

the face of ever-shrinking bridge funds. This notice changes prior FHWA policy to the extent that it gives SHAs the option to choose whether it is in their best interest to require alternate bridge designs.

**DATES:** This policy is effective on August 15, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Benjamin M. Tang, Review and Design Branch, Bridge Division, (202) 366-4592, or Mr. Wilbert Baccus, Office of the Chief Counsel, (202) 366-0780, 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:**

**Background**

On December 4, 1979, the FHWA issued a Technical Advisory (TA) entitled "Alternate Bridge Designs." This TA was intended to simultaneously stimulate competition in the design of safe and economical bridge structures and, through the competitive bidding process, take advantage of the prevailing economic conditions which would provide a finished structure at the lowest possible cost without sacrificing safety, quality, or aesthetics.

A memorandum was issued to all Regional Federal Highway Administrators on April 22, 1981, to strengthen the FHWA's effort to promote the use of alternate bridge designs among all State and local governments. On September 23, 1981, a second memorandum requested each division office to review and revise its administrative procedures to ensure that alternate bridge designs would be incorporated in all major bridge projects. Guidelines were presented in a third memorandum, dated June 16, 1982, so that FHWA field offices could take appropriate measures to assure themselves that the spirit and intent of the alternate bridge design requirements were being followed. On May 12, 1983, the FHWA published a Notice of Policy Statement [48 FR 21409], which replaced the existing TA with a consolidated, formal FHWA policy on alternate bridge designs.

On June 9, 1988, the FHWA published a Notice of Policy Statement [53 FR 21637] which revised the FHWA policy to include modifications based on an analysis of data considered over an 8-year period concerning alternate designs. The in-depth review of the results of the FHWA policy over that 8-year period concluded that the policy resulted in more cost-effective designs and better use of the highway tax dollar.

**Discussion**

In the late 1970's, when the cost of bridge construction was very unpredictable, the FHWA established a policy requiring the development of alternate bridge designs for the construction of major bridges using Federal-aid highway funds. The FHWA policy was established in an effort to get the best possible value out of an unstable market by requiring alternate designs for bridges to be considered. The analysis of cost data from 1979 through 1987 indicated that the alternate bridge design policy resulted in an average savings of \$2 million for each major bridge project. Structures were successfully completed at the lowest possible cost without sacrificing safety, quality, or aesthetics. The program was effective in promoting not only competition among the various bridge types and materials but also innovative design concepts and construction methods in an unsettled economic atmosphere. As a result of its effectiveness, the FHWA reissued the policy of Alternate Designs for Bridges on June 9, 1988 [53 FR 21637], making only slight modifications to the policy then in existence.

The various SHAs which have implemented the policy of Alternate Designs for Bridges have, for the most part, experienced a great deal of success with the program in stretching their bridge dollars. Through participation in the alternate design program, the SHAs are now in a better position to judge whether alternate designs are needed. As of the date of this notice, the new policy will make the use of alternate bridge designs optional. Alternate designs may be used by the SHAs at their discretion.

(23 U.S.C. 109, 144, 151, 315, and 319; 23 CFR 1.32; 49 CFR 1.48)

Issued on: August 8, 1995.

**Rodney E. Slater,**

*Federal Highway Administrator.*

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**Federal Railroad Administration**

[FRA Docket No. RSOR 13, Notice No.5]

RIN 2130-AA86

**Roadway Worker Protection**

**AGENCY:** Federal Railroad Administration (FRA); DOT.

**ACTION:** Notice; Schedule of Advisory Committee Review Meeting.

**SUMMARY:** The Federal Railroad Administration is announcing a meeting

of the Roadway Worker Protection Advisory Committee (Committee) to review the draft Notice of Proposed Rulemaking for Roadway Worker Protection.

**DATES:** The Committee will convene at 8:30 a.m. on the following dates:

1. Wednesday, August 30, 1995.
2. Thursday, August 31, 1995.

**ADDRESSES:** The meeting will be held at the Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, Va. 22202.

**FOR FURTHER INFORMATION CONTACT:** Cynthia B. Walters, Trial Attorney, Office of Chief Counsel, FRA, 400 Seventh Street, SW., Room 8201, Washington, DC 20590 (Telephone: 202-366-0621).

**SUPPLEMENTARY INFORMATION:** On August 17, 1994 FRA published a notice of intent to establish an Advisory Committee. (59 FR 42200). FRA also published a notice establishing this Advisory Committee on January 5, 1995 (60 FR 1761). The Committee held seven multiple day negotiation sessions over the course of five months. On May 17th, 1995, the Committee submitted their Report of Findings, identifying consensus on 11 specific recommendations and nine general recommendations, to the Secretary of Transportation and the Federal Railroad Administrator. The Advisory Committee reached consensus that this report would serve as the basis for a Notice of Proposed Rulemaking (NPRM). The Advisory Committee concluded that a meeting to determine whether the draft NPRM captured the consensus items in the Committee Report would be necessary. FRA welcomes the public to observe this meeting, in accordance with the Federal Advisory Committee Act (Pub. L. 92-463).

Issued this 9th day of August, 1995.

**S. Mark Lindsey,**

*Chief Counsel, Federal Railroad Administration.*

[FR Doc. 95-20138 Filed 8-14-95; 8:45 am]

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**National Highway Traffic Safety Administration**

[NHTSA Docket No. 94-004; Notice 4]

**Highway Safety Programs; Conforming Products List of Screening Devices to Measure Alcohol in Bodily Fluids**

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** This notice amends the Conforming Products List (CPL) of devices that conform to the Model

Specifications for Screening Devices that measure alcohol in bodily fluids (59 FR 39382).

EFFECTIVE DATE: August 15, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. James F. Frank, Office of Alcohol and State Programs, NTS-21, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590; Telephone: (202) 366-9581.

SUPPLEMENTARY INFORMATION: On August 2, 1994, Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids were published in the **Federal Register** (59 FR 39382). In these model specifications, NHTSA recognized industry efforts to develop new technologies. These specifications establish performance criteria and methods for testing alcohol screening devices using either breath or other bodily fluids to measure alcohol content. NHTSA established these specifications to support State laws that target youthful offenders (i.e., "zero tolerance" laws) and the Department of Transportation's initiative to prevent alcohol misuse. NHTSA published its first CPL for screening devices on December 2, 1994 (59 FR 61923; with a correction in 59 FR 65128). Five devices were on that first list.

Since the publication of that list, two additional disposable, single-use saliva-alcohol screening devices have been evaluated at the Volpe National Transportation System Center in Cambridge, MA and found to conform to the model specifications for screening devices: Chematics' "Alco-Screen 02™" and Roche Diagnostic Systems' "On-Site Alcohol".

It should be noted, however, that while the ALCO-SCREEN 02™ saliva-alcohol screening device manufactured by Chematics, Inc. passed the requirements of the model specifications when tested at 40°C (104°F), the manufacturer has indicated that the device cannot exceed storage temperatures of 27°C (80°F). (Instructions to this effect are stated on all packaging accompanying the device.) Accordingly, the device should not be stored at temperatures above 27°C (80°F) and, if the device is stored at or below 27°C (80°F) and used at higher temperatures, the test should be completed immediately. When these devices were stored at or below 27°C (80°F) and tested at 40°C (104°F) immediately (i.e., within a minute), the devices met the model specifications and the results persisted for 10-15

minutes. When these devices were stored at or below 27°C (80°F) and were equilibrated at 40°C (104°F) for an hour prior to sample application, the devices failed to meet the model specifications. Storage at temperatures above 27°C (80°F), for even brief periods of time, may result in false negative readings.

It should be noted also that while the ON-SITE ALCOHOL saliva-alcohol screening device manufactured by Roche Diagnostics Systems passed all of the requirements of the model specifications, readings should be taken only after the time specified by the manufacturer. For valid readings, the user should follow the manufacturer's instructions. Readings should be taken one (1) minute after a sample is introduced at or above 30°C (86°F); readings should be taken after two (2) minutes at 18-29°C (64°F-84°F); and readings should be taken after five (5) minutes when the sample is introduced at temperatures at or below 17°C (63°F). If the reading is taken before five minutes have elapsed under the cold conditions, the user is likely to obtain a reading that underestimates the actual saliva-alcohol level.

The Conforming Products List is therefore amended as follows:

CONFORMING PRODUCTS LIST OF ALCOHOL SCREENING DEVICES

Manufacturer	Devices(s)
(1) Alco Check International* Hudsonville, MI .....	•Alco Check 3000 D.O.T. •Alco Screen 3000.
(2) Chematics, Inc., North Webster, IN .....	•ALCO-SCREEN 02™. <sup>1</sup>
(3) Guth Laboratories, Inc.*, Harrisburg, PA .....	•Alco Tector Mark X. •Mark X Alcohol Checker.
(4) Repco Marketing, Inc., Raleigh, NC .....	•Alco Tec III.
(5) Roche Diagnostic Systems, Branchburg, NJ .....	•On-Site Alcohol. <sup>2</sup>
(6) Sound Off, Inc.,* Hudsonville, MI .....	•Digitox D.O.T. •Alco Screen 1000.
(7) STC Diagnostics, Inc., Bethlehem, PA .....	•Q.E.D. A150 Saliva Alcohol Test.

\* The devices listed by this manufacturer are the same device sold under tow different names.

<sup>1</sup> It should be noted, however, that while the ALCO-SCREEN 02™ saliva-alcohol screening device manufactured by Chematics, Inc. passed the requirements of the model specifications when tested at 40° C (104° F), the manufacturer has indicated that the device cannot exceed storage temperatures of 27° C (80° F). (Instructions to this effect are stated on all packaging accompanying the device.) Accordingly, the device should not be stored at temperatures above 27° C (80° F) and, if the device is stored at or below 27° C (80° F) and used at higher temperatures, the test should be completed immediately. When these devices were stored at or below 27° C (80° F) and tested at 40° C (104° F) immediately (i.e., within a minute), the devices met the model specifications and the results persisted for 10-15 minutes. When these devices were stored at or below 27° C (80° F) and were equilibrated at 40° C (104° F) for an hour prior to sample application, the devices failed to meet the model specifications. Storage at temperatures above 27° C (80° F), for even brief periods of time, may result in false negative readings.

<sup>2</sup> While this device passed all of the requirements of the model specifications, readings should be taken only after the time specified by the manufacturer. For valid readings, the user should follow the manufacturer's instructions. Readings should be taken one (1) minute after a sample is introduced at or above 30° C (86° F); readings should be taken after two (2) minutes at 18° C-29° C (64.4° F-84.2° F); and readings should be taken after five (5) minutes when testing at temperatures at or below 17° C (62.6° F). If the reading is taken before five (5) minutes has elapsed under the cold conditions, the user is likely to obtain a reading that underestimates the actual saliva-alcohol level.

Note that devices 1, 3, 4 and 6 are breath alcohol testers that use semiconductor type sensors. Devices 2, 5, and 7 are saliva alcohol testers that use enzymatic techniques to measure the alcohol concentration in a saliva sample.

Issued on: August 10, 1995.  
**James Hudlund,**  
*Acting Associate Administrator for Traffic Safety Programs.*  
 [FR Doc. 95-20179 Filed 8-14-95; 8:45 am]  
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**Denial of Motor Vehicle Defect Petition from Victor A. Fleming**

This notice sets forth the reasons for the denial of a petition submitted to the NHTSA under 49 U.S.C. 30162(a)(2) (formerly section 124 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended).