

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 605

[Docket No. FTA-99-5082]

RIN (2131 AA67)

School Bus Operations; Amendment of Tripper Service Definition

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Proposed rulemaking.

SUMMARY: This notice of proposed rulemaking (NPRM) seeks to amend and clarify the definition of tripper service, set out in the Federal Transit Administration's (FTA) school bus regulation. In FTA's experience, the current definition does not sufficiently specify which student transportation operations are inconsistent with FTA requirements. This NPRM describes and requests comment on FTA's proposed amendment of the definition of tripper service.

DATES: Comments must be submitted by July 2, 1999.

ADDRESSES: The public is invited to submit written comments on this notice. Written comments should refer to the docket number appearing at the top of this notice and be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Nassif Building, 400 Seventh Street, SW Washington, DC 20590. All comments received will be available for examination at the above address. Docket hours at the Nassif Building are Monday through Friday, 10 a.m. to 5 p.m., excluding Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Elizabeth S. Martineau, Office of Chief Counsel, Federal Transit Administration, (202) 366-1936 or (202) 366-3809 (fax).

SUPPLEMENTARY INFORMATION:

I. Electronic Access

Internet users can access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL):<http://dms.dot.gov>. It is available 24 hours

each day, 365 days each year. Please follow the instructions on-line for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communication 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/nars>.

II. FTA's Tripper Service Requirements

Under FTA's school bus requirements, set out at 49 U.S.C. 5323(f) and 49 CFR Part 605, recipients may not engage in school bus operations exclusively for the transportation of students. These provisions derive from 49 U.S.C. 5302(a), which authorizes FTA assistance for mass transportation, but specifically excludes school bus service from such Federal assistance.

Section 605.3 of the regulation allows grantees to provide "tripper" service, which is mass transit service modified to accommodate the needs of school students and personnel. Buses used for tripper service must be clearly marked as open to the public and may not carry designations such as "School Bus" or "School Special." These buses may stop only at a grantee's regular service stop. All routes traveled by tripper buses must be within a grantee's regular route service as indicated in their published route schedules. The purpose of this provision is to ensure that buses acquired with Federal assistance are clearly perceived by the public as available to their use.

III. FTA's Proposed Amendment

It has recently come to FTA's attention that certain grantees have been providing service to school children that is inconsistent with FTA's tripper service requirements. The results of reviews of grantee tripper operations have shown that certain grantees are providing tripper service that creates the public perception that the buses used are for the exclusive use of school children. One grantee uses swing-arm signs reading "Caution Students" on tripper buses. Another grantee's tripper buses bear markings indicating that the vehicles are transporting children certain times of day. Buses operated by other grantees pick up and discharge students on school property and not at bus stops that are accessible to the general public. FTA recognizes that such practices are not specifically proscribed under the tripper service provision; however, they do undermine its purpose, which is to ensure that the

general public is aware that tripper buses are available for their use.

In order to make it clear to grantees that any type of signage that designates vehicles as school buses, and any stops that are not accessible to the general public, is impermissible exclusive school service, FTA proposes to amend the tripper service provision. Under the proposed amendment, buses used in tripper service may not carry "School Bus," "School Special," "Student," or any other markings indicating that they are carrying school children. Moreover, the buses may stop only at stops that are clearly marked by the grantee or operator as available to the public. FTA believes that tripper buses operated in accordance with this proposal will be clearly perceived by members of the general public as available for their use. FTA requests comment on this proposed amendment.

IV. Regulatory Impacts

A. Regulatory Analyses and Notices

FTA has determined that this action is not significant under Executive Order 12866 or the regulatory policies and procedures of Department of Transportation regulatory policies and procedures. Because this rule merely clarifies an existing regulatory provision, it is anticipated that the impact of this rulemaking will be minimal; therefore, a full regulatory evaluation is not required. There are not sufficient Federalism implications to warrant the preparation of a Federalism Assessment under Executive Order 12612. Because this rule does not mandate a business process change or require modifications to computer systems, its issuance will not affect a recipient's ability to respond to Year 2000 issues.

B. Regulatory Flexibility Act

In accordance with 5 U.S.C. 603(a), as added by the Regulatory Flexibility Act, Pub. L. 96-354, FTA certifies that this rule will not have a significant impact on a substantial number of small entities within the meaning of the Act, because it requires only minor adjustments to the manner in which certain grantees are providing tripper service.

C. Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1995.

List of Subjects in 49 CFR Part 605

Mass transit: grants; school bus.

Accordingly, for the reasons described in the preamble, Part 605 of Title 49 of

the Code of Federal Regulations is proposed to be amended as follows:

PART 605—[AMENDED]

1. By revising the authority citation to read as follows:

Authority: 49 U.S.C. 5323(f); 49 CFR 1.51.

2. In § 605.3, revise the definition for “tripper service” in paragraph (b) to read as follows:

605.3 Definitions.

* * * * *

Trippler service means regularly scheduled mass transportation service that is open to the public and designed or modified to accommodate the needs of school students and personnel, using various fare collection or subsidy systems. Buses used in tripper service must be clearly marked as open to the public and may not carry destination signs such as “school bus,” “school special,” “student,” or any other marking indicating that they are carrying school children. These buses may stop only at stops that are

accessible to the public and that are clearly marked as available to the public. All routes traveled by tripper buses must be within a grantee’s or operator’s regular route service as indicated in their published route schedules.

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Issued on: April 28, 1999.

Gordon J. Linton,

Administrator.

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