changes at this juncture should also, to the extent possible, address:

1. Highway and vehicle safety through a performance based regulatory approach;
2. Efficient interstate and international commerce through advanced highway and vehicle technologies;
3. Streamlined, uniform, and enforceable administrative procedures and requirements for permitting and taxation purposes;
4. Compatible vehicle and infrastructure design; and
5. Equitable recovery of public costs.

The TS&W policies directly influence truck designs and configurations. Choices made in this regard by motor carriers and truck designers, in response to size and weight constraints, affect not only the amount of weight carried by a truck and the effect that weight has on highway infrastructure, but also the braking and handling and stability properties of the vehicle. Vehicle size and weight policies should be structured to encourage and ensure vehicle designs and configurations that are optimized relative to all these concerns.

The TS&W policy and highway user fee issues are virtually inseparable. Pavement and bridge costs attributable to heavy vehicles will rise (or fall) as the result of size and weight policy changes. Significant changes in size and weight limits should not be considered without evaluating appropriate motor carrier user fees. Fines and other penalties have proven to be ineffective deterrents to overweight operations because they are too low to offset potential profits from operating overweight. This is borne out by Federal estimates that show 10 to 20 percent of all combinations operate illegally overweight. State permit fees for overweight operations generally are too low to cover added pavement and bridge costs associated with the overweight operations. States that issue overweight and oversize permits should consider setting permit fees at levels that reflect added highway costs of overweight operations to improve the effectiveness of their TS&W enforcement efforts.

In an effort to better understand the effects of TS&W policy changes on these many factors, the Department has undertaken a comprehensive TS&W study to examine the relationship between TS&W policy and safety, pavement and bridge condition, shipper logistics, truck operating costs, intermodal operation, and energy and environmental concerns, to evaluate the appropriate scope and extent of Federal involvement. The FHWA published a notice in the **Federal Register** on February 2, 1995, announcing the study and soliciting comments (60 FR 6587).

Regarding international commerce, wide disparity between the standards across the United States, Mexico, and Canada (as well as those across our States) often inhibit the efficient flow of continental trade. In a NAFTA context, the Department is committed to finding a means, in consultation with Congress, to make TS&W and safety standards compatible. Further, significant growth in international container traffic, combined with varying international TS&W standards, has created enforcement and economic efficiency concerns.

6. Highway Freight Transportation and Air Quality

With the passage of the Clean Air Act Amendments of 1990 and the subsequent Federal Implementation Plan (FIP) for California in 1994, concerns have been raised as to the effects that air quality regulations may have on freight transportation in the near future, especially in California. While air quality improvement is an important public policy objective, it is important to remember that there are typically multiple objectives and implications in all major public policy decisions, and these must be balanced. For instance, the original FIP issued on May 5, 1994, contained several proposals which it was thought might significantly impact the freight industries, and hence regional and national economic performance. Since that time, the FIP has been revised, based on public comment, to more effectively balance the national objectives of improving air quality and maintaining economic competitiveness. The currently proposed standard of 2.0 g/bhp-hr (grams per brake-horsepower-hour) for nitrogen oxide emissions and the implementation time frame is considered more feasible by industry.

Freight concerns are likely to play a more prominent role in other State Implementation Plans now being considered. Recognizing these concerns, the Environmental Protection Agency recently set up a government and industry task force to look at various freight and air quality issues.

Authority: 23 U.S.C. 315; 49 U.S.C. 301, 302, 305; Pub. L. 102–548, 106 Stat. 3646.

Issued on: August 21, 1995.

Rodney E. Slater,

Federal Highway Administrator.

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Federal Railroad Administration

Fiscal Year 1995 Railroad User Fee Calculations

AGENCY: Federal Railroad Administration; Department of Transportation.

ACTION: Notice.

SUMMARY: The Federal Railroad Administration is today publishing its fiscal year 1995 assessment rates supporting the collection of railroad user fees.

FOR FURTHER INFORMATION CONTACT: Vicky McCully, Railroad User Fee Officer, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC. 20590; telephone (202) 366–6569.

SUPPLEMENTARY INFORMATION: In its regulations implementing the Railroad User Fee provisions of section 20115 of Title 49, United States Code (formerly section 216 of the Federal Railroad Safety Act of 1970 (see 49 CFR 245.301(a)), the Federal Railroad Administration (FRA) indicated that it would publish a notice each year in the **Federal Register** identifying FRA's calculations of the total railroad user fee to be collected for the fiscal year, the assessment rate per train mile, the assessment rate per employee hour, and the assessment rate per road mile (as adjusted by the sliding scale).

For fiscal year 1995, user fee assessments totaling $40,584,892 are based on 658,208,164 total industry train miles; 150,820 total industry road miles; and 518,612,773 total industry employee hours.

The base assessment rate per road mile is $93.99, with applicable adjustments for the sliding scale as follows:

Train mile/road mile ratio	SF [1]	RM rate [2]
1201 and above	1.00	$113.39
1001 to 1200	0.75	70.49
751 to 1,000	0.50	46.99
501 to 750	0.25	23.50
Up to 500	0.00	0.00

[1] SF refers to scaling factor.
[2] RM Rate refers to Road Mile Rate.

The assessment rate per train mile is $.033842. The assessment rate per employee hour is $.007809.

Issued in Washington, DC on August 22, 1995.

Donald M. Itzkoff,

Deputy Federal Railroad Administrator.

[FR Doc. 95–21306 Filed 8–25–95; 8:45 am]

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