cover their DOT identification number when renting to noncommercial entities, to clearly indicate to the State enforcement officials that a particular vehicle is engaged in a noncommercial movement?

9. If adopted, should the proposed TRALA amendment be limited to specific operations of the lessee and/or specific types of leasing companies?

10. What experience, if any, have State enforcement officials had with obtaining information from rental companies regarding motor carriers that rented commercial motor vehicles from those companies? Have the rental companies been able to adequately identify the motor carrier and its exact geographic location?

11. What should the penalty be for any violation of the commercial motor vehicle marking requirements?

List of Subjects in 49 CFR Part 390

Highway safety, Highway and roads, Marking requirements, Motor carriers, Motor vehicle safety.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: July 6, 1989.

Eugene R. McCormick,
Deputy Administrator.

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