

such standard may be revised periodically.

(f) If, based on a review of an alien's documentation or other credible evidence, a displacing agency has reason to believe that a person's certification is invalid (for example a document reviewed does not on its face reasonably appear to be genuine), and that, as a result, such person may be an alien not lawfully present in the United States, it shall obtain the following information before making a final determination.

(1) If the agency has reason to believe that the certification of a person who has certified that he or she is an alien lawfully present in the United States is invalid, the displacing agency shall obtain verification of the alien's status from the local Immigration and Naturalization Service (INS) Office. A list of local INS offices was published in the **Federal Register** in November 17, 1997 at 62 FR 61350. Any request for INS verification shall include the alien's full name, date of birth and alien number, and a copy of the alien's documentation. [If an agency is unable to contact the INS, it may contact the FHWA in Washington, DC at 202-366-2035 (Marshall Schy, Office of Real Estate Services) or 202-366-1371 (Reid Alsop, Office of Chief Counsel), for a referral to the INS.]

(2) If the agency has reason to believe that the certification of a person who has certified that he or she is a citizen or national is invalid, the displacing agency shall request evidence of United States citizenship or nationality from such person and, if considered necessary, verify the accuracy of such evidence with the issuer.

(g) No relocation payments or relocation advisory assistance shall be provided to a person who has not provided the certification described in this section or who has been determined to be not lawfully present in the United States, unless such person can demonstrate to the displacing agency's satisfaction that the denial of relocation benefits will result in an exceptional and extremely unusual hardship to such person's spouse, parent, or child who is a citizen of the United States, or is an alien lawfully admitted for permanent residence in the United States.

(h) For purposes of paragraph (g) of this section, "exceptional and extremely unusual hardship" to such spouse, parent, or child of the person not lawfully present in the United States means that the denial of relocation payments and advisory assistance to such person will directly result in:

(1) A significant and demonstrable adverse impact on the health or safety of such spouse, parent, or child;

(2) A significant and demonstrable adverse impact on the continued existence of the family unit of which such spouse, parent, or child is a member; or

(3) Any other impact that the displacing agency determines will have a significant and demonstrable adverse impact on such spouse, parent, or child.

(i) The certification referred to in paragraph (a) of this section may be included as part of the claim for relocation payments described in § 24.207 of this part.

(Approved by the Office of Management and Budget under control number 2105-0508)

Issued on: February 3, 1999.

**Gloria J. Jeff,**

*Deputy Administrator, Federal Highway Administration.*

[FR Doc. 99-3205 Filed 2-11-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### 49 CFR Part 268

[FRA Docket No. FRA-95-4545; Notice No. 2]

RIN 2130-AB29

#### Magnetic Levitation Transportation Technology Development Program

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

**ACTION:** Amendment to the interim final rule.

**SUMMARY:** FRA published an Interim Final Rule with request for comments on October 13, 1998 (63 FR 54600), implementing the Magnetic Levitation Technology Deployment Program. The Interim Final Rule established a deadline of December 31, 1998, for the submission of application packages for preconstruction planning assistance, and set out a schedule for other actions flowing from the submission of application packages. This Amendment to the Interim Final Rule extends the deadline for the submission of application packages to February 15, 1999, and makes other adjustments to various dates which flow from that extension of time.

**EFFECTIVE DATE:** This Amendment to the Interim Final Rule is effective February 12, 1999.

**FOR FURTHER INFORMATION CONTACT:** Neil E. Moyer, Chief—Program Development

Division, FRA, 1120 Vermont Ave., NW, Washington, DC 20590 (telephone 202-493-6365; E-mail address:

*Neil.Moyer@fra.dot.gov*), or Gareth Rosenau, Attorney, Office of Chief Counsel, FRA, 1120 Vermont Ave., NW, Mailstop 10, Washington, DC 20590 (telephone 202-493-6054; E-mail address: *Gareth.Rosenau@fra.dot.gov*).

**SUPPLEMENTARY INFORMATION:** Citing the extensive and comprehensive information required to be submitted, several potential applicants expressed an interest in an extension of the deadline for receipt of applications for maglev preconstruction planning grants. In response, on December 22, 1998, FRA extended the deadline from December 31, 1998, to February 15, 1999. All known potential applicants were contacted by telephone and were notified of the change. A memorandum advising all known interested parties of the change was also mailed at the same time.

Formal comments to the docket concerning the Interim Final Rule will be discussed upon publication of the Final Rule. None of the formal comments to the docket concerned the extension of the deadline for maglev preconstruction planning grants, or other dates, being modified by this Amendment No. 1.

#### Regulatory Analyses and Notices

This Amendment to the Interim Final Rule merely extends the deadline for application packages for preconstruction planning assistance from December 31, 1998, to February 15, 1999, and adds one month to all subsequent milestones listed in § 268.3. There are no other changes to the Interim Final Rule. Declarations with respect to various regulatory requirements were contained in the Interim Final Rule. By this Amendment, those declarations with respect to various regulatory requirements are incorporated herein by reference, and it is stated that there are no other modifications required to those declarations by virtue of the action taken in this Amendment.

#### List of subjects in 49 CFR Part 268

Grant programs-transportation, High speed ground transportation, Maglev, Magnetic levitation.

#### The Rule

In consideration of the foregoing, FRA amends part 268 title 49 of the Code of Federal Regulations as set forth below:

#### PART 268—[AMENDED]

1. The authority citation for part 268 continues to read as follows:

**Authority:** 49 U.S.C. 322, 23 U.S.C. 322; 49 CFR 1.49.

2. Section 268.3 is amended by revising paragraphs (b), (c), (d), (e), and (f) to read as follows:

**§ 268.3 Different phases of the Maglev Deployment Program.**

\* \* \* \* \*

(b) Phase I—Competition for Planning Grants (Early October 1998–April 30, 1999).

(1) Description. In Phase I, States will apply for funds for preconstruction planning activities. As required by § 268.13, applications must be filed with FRA by February 15, 1999. FRA will select one or more projects to receive preconstruction planning financial assistance awarded under this part to perform Phase II of the Maglev Deployment Program.

(2) Timing of Major Milestones.

(i) February 15, 1999—Planning grant applications due.

(ii) March 31, 1999—FRA selects grantees for planning grants.

(iii) April 30, 1999—FRA awards planning grants for the conduct of activities listed in Phase II.

(c) Phase II—Project Description Development (May 1, 1999–April 30, 2000).

(1) Description. In Phase II, each grant recipients will prepare and submit to FRA a project description and supporting preconstruction planning reports and an EA. Supporting reports may include demand and revenue analyses, project specification, cost estimates, scheduling, financial studies, and other information in support of the project description. FRA will use this information in reaching a decision on which project to select for final engineering and construction financing. In addition, after completion of the EA, each grant recipient will initiate activities aimed at preparing a site-specific draft EIS. FRA will initiate documentation of environmental factors considered in the project selection process.

(2) Timing of Major Milestones.

(i) December 31, 1999—Deadline for submission of appropriate EA needed by FRA for the selection of one project under Phase III.

(ii) April 30, 2000—Deadline for submission of project descriptions and any related supporting reports needed by FRA for project selection.

(d) Phase III—Project Selection Process (May 1, 2000–August 31, 2000).

(1) Description. FRA will evaluate the information provided by the grant recipients under Phase II and will select one project for final design, engineering, and construction funding. Recipients of

assistance will progress work on site-specific EISs.

(2) Timing of Major Milestones. August 31, 2000—FRA selects the project.

(e) Phase IV—Project Development and Completion of Site-specific EIS (September 1, 2000–August 31, 2001).

(1) Description. The financial assistance recipient selected in Phase III will undertake final design and engineering work for the selected project together with completing the site-specific final EIS. Detailed agreements for the construction and operation of the project would be negotiated. The other grant recipients may also elect to complete the site-specific draft EISs initiated during Phase II.

(2) Timing of Major Milestones. August 31, 2001—Final Record of Decision on site-specific EIS, confirming the project design.

(f) Phase V—Completion of Detailed Engineering & Construction (September 1, 2001 and beyond).

(1) Description. In Phase V, the sponsoring State or State designated authority would oversee the efforts of the public/private partnership formed to progress the selected project, to complete the detailed engineering designs, finance, construct, equip, and operate the project in revenue service. Construction would likely be contingent on the appropriation of federal funds.

(2) [Revised]

3. Section 268.13 is revised to read as follows:

**§ 268.13 Deadline for submission of applications for preconstruction planning assistance.**

Completed application packages shall be returned to FRA by February 15, 1999. Applications shall be submitted to: Honorable Jolene M. Molitoris, Administrator, Federal Railroad Administration, ATTN: Maglev Project, RDV-11, 1120 Vermont Ave., NW, Stop 20, Washington, DC 20590.

Issued in Washington, DC, on February 9, 1999.

**Donald M. Itzkoff,**

*Deputy Federal Railroad Administrator.*

[FR Doc. 99-3605 Filed 2-11-99; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**49 CFR Part 360**

**RIN 2125-AE24**

**Fees for Services Performed in Connection With Motor Carrier Registration and Insurance**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This document adopts filing fees and fee collection regulations for the motor carrier registration and insurance functions transferred to the FHWA as a result of the enactment of the ICC Termination Act of 1995 (ICCTA). The effect of this rule is to make these fees and regulations applicable to registration and insurance filings made with the FHWA.

**DATES:** This rule is effective March 15, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas T. Vining, Licensing and Insurance Division, Office of Motor Carrier Information Analysis, HIA-30, (202) 358-7028; or Mr. Michael Falk, Office of the Chief Counsel, (202) 366-0834, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the **Federal Register's** home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

**Background**

The ICCTA (Pub. L. 104-88, 109 Stat. 803) which was enacted on December 29, 1995, abolished the Interstate Commerce Commission (ICC). The ICCTA transferred many of the ICC's motor carrier functions to the Secretary of Transportation. In particular, the former ICC's licensing and insurance functions, relating to operations by for-hire motor carriers, property brokers, and freight forwarders in interstate or foreign commerce, were transferred to the Secretary and are now performed by the FHWA, Office of Motor Carrier Information Analysis, Licensing and