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Title: Driver's Record of Duty Status.
OMB Number: 2125-0016.

Background: For the last 60 years, the FHWA, and its predecessor, the Interstate Commerce Commission (ICC), have required motor carriers operating in interstate commerce to require their drivers to limit the driver's hours of service. This is to ensure the drivers do not operate CMVs while fatigued and possibly cause crashes. The principal method used to track the driver's hours of service has been to record the hours worked, driven, and at rest on paper Records of Duty Status, commonly known as log books. See 49 U.S.C. 31502 and 49 CFR part 395.

The record shows how long a driver has been on duty and driving, and how long the driver has had rest in a sleeper berth and time off duty. This record helps motor carriers know how much longer the driver may legally operate vehicles before the law assumes the driver is fatigued, as determined by research done in the late 1930's and regulations adopted at that time. The motor carriers would then know when the drivers must stop driving to obtain rest. The regulations require drivers to show local law enforcement officials and Federal agents the driver's true and accurate record of the drivers' duty activities, to the closest 15 minutes, within each 24-hour period. This record also helps law enforcement officials determine whether the driver may likely be operating a motor vehicle while fatigued. See 49 CFR 395.8.

The ICC and the FHWA have general statutory authority to require such records. The records have never been expressly mandated by statute. In 1952, the ICC adopted rules to allow motor carriers to record some drivers' hours of service on time cards or time sheets in place of log books. This exception was available to drivers operating within a 50-mile radius of the driver's garage or terminal where the driver reports for work. See 49 CFR 395.1(e). This exception was made a separate information collection entitled "Time Records" and has been assigned OMB No. 2125-0196. Within the last 20 years, there was a change that allowed drivers/carriers to use their own forms rather than the format prescribed by the FHWA's predecessor motor carriers organization, the Bureau of Motor Carrier Safety. In 1980, the FHWA expanded the 50-mile radius to a 100 mile radius. In this same rulemaking, the FHWA began to require motor carriers to maintain and retain

documents the carriers obtained or received, in the normal course of business, supporting the validity of the record of duty status. See 49 CFR 395.8(k)(2).

In 1982, the FHWA reduced the retention period for the log book and the supporting documents from one year to 6 months. See 49 CFR 395.8(k)(2). For the first 51 years, the ICC and later the FHWA only allowed motor carriers and drivers to prepare paper log books. In 1988, the FHWA adopted rules to allow motor carriers to choose to use automatic on-board recording devices in place of the paper log book. Again, this was done at the FHWA's discretion and not by an express mandate by statute. See 49 CFR 395.15.

In 1994, new information collection requirements for records of duty status were mandated by section 113 of the Hazardous Materials Transportation Authorization Act of 1994 (Pub. L. 103-311, 108 Stat. 1676). This statute requires each written or electronic document being used as a supporting document to include either the driver's name or vehicle number. This would require motor carriers to ensure the driver's name or vehicle number is also on each document used to verify driver record of duty status. The statute also requires the supporting document must be kept for at least six months. The FHWA has not yet published a proposal requiring the mandated information collection. The FHWA will publish an NPRM for the mandated information related to the driver's record of duty status documents, and will request a modification to this information collection at that time.

In 1995, section 408 of the ICC Termination Act of 1995 (Pub. L. 104-88, 109 Stat. 803, 958) required the FHWA to issue an ANPRM addressing the FHWA's current hours of service regulations. The FHWA published this ANPRM on November 5, 1996 (61 FR 57252). This rulemaking may substantially modify the information collection burdens contained in this information collection. The FHWA expects to publish an NPRM in this action (RIN 2125-AD93) in the winter, 1999.

Respondents: Motor carriers and drivers.

Estimated Total Annual Burden Per Record: 16,978,607 hours.

The FHWA has separated this total into the following three subtotals:

Records of Duty Status (Paper Log Books)—15,671,303 hours

Automatic On-board Recording Devices—1,076,100 hours

100 Air-mile Radius Drivers—The FHWA proposes to append the 100 air-

mile radius driver time record account, OMB No. 2125-0196, into the OMB No. 2125-0016 account. This would add an additional 231,204 hours. The computations on how the FHWA arrived at these numbers may be found in the docket.

Interested parties are invited to send comments regarding any aspect of these information collections. The FHWA considers comments by the public on this proposed collection of information in the following four ways: (1) Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of the FHWA, including whether the information will have a practical use; (2) evaluating the accuracy of the FHWA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) enhancing the quality, usefulness, and clarity of the information to be collected; and (4) minimizing the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).

Authority: 49 U.S.C. 31136, 31141, and 31502 and 49 CFR 1.48.

Issued on: March 4, 1998.

George Moore,

Associate Administrator for Administration.

[FR Doc. 98-6219 Filed 3-10-98; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33551]

Kansas Southwestern Railway Company, L.L.C.; Acquisition Exemption; Union Pacific Railroad Company

Kansas Southwestern Railway Company, L.L.C. (KSW), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire and operate approximately 287.83 miles of rail line in Kansas owned by Union Pacific Railroad Company (UP). The lines involved in the acquisition transaction consist of: (1) UP's Hutchinson Branch from MP-572.677 on the east leg of the wye and 1,213 feet of the west leg of the wye at Geneseo, KS, to MP-486.003 of the northeast leg of the wye and 984 feet of the southwest leg of the wye at Wichita, KS; (2) UP's Hardtner Branch from MP-485.938 at

Wichita, KS, to MP-571.85 at Kiowa, KS; (3) UP's Stafford Branch from MP-559.028 of the south leg of the wye and 955 feet of the north leg of the wye at Conway Springs, KS, to MP-654.11 at Radium, KS; and (4) UP's Iuka Branch from MP-609.97 at Olcott, KS, to MP-630.13 at Iuka, KS. KSW currently leases and operates over the lines. Following its acquisition of the lines, KSW would continue to be the operator over the lines.

The transaction was expected to be consummated on or shortly after the March 3, 1998 effective date of the exemption.

If this notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33551, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Karl Morell, Esq., Ball Janik LLP, 1455 F. Street, NW, Suite 225, Washington, DC 20005.

Decided: March 3, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 98-6290 Filed 3-10-98; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33562]

South Central Florida Express, Inc.; Trackage Rights Exemption; Florida East Coast Railway

Florida East Coast Railway Company has agreed to grant overhead trackage rights between milepost K-0.0 near Ft. Pierce, FL, and milepost K-15.0, and local trackage rights between milepost K-15.0 and milepost K-70.4, at or near Lake Harbor, FL, to South Central Florida Express, Inc. The trackage rights were scheduled to take effect on March 2, 1998, the effective date of the exemption.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*,

354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33562, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Edward D. Greenberg, Esq., Galland, Kharasch & Garfinkle, P.C., 1054 Thirty-First Street, NW, Washington, DC 20007.

Decided: March 3, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 98-6291 Filed 3-10-98; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-542X]

Harbor Belt Line Railroad; Discontinuance Exemption; Port of Los Angeles

On February 19, 1998, Harbor Belt Line Railroad (HBL) filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to discontinue its switching operations on tracks owned by the City of Los Angeles (the City) within the Port of Los Angeles (the Port) harbor complex, Los Angeles County, CA.¹ The tracks traverse U.S. Postal Service Zip Codes 90731, 90744, 90802, and 90822.

This transaction is related to *Pacific Harbor Line, Inc.—Operation Exemption—Port of Los Angeles*, STB Finance Docket No. 33411 (STB served Dec. 2, 1997), in which Pacific Harbor Line, Inc. (PHL), filed a notice of exemption to acquire operating rights from the City to provide the switching services being discontinued here. Upon

¹ HBL was created in 1928 by the City and the railroads then serving the Port to provide switching service within the Port. HBL is now controlled by the City through its Board of Harbor Commissioners, Union Pacific Railroad Company and The Burlington Northern and Santa Fe Railway Company.

commencement of services by PHL, HBL will be replaced as the operator of the lines in the harbor complex and will completely discontinue all operations.

The lines do not contain federally granted rights-of-way. Any documentation in HBL's possession will be made available promptly to those requesting it. Because HBL is proposing to discontinue services over its entire line, no labor conditions will be imposed.

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by June 9, 1998.

Any offer of financial assistance to subsidize continued rail service under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer of financial assistance must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25).

Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate.

This proceeding is exempt from environmental reporting requirements under 49 CFR 1105.6(c) and from historic reporting requirements under 1105.8(b).

All filings in response to this notice must refer to STB Docket No. AB-542X and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001; and (2) Samuel M. Sipe, Jr., Steptoe & Johnson, LLP, 1330 Connecticut Ave., N.W., Washington, DC 20036.

Persons seeking further information concerning abandonment and discontinuance procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695.]

Decided: March 6, 1998.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 98-6289 Filed 3-10-98; 8:45 am]

BILLING CODE 4915-00-P