its total communications plant at the end of that year. This letter must be filed by March 31 of the following year.

* * * * *

3. Section 43.41 is removed and reserved.

PART 63—EXTENSION OF LINES AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIER; AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS

4.The authority citation for Part 63 continues to read as follows:

Authority: Sections 4(i), 4(j), 201–205, 303(r) and 403 of the Communications Act of 1934, 47 U.S.C. 154(i), 154(j), 201–205, 303(r), 403, unless otherwise noted.

5. Section 63.07 is amended by removing paragraph (b) and redesignating paragraph (c) as paragraph (b).

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

6. The authority citation for Part 64 continues to read as follows:

Authority: Sections 4(i), 4(j), 201–205, 303(r) and 403 of the Communications Act of 1934, 47 U.S.C. 154(i), 154(j), 201–205, 303(r), 403, unless otherwise noted.

7. Section 64.804 is amended by revising the first sentence of introductory paragraph (g) to read as follows:

§ 64.804 Rules governing the extension of unsecured credit to candidates or persons on behalf of such candidates for Federal office for interstate and foreign common carrier communication services.

* * * * *

(g) On or before January 31, 1997, and the corresponding date of each year thereafter, each carrier which had operating revenues in the preceeding year in excess of $1 million shall file with the Commission a report by account of any amount due and unpaid, as of the end of the month prior to the reporting date, for interstate and foreign communication services rendered to a candidate or person on behalf of such candidate when such amount results from the extension of unsecured credit.* * *

* * * * *

PART 65—INTERSTATE RATE OF RETURN PRESCRIPTION PROCEDURES AND METHODOLOGIES

8. The authority citation for Part 65 continues to read as follows:

Authority: Sections 4(i), 4(j), 201–205, 303(r) and 403 of the Communications Act of 1934, 47 U.S.C. 154(i), 154(j), 201–205, 303(r), 403, unless otherwise noted.

9. Section 65.600 is amended by revising paragraph (b) to read as follows:

§ 65.600 Rate of return reports.

* * * * *

(b) Each local exchange carrier or group of affiliated carriers which is not subject to §§ 61.41 through 61.49 of this chapter and which has filed individual access tariffs during the preceding enforcement period shall file with the Commission within three (3) months after the end of each calender year, an annual rate of return monitoring report. Each report shall contain two parts. The first part shall contain rate of return information on a cumulative basis from the start of the enforcement period through the end of the year being reported. The second part shall contain similar information for the most recent year. The final annual monitoring report for the entire enforcement period shall be considered the enforcement period report. Reports shall be filed on the appropriate report form prescribed by the Commission (see § 1.795 of this chapter) and shall provide full and specific answers to all questions propounded and information requested in the currently effective report form. The number of copies to be filed shall be specified in the applicable report form. At least one copy of the report shall be signed on the signature page by the responsible officer. A copy of each report shall be retained in the principal office of the respondent and shall be filed in such manner as to be readily available for reference and inspection. Final adjustments to the enforcement period report shall be made within fifteen (15) months following the enforcement period to ensure that any refunds can be properly reflected in an annual access filing.

* * * * *

[FR Doc. 96–6199 Filed 3–13–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Chapter X

[STB Ex Parte No. 538]

Disclosure and Notice of Change of Rates and Other Service Terms for Pipeline Common Carriage

AGENCY: Surface Transportation Board, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The ICC Termination Act of 1995 (ICCTA) eliminated the tariff and tariff filing requirements formerly applicable to pipeline carriers, but imposed in lieu thereof certain obligations to disclose common carriage rates and service terms as well as a requirement for advance notice of an increase in such rates or change in service terms. ICCTA requires the Board to promulgate regulations to administer these new obligations by June 29, 1996. The Board seeks public comment on appropriate regulations for that purpose, and encourages the affected interests groups to discuss and seek mutually agreeable regulations to propose.

DATES: Comments are due on April 15, 1996.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Ex Parte No. 538 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927–5610. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (ICCTA), enacted on December 29, 1995, abolished the Interstate Commerce Commission (ICC) and transferred the responsibility for the economic regulation of pipeline transportation (of commodities other than water, gas, or oil) to a new Surface Transportation Board (the Board). *See* ICCTA Section 101 (abolition of the ICC). *See also* new 49 U.S.C. 701(a) (establishment of the Board), as enacted by ICCTA Section 201(a). The transfer took effect on January 1, 1996. *See* ICCTA Section 2 (effective date).[1]

The substantive provisions of the new law differ in several important respects from the former law. As pertinent here, the former law required that pipeline carriers (of commodities other than water, gas, or oil) file with the ICC tariffs containing the specific rates and charges (or the basis for calculating them) for their common carriage transportation services. Pipeline carriers had to adhere to the rates and terms contained in their tariffs. *See* former 49 U.S.C. 10761 and 10762. *See also* 49 CFR Part 1312 (1995).

The ICCTA eliminated the pipeline tariff requirements, effective January 1, 1996. Accordingly, no new pipeline

[1] ICCTA also made several changes to the pipeline regulatory authority that had been exercised by the ICC. In this notice, when referring to the provisions of the United States Code affected by ICCTA we use the word former to refer to the law in effect prior to January 1, 1996, and the word new to refer to the law in effect on and after January 1, 1996.

carrier tariffs are to be filed with the Board, and the pipeline carrier tariffs that were previously filed with the ICC are no longer effective tariffs as of January 1, 1996. The ICC regulations at 49 CFR Part 1312 are likewise not effective with respect to transportation provided by a pipeline carrier on and after that date.

Nevertheless, new 49 U.S.C. 15701 requires both disclosure of pipeline common carriage rates and service terms and advance notice of certain changes therein. (These requirements, it must be noted, apply only to transportation by pipeline of commodities other than water, gas, or oil). In particular, new 49 U.S.C. 15701(b) requires disclosure of pipeline common carriage rates and service terms, new 49 U.S.C. 15701(c) requires that pipeline carriers, when providing common carriage, not increase their rates or change their service terms without advance notice, and new 49 U.S.C. 15701(d) requires pipeline carriers to adhere to the rates and service terms published or otherwise made available under new 49 U.S.C. 15701(b) and/or (c).[2]

New 49 U.S.C. 15701(e) directs the Board to establish rules to implement the requirements of new 49 U.S.C. 15701. In accordance with this directive, we intend to promulgate new regulations to implement the requirements of new 49 U.S.C. 15701(b) and (c). We do not believe that implementing rules are required for new 49 U.S.C. 15701(a), which simply reenacts the longstanding common carrier obligation that the carrier provide transportation or service on reasonable request. We believe that this obligation, which has been well developed through case law, is best addressed on a case-by-case basis.

Similarly, our preliminary view is that implementing rules are not required for new 49 U.S.C. 15701(d), which requires a pipeline carrier to provide transportation or service in accordance with the rates and service terms, and any changes thereto, as published or otherwise made available under new 49 U.S.C. 15701(b) or (c). This requirement appears to be clear on its face.

The regulations implementing new section 15701 would appear to apply to any transportation or service provided by a pipeline carrier subject to our jurisdiction under new 49 U.S.C. 15301, with one exception. They would not apply, it would seem, to transportation or service provided by a pipeline carrier covered by an exemption issued under new 49 U.S.C. 15302, to the extent that such exemption applies to rate notice and disclosure requirements. We would also again point out that, under new 49 U.S.C. 15301, the Board has jurisdiction over transportation by pipeline, or by pipeline and either railroad or water, only as respects the transportation of commodities other than water, gas, or oil.

The new regulations would first need to address the requirement of new 49 U.S.C. 15701(b) that a pipeline carrier promptly provide to any person, on request, its rates and other service terms. It would appear that this requirement applies both to the disclosure of an existing rate (and related service terms) and to the establishment of a new rate (and related service terms) where none exists.

In the situation where the carrier has existing rates covered by the rate information request, the provisions of 49 U.S.C. 15701(b) and (e) require the carrier ''immediate[ly]'' to disclose its ''rates and service terms, including classifications, rules, and practices'' to any person requesting such information. We seek suggestions for a rule that would implement these provisions in a way that would provide the rate requestor with complete information about all relevant terms and conditions. We also seek input on whether we should attempt to define the word immediately, or instead should simply establish general guidelines to be applied on a case-by-case basis, setting up broad parameters governing disclosure.

There may be instances in which a shipper or prospective shipper requests the carrier to establish a rate for a type of traffic for which no existing rate is in place. Again, the provisions of 49 U.S.C. 15701(b) appear to require that the pipeline carrier provide a rate, as well as any related charges and service terms, promptly. We seek input on whether we ought to define the word promptly, or instead should simply adopt broadly applicable guidelines.

The new regulations also need to address the requirement of new 49 U.S.C. 15701(c) that a pipeline carrier may not increase a common carriage rate or change a common carriage service term without first giving 20 days' notice to any person who, within the previous 12 months, (1) has requested that rate or term under new subsection (b), or (2) has made arrangements with the carrier for a shipment that would be subject to the increased rate or changed term. It seems to us that the advance notice requirement would apply to known users of the transportation or service to which the increase or change is applicable (i.e., a person who has made a shipment within the past year or has already made arrangements for a future shipment) and also to known prospective users of such transportation or service (i.e., a person who has requested that rate to be established). Our preliminary view is that it would not be necessary or appropriate to require a carrier to keep a record of and notify all persons who have requested rate information but are not users of the affected transportation service. We request comment on what guidance, if any, should be given for determining which members of the shipping public are covered by the 20-day notice period.

We note that the notice requirement does not apply to a rate decrease, which a carrier may apply without notice. Similarly, it would not seem that the notice requirement should apply to, and hence delay, a change in service terms that is clearly beneficial to shippers. Our initial view is that it is not necessary to establish rules addressing how to determine whether a service change is clearly beneficial to shippers. Commenters may wish to address this issue.

Finally, the new regulations should provide for the required information to be supplied either in writing or in electronic form. It would appear that the form chosen would depend upon the technical capacities of the carrier to transmit, and of the requestor to receive, the information.

Request for Comments

We invite all interested persons to comment and to offer suggestions for the new regulations. Commenters may wish to address, among other things, whether we should exercise our authority under new 49 U.S.C. 15701(e) to modify the 20-day advance notice period provided by new 49 U.S.C. 15701(c).

We encourage affected interest groups to discuss the new requirements with each other and to seek a mutually agreeable set of regulations that would meet the needs of all affected interests—both shipper and carrier, and both large and small.

Comments (an original and 10 copies) must be in writing, and are due on April 15, 1996.

We encourage any commenter that has the necessary technical wherewithal to submit its comments as computer

[2] A central feature of both the former and new law is the requirement that a pipeline carrier adhere to its established rates. Therefore, as a transition matter, a question that arises is whether a pipeline carrier must continue to adhere to its established rates and service terms—those that were in effect (in tariffs on file with the ICC) on December 31, 1995—unless and until changed in a manner consistent with the requirements of new section 15701. Otherwise, it could be argued that there could be a break in the continuity of rates that Congress did not intend.

data on a 3.5-inch floppy diskette formatted for WordPerfect 5.1, or formatted so that it can be readily converted into WordPerfect 5.1. Any such diskette submission (one diskette will be sufficient) should be in addition to the written submission (an original and 10 copies).

Small Entities

Because this is not a notice of proposed rulemaking within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), we need not conduct at this point an examination of impacts on small entities. We will certainly welcome, of course, any comments respecting whether regulations that commenters may suggest would have significant economic effects on any substantial number of small entities.

Environment

The issuance of this advance notice of proposed rulemaking will not significantly affect either the quality of the human environment or the conservation of energy resources. Furthermore, we would not expect that regulations suggested for implementing new 49 U.S.C. 15701 would significantly affect either the quality of the human environment or the conservation of energy resources. We certainly welcome, of course, any comments respecting whether suggested regulations would have any such effects.

Authority: 49 U.S.C. 721(a) and 15701.

Decided: March 6, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 96–6086 Filed 3–13–96; 8:45 am]

BILLING CODE 4915–00–P

Federal Railroad Administration

49 CFR Part 214

[FRA Docket No. RSOR 13, Notice No. 6]

RIN 2130–AA86

Roadway Worker Protection

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

ACTION: Notice of proposed rulemaking.

SUMMARY: FRA proposes rules for the protection of railroad employees working on or near railroad tracks. This regulation would require that each railroad devise and adopt a program of on-track safety to provide employees working along the railroad with protection from the hazards of being struck by a train or other on-track equipment. Elements of this on-track safety program would include an on-track safety manual; a clear delineation of employers' responsibilities for providing on track safety, as well as employees' rights and responsibilities related thereto; well defined procedures for communication and protection; and annual on-track safety training. The program adopted by each railroad would be subject to review and approval by FRA.

DATES: (1) Written comments must be received no later than May 13, 1996. Comments received after that date will be considered to the extent possible without incurring additional expense or delay. Requests for formal extension of the comment period must be made by April 29, 1996.

(2) Requests for a public hearing must be made by April 15, 1996.

ADDRESSES: Written comments should be submitted to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590. Persons wishing notification that their comments have been received should submit a stamped, self-addressed postcard with their comments. The Docket Clerk will indicate on the postcard the date on which the comments were received and will return the card to the addressee. Written comments will be available for examination, both before and after the comment period closes, during regular business hours in Room 8201 of the Nassif Building located at the address listed above. Any person interested in requesting a hearing should contact the Docket Clerk at (202) 366–2257.

FOR FURTHER INFORMATION CONTACT: Gordon A. Davids, P.E., Bridge Engineer, Office of Safety, FRA, 400 Seventh Street SW., Washington, DC 20590 (telephone: 202–366–0507); Phil Olekszyk, Deputy Associate Administrator for Safety Compliance and Program Implementation, FRA, 400 Seventh Street SW., Washington, DC 20590 (telephone: 202–366–0897); or Cynthia Walters, Trial Attorney, Office of Chief Counsel, FRA, 400 Seventh Street SW., Washington, DC 20590 (telephone: 202–366–0621).

SUPPLEMENTARY INFORMATION:

Comments and Hearing

In accordance with Executive Order 12866, FRA is allowing 60 days for comments. FRA believes that a 60 day comment period is necessary for parties with interests that were not represented on the Advisory Committee. Public hearings are generally held to provide interested parties an opportunity for oral presentations of data, views, or arguments concerning the proposed standards. Proceeding pursuant to regulatory negotiation has allowed participation by the public and a public hearing will only be scheduled, if requested.

Introduction

Background

Concern regarding hazards faced by roadway workers has existed for many years. The FRA received a petition to amend its track safety standards from the Brotherhood of Maintenance of Way Employees (BMWE) in 1990, which included issues pertaining to the hazards faced by roadway workers. This proceeding, however, formally originated with the Rail Safety Enforcement and Review Act, Public Law No. 102–365, 106 Stat. 972, enacted September 3, 1992, which required FRA to review its track safety standards and revise them based on information derived from that review. FRA issued an Advanced Notice of Proposed Rulemaking (ANPRM) on November 16, 1992 (57 FR 54038) announcing the opening of a proceeding to amend the Federal Track Safety Standards.

Workshops were held in conjunction with this effort, to solicit the views of the railroad industry and representatives of railroad employees on the need for substantive change in the track regulations. A workshop held on March 31, 1993 in Washington, D.C., specifically addressed the protection of employees from the hazards of moving trains and equipment. The subject of injury and death to roadway workers was of such great concern that FRA received petitions for emergency orders and requests for rulemaking from both the Brotherhood of Maintenance-of-Way Employees and the Brotherhood of Railroad Signalmen. FRA did not grant the petitions for emergency orders, but instead initiated a separate proceeding to consider regulations to eliminate hazards faced by these employees. FRA removed this issue from the track standards docket, FRA Docket No. RST–90–1 and established a new docket, FRA Docket No. RSOR 13, specifically to address hazards to roadway workers to expedite the effective resolution of this issue.

FRA also determined that standards addressing this issue would be more closely related to workplace safety than to standards addressing the condition of railroad track. Since Railroad Workplace Safety is addressed in 49 CFR Part 214, standards issued for the protection of