

Issued on: January 6, 1999.

Lawrence D. Tucker,

*Planning and Program Development
Manager, Federal Highway Administration,
Indianapolis, Indiana.*

Joel P. Ettinger,

*Region 5 Administrator, Federal Transit
Administration, Chicago, Illinois.*

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Amtrak Reform Council; Notice of Meeting

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Amtrak Reform Council meeting.

SUMMARY: As provided in Section 203 of the Amtrak Reform and Accountability Act of 1997, the Federal Railroad Administration (FRA) gives notice of a meeting of the Amtrak Reform Council ("ARC"). The purpose of the meeting is to receive Amtrak's response to the Department of Transportation's Inspector General's independent assessment report of Amtrak's financial needs, discuss possible selection of an executive director, receive a briefing from representatives of rail labor and to take up such other matters as the Council or its members deem appropriate.

DATES: The meeting is scheduled from 9:00 a.m. to 1:00 p.m. on Tuesday, January 19, 1999.

ADDRESSES: The meeting will be held in the Kriebel Center, Free Congress Foundation, 717 Second Street, N.E., Washington, D.C. The meeting is open to the public on a first-come, first-served basis. Portions of the meeting may be closed to the public at the discretion of the Council if proprietary information is to be discussed. Persons in need of special arrangements should contact the person whose name is listed below.

FOR FURTHER INFORMATION CONTACT: Alexander Chavrid, Passengers Programs Division, Office of Railroad Development, FRA, RDV-13, Mail Stop 20, 1120 Vermont Avenue, NW., Washington, DC 20590 (mailing address only) or by telephone at (202) 493-6380.

SUPPLEMENTARY INFORMATION: The ARC was created by the Amtrak Reform and Accountability Act of 1997 (ARAA) as an independent commission to evaluate Amtrak's performance and make recommendations to Amtrak for achieving further cost containment and

productivity improvements, and financial reforms. In addition, the ARAA requires: that the ARC monitor cost savings resulting from work rules established under new agreements between Amtrak and its labor unions; that the ARC provide an annual report to Congress that includes an assessment of Amtrak's progress on the resolution of productivity issues; and that after two years the ARC begin to make findings on whether Amtrak can meet certain financial goals and, if not, to notify the President and the Congress.

The ARAA provides that the ARC consist of eleven members, including the Secretary of Transportation and ten others nominated by the President or Congressional leaders. Each member is to serve a 5 year term.

Issued in Washington, D.C. on January 7, 1999.

Mark E. Yachmetz,

Chief, Passenger Programs Division.

[FR Doc. 99-699 Filed 1-12-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-98-4453; Notice 2]

Dorsey Trailers, Inc., Grant of Application for Decision of Inconsequential Noncompliance

Dorsey Trailers, Inc. (Dorsey), a manufacturer of trailers, is a corporation organized under the laws of the State of Delaware with headquarters in Atlanta, Georgia and manufacturing facilities in Elba, Alabama; Cartersville, Georgia; and Dillon, South Carolina. Dorsey has determined that its tire and rim label information, on some units, was not in full compliance with 49 CFR 571.120, Federal Motor Vehicle Safety Standard (FMVSS) No. 120, "Tire Selection and Rims for Vehicles Other Than Passenger Cars," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Dorsey has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published, with a 30-day comment period, on October 2, 1998, in the **Federal Register** (63 FR 53123). NHTSA received two comments on this application during the 30-day comment period. Both commenters recommended that NHTSA grant the application.

Paragraph S5.3 of FMVSS No. 120 states that each vehicle shall show the information specified on the tire information label in both English and metric units. The standard also shows an example of the prescribed format.

After the requirement went into effect on March 14, 1996, Dorsey manufactured and/or distributed 18,816 trailers that do not meet the requirements stated in the standard. Of these 18,816 units, 16,788 were produced in Elba between March 14, 1996 and August 27, 1998; 1,713 units were produced in Cartersville between March 14, 1996 and October 31, 1997; and 315 were produced in Dillon between July 1, 1996 and December 9, 1997. The certification label affixed to Dorsey's trailers pursuant to Part 567 failed to comply with S5.3 of FMVSS No. 120 because of the omission of metric measurements, and Dorsey did not separately provide the metric measurements on another label, an alternative allowed by FMVSS No. 120. The use of metric measurements is required by FMVSS No. 120, pursuant to Federal Motor Vehicle Safety Standards: Metric Conversion, 60 FR 13639, published on March 14, 1995, and effective on March 14, 1996.

Dorsey supports its application for inconsequential noncompliance with the following statements:

1. The certification label contains the correct English unit information and has headings for the required metric data with voids in the area of the required data;

2. The omission of the metric data from Dorsey's 49 CFR 571.120 and 49 CFR 567 certification label is highly unlikely to have any effect whatsoever on motor vehicle safety since the correct English units are included on the label and since the nonconforming vehicles will probably be out of service before the American general public ceases to be familiar with the English system of measurement;

3. The metric requirements of 49 CFR 571.120 S5.3 were not mandated for safety reasons and, the second regulation governing certification label data, 49 CFR 567, has not yet been changed to require that metric data be shown and still states that GVWR and GAWR data be stated in pounds;

4. Each Dorsey manufacturing facility has now begun to provide all the required data on certification labels since appropriate people at each location have been made aware of the requirement; and

5. Dorsey has not received any complaints from customers on the omission of the metric data from the certification labels and has not received

any reports of accidents which were related to the omission to the metric data.

The purpose of labeling requirements in S5.3, Label information, of FMVSS No. 120 is to provide safe operation of vehicles by ensuring that those vehicles are equipped with tires of appropriate size and load rating; and rims of appropriate size and type designation. Section 5164 of the Omnibus Trade and Competitiveness Act (Pub. L. 100-418) makes it the United States policy that the metric system of measurement is the preferred system of weights and measures for U.S. trade and commerce. On March 14, 1995, NHTSA published in the **Federal Register** (60 FR 13693) the final rule that metric measurements be used in S5.3 of FMVSS No. 120. The effective date for this final rule was March 14, 1996.

Paragraph S5.3 states that each vehicle shall show the appropriate tire information (such as: recommended cold inflation pressure) and rim information (such as: size and type designations) in metric and English units. This information must appear either on the certification label or a tire information label, lettered in block capitals and numerals not less than 2.4 millimeters high, and in the prescribed format.

The agency agrees with Dorsey that the label on these trailers is likely to achieve the safety purpose of the required label. The vehicle user will have the correct safety information sans the metric conversion in the prescribed location. First, all the correct English unit information required by FMVSS No. 120 is provided on the certification label. Second, the information contained on the label is of the correct size. Third, the information contained on the label is in the prescribed format.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance it describes is inconsequential to safety. Accordingly, its application is granted, and the applicant is exempted from providing the notification of the noncompliance that is required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

(49 U.S.C. 30118, delegations of authority at 49 CFR 1.50 and 501.8).

Issued on: January 8, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99-766 Filed 1-12-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-99-4966]

TarasPort Trailers, Inc.; Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 224

TarasPort Trailers, Inc., of Sweetwater, Tennessee, has applied for a two-year temporary exemption from Motor Vehicle Safety Standard No. 224 *Rear Impact Protection*, as provided by 49 CFR part 555. The basis of the application is that "compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard." Sec. 555.6(a).

We are publishing this notice of receipt of the application in accordance with our regulations on temporary exemptions. This action does not represent any judgment by the agency about the merits of the application. We base the discussion that follows on information contained in TarasPort's application, submitted by its Vice President, Ms. Jeanne Isbill.

Why TarasPort Needs a Temporary Exemption

Located in the Sweetwater Industrial Park in Monroe County, Tennessee, TarasPort has been manufacturing trailers since April 1988. Standard No. 224 requires, effective January 26, 1998, that all trailers with a GVWR of 4536 Kg or more be fitted with a rear impact guard that conforms to Standard No. 223 *Rear impact guards*. TarasPort manufactured a total of 237 trailers in 1997, including "two models of drop decks equipped with rear deck extenders." The extenders deploy in 1-foot increments, up to 3 feet, from the rear of the trailer. S5.1.3 of Standard No. 224 requires that the horizontal member of the rear impact guard must be as close as practicable to the rear extremity of the vehicle, but in no case farther than 305 mm. from it. TarasPort had asked NHTSA to exclude its two trailer models as "special purpose vehicles," but we denied its request. We also determined that the trailers' rear extremity, with the extenders deployed "would be the rearmost surface on the extenders themselves." In order to meet S5.1.3, TarasPort must redesign these models so that the rear face of the horizontal member of the guard will never exceed 305 mm from the rearmost surface on the extenders, when the extenders are in any position in which they can be placed when in transit. It

has asked for a 2-year exemption in order to do so.

Why Compliance Would Cause TarasPort Substantial Economic Hardship

TarasPort employs 16 people, including its two working owners. An increasing amount of its sales is comprised of the two extended-deck trailers, from 55% in 1997 to 63% in the first two quarters of 1998. Using its existing staff, the company estimates that it needs 18 to 24 months of design and testing to bring the trailers into compliance with S5.1.3, and that the modifications required will cost \$1800 to \$2000 per trailer.

If the application is denied, TarasPort would have to discontinue production for 18 to 24 months, or hire an engineering consulting firm to possibly reduce that time, at a fee of \$80 to \$120 an hour. It would be forced to layoff a majority of its employees, and it would lose the market and established customer base that it has achieved as a niche producer over the 10 years of its existence.

According to its financial statements, TarasPort has had a small net income in each of its past three fiscal years, though the income each year has been substantially less than the year before. The net income for 1997 was \$87,030.

How TarasPort Has Tried To Comply With the Standard in Good Faith

Most of TarasPort's trailers have low deck heights and rear ramp compartments "which only compound rear impact compliance problems." Nevertheless, the company was able to bring its designs into compliance by Standard No. 224's effective date, with the exception of the two extender designs. These trailers comply when the extenders are not in use. The company tested mounting the guard directly on the extenders "so it would move out and thus comply," but found that this method of mounting "would not absorb the level of energy" required by Standard No. 223. TarasPort hoped that NHTSA would consider the extenders to be load overhang or exempt as a special purpose vehicle, but NHTSA denied this request on May 22, 1998.

Why Exempting TarasPort Would Be Consistent With the Public Interest and Objectives of Motor Vehicle Safety

A denial would adversely affect the company's employees, customers, and the local economy in Monroe County. The motor vehicle safety standards "were created with the general public's well being in mind. Assisting our company to comply to those standards