

metropolitan planning regulations of October 28, 1993 (23 CFR 450.300) and the transportation conformity requirements (40 CFR parts 51 and 93, August 15, 1997).

4. Other Provisions—Federal Share Increase for Transit Vehicle Control Systems

The TEA-21 amends 23 U.S.C. 120 (c) to allow an increased Federal share for transit vehicle priority control systems. Section 120 of Title 23 (see Attachment 3) is amended to provide that the Federal share of funding for priority control systems for transit vehicles may be up to 100 percent.

II. Questions and Issues on Which the FHWA and the FTA Seek Input

The FHWA and the FTA would like comments on the following questions from interested parties, as well as suggestions on how these issues might be addressed in final CMAQ guidance:

1. *Public-Private Partnerships:* TEA-21 provides greater access to CMAQ funds for projects which are cooperatively implemented by the public and private sectors and/or non-profit entities. The new statute now allows private and non-profit entities to own and operate land, vehicles, and facilities with CMAQ program funds. Three key changes to eligibility follow: (1) Proposed programs or projects no longer are required to be under the primary control of the cooperating public agency; (2) the activity to be funded no longer is required to be normally a public-sector responsibility; and (3) it is no longer necessary to demonstrate that private ownership of a CMAQ-funded project is cost-effective. Below are key questions raised by this new, broad flexibility now available to fund public-private initiatives.

1.a. Concerns arise about unfair competitive advantage when public funds will be used for a project owned and/or operated by a private entity. Are there ways to ensure that the public funding (CMAQ) is limited to the production of a public benefit—air quality improvement?

1.b. In implementing this provision, the FHWA and the FTA believe it is important to maintain an open and participatory process in the selection of projects or activities to receive CMAQ funding. How can the Federal, State, and local agencies insure that an open process for project selection is preserved?

1.c. What safeguards, agreements or other mechanisms should be employed to protect the public investment and insure that joint public/private projects funded under the CMAQ program are

used for their intended public purpose, which is to improve air quality?

1.d. What are the implications of these new flexibilities on the transportation/air quality planning process? For transportation conformity?

2. *Telecommuting:* Currently, eligibility for expenses related to telecommuting programs is limited to planning, technical and feasibility studies, training, coordination and promotion. Purchase of computer and office equipment for public agencies and related activities are not eligible. Should CMAQ eligibility be expanded to include these costs?

3. *Alternative Fuel Vehicles:* Under the interim guidance and under TEA-21, CMAQ eligibility under the public-private partnership provisions is limited to the incremental cost of a new alternative fuel vehicle as compared to a conventionally fueled vehicle of the same type. Should this policy be extended to projects that will provide for the use of alternative fuels for publicly owned vehicles and vehicle fleets (other than vehicles used for public transit services)?

4. *Traffic Calming Measures:* While traffic calming is generally considered to have positive environmental impacts, when viewed in the context of the speed-emissions profiles inherent in the MOBILE 5a model, traffic calming measures appear to increase hydrocarbon and CO emissions by lowering speeds. Should traffic calming projects be categorically excluded from CMAQ funding or should they be considered for eligibility on a case-by-case basis?

5. *Experimental Pilot Projects:* A July 1995 revision to the CMAQ Guidance created the flexibility to fund "experimental pilot" projects. The types of projects were not specified. The hope was to encourage innovative activities that held promise for reducing emissions. To date, this provision has been little used. What can the FHWA and the FTA do to encourage the implementation of experimental projects under this provision?

6. *Fare/Fee Subsidy Program:* The current CMAQ Guidance allows for partial, short-term subsidies of transit/paratransit fares as a means of encouraging transit use. Transit agencies have used this provision to offer reduced fares on "ozone alert" days. Should this provision be changed to allow "free fares"? Should the provision be loosened to allow a broader period of coverage, i.e., throughout the high-ozone season rather than individual episodes?

7. *High Occupancy Toll (HOT) Lanes:* A congestion pricing strategy that

allows limited use of High Occupancy Vehicle (HOV) lanes by single occupant vehicles is known as a HOT lane.

Should projects to fund the development and/or operation of HOT lanes be eligible under the CMAQ program?

8. *Reporting Requirements:* The reporting requirements under ISTEA have enabled the FHWA and the FTA to collect valuable information about the uses of CMAQ funds and benefits of CMAQ-funded projects. Do you have any suggestions on how to improve upon the quality of data and information provided in annual reports? Would you use an electronic reporting format if that option were available to you? Do you have any suggestions on how to improve the reporting requirements and minimize the administrative burden of reporting on CMAQ-funded projects?

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-98-4548]

Notice of Receipt of Petition for Decision That Nonconforming 1989-1991 Volkswagen Golf 4-Door Sedans Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1989-1991 Volkswagen Golf 4-Door Sedans are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1989-1991 Volkswagen Golf 4-Door Sedans that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is November 25, 1998.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400

Seventh St., SW, Washington, DC 20590. [Docket hours are from 10 am to 5 pm]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

G&K Automotive Conversion, Inc. of Santa Ana, California ("G&K") (Registered Importer 90-007) has petitioned NHTSA to decide whether 1989-1991 Volkswagen Golf 4-Door Sedans are eligible for importation into the United States. The vehicles which G&K believes are substantially similar are 1989-1991 Volkswagen Golf 4-Door Sedans that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1989-1991 Volkswagen Golf 4-Door Sedans to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

G&K submitted information with its petition intended to demonstrate that non-U.S. certified 1989-1991 Volkswagen Golf 4-Door Sedans, as

originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1989-1991 Volkswagen Golf 4-Door Sedans are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence* * * *, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 108 *Lamps, Reflective Devices and Associated Equipment*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Retention*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

Additionally, the petitioner states that non-U.S. certified 1989-1991 Volkswagen Golf 4-Door Sedans comply with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: substitution of a lens marked "Brake" for a lens with a noncomplying symbol on the brake failure indicator lamp.

Standard No. 110 *Tire Selection and Rims*: installation of a tire information placard.

Standard No. 111 *Rearview Mirror*: inscription of the required warning statement on the passenger side rearview mirror, or replacement of that mirror with a U.S.-model component.

Standard No. 114 *Theft Protection*: installation of a warning buzzer microswitch in the steering lock assembly and a warning buzzer.

Standard No. 118 *Power Window Systems*: rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 203 *Impact Protection for the Driver from the Steering Control System*: Petitioner states that the installation of an automatic restraint

system, as detailed below, will satisfy the requirements of this standard.

Standard No. 208 *Occupant Crash Protection*: (a) installation of a seat belt warning buzzer; (b) installation of driver's and passenger's side automatic restraint systems, identical to those installed on the vehicle's U.S. certified counterpart. The petitioner states that the vehicles are equipped with Type II seat belts in the front and rear outboard designated seating positions, and with a Type I seat belt in the rear center designated seating position.

Standard No. 301 *Fuel System Integrity*: installation of a rollover valve in the fuel tank vent line between the fuel tank and the evaporative emissions collection canister.

The petitioner states that anti-theft devices and components on non-U.S. certified 1989-1991 Volkswagen Golf 4-Door Sedans will be inspected and replaced, where necessary, to comply with the Theft Prevention Standard found in 49 CFR Part 541, and that all body parts and panels will be inspected for conformance with the standard in targeted areas.

The petitioner also states that a vehicle identification number plate must be affixed to the vehicles to meet the requirements of 49 CFR Part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: October 20, 1998.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.
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