

MINNESOTA-CO—Continued

Designated Areas	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Washington County (part) All cities and townships except Denmark Township				
Wright County (part) Albertville, Annandale, Buffalo, Clearwater, Cokato, Delano, Hanover, Monticello, Montrose, Rockford, St. Michael, South Haven, Waverly, Dayton (Wright Co. part), Buffalo Township, Chatham Township, Clearwater Township, Cokato Township, Corrinna Township, Franklin Township, Maple Lake Township, Franklin Township, Marysville Township, Monticello Township, Ostego Township, Rockford Township, Silver Creek Township, Southside Township				
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¹ This date is November 15, 1990, unless otherwise noted.

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BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Office of Motor Carrier Safety

49 CFR Chapter III

[Docket No. OMCS-99-6386]

RIN 2125-AE70

Motor Carrier Safety Regulations

AGENCY: Office of Motor Carrier Safety (OMCS), DOT.

ACTION: Final rule.

SUMMARY: This document amends the heading for chapter III concerning motor carrier safety regulations. On October 9, 1999, the Secretary of Transportation (Secretary) rescinded the authority previously delegated to the Federal Highway Administrator to perform motor carrier functions and operations, and re delegated that authority to the Director, Office of Motor Carrier Safety, a new office within the Department of Transportation (Department). The title of chapter III is therefore being changed from "Federal Highway Administration, Department of Transportation" to "Office of Motor Carrier Safety, Department of Transportation" to reflect the organizational changes.

EFFECTIVE DATE: This final rule is effective October 29, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Office of Motor Carrier Safety, HMCS-10, (202) 366-4009; or Mr. Charles Medalen, Office of the Chief Counsel, HCC-20, (202) 366-1354, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Office of the **Federal Register's** home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

Background

Section 338 of the FY 2000 Department of Transportation and Related Agencies Appropriations Act [Public Law 106-69, 113 Stat. 986, at 1022 (October 9, 1999)] prohibits the expenditure of any funds appropriated by that Act "to carry out the functions and operations of the Office of Motor Carriers within the Federal Highway Administration" (FHWA). Section 338 further provides that, if the authority of the Secretary on which the functions and operations of the Office of Motor Carriers are based is re delegated outside the FHWA, the funds available to that office under the Act may be transferred and expended to support its functions and operations.

The Secretary has rescinded the authority previously delegated to the FHWA to carry out motor carrier functions and operations. This authority has been re delegated to the Director, Office of Motor Carrier Safety, a new office within the Department [64 FR 56270, October 19, 1999].

The new OMCS includes the following headquarters offices of the FHWA's former Office of Motor Carrier and Highway Safety (OMCHS): the Office of Motor Carrier Research and

Standards, the Office of Data Analysis and Information Systems, the Office of Motor Carrier Enforcement, the Office of Policy and Program Management, the Office of National and International Safety Programs, the Office of Technology Evaluation and Deployment, and the Office of Program Evaluation. However, the Office of Highway Safety Infrastructure remains part of the FHWA. In addition, the motor carrier functions of the FHWA's Resource Centers and Division (i.e., State) Offices have been transferred to OMCS Resource Centers and OMCS Division Offices, respectively. Rulemaking, enforcement, and other activities of the OMCHS while part of the FHWA will be continued by the new OMCS. The re delegation will cause no changes in the motor carrier functions and operations of the offices or resource centers listed above. For the time being, all phone numbers and addresses are unchanged.

The heading for 49 CFR chapter III is changed to read "Chapter III—Office of Motor Carrier Safety, Department of Transportation."

This rule is being published as a final rule and made effective on the date of publication in the **Federal Register**. As the rule relates to Departmental organization, procedure, and practice, notice and comment on it are unnecessary under 5 U.S.C. 553(b). This action makes no substantive changes to the motor carrier safety regulations. It simply provides a chapter heading change to 49 CFR chapter III. Therefore, prior notice and opportunity to comment are unnecessary and good cause exists to dispense with the 30-day delay in effective date requirement so that the Office of Motor Carrier Safety may resume its rulemaking functions.

In consideration of the foregoing and under the authority of 49 U.S.C. 301 and

322, Public Law 106-69, 113 Stat. 986, at 1022, and 49 CFR 1.73, the heading for chapter III of title 49, Code of Federal Regulations, is revised to read as follows:

CHAPTER III—OFFICE OF MOTOR CARRIER SAFETY, DEPARTMENT OF TRANSPORTATION

Issued on: October 21, 1999.

Julie Cirillo,

Acting Director, Office of Motor Carrier Safety.

[FR Doc. 99-28177 Filed 10-28-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[Docket No. OST-1999-6189]

Organization and Delegation of Powers and Duties; Redelegation to the Director, Office of Motor Carrier Safety

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Secretary of Transportation (Secretary) redelegates to the Director, Office of Motor Carrier Safety (OMCS), the authority previously delegated by statute to the Federal Highway Administrator to carry out the duties and powers related to motor carrier safety vested in the Secretary by chapters 5 and 315 of title 49, United States Code. This action, combined with the Secretary's previous delegation to the OMCS, enables that office to exercise all of the authority previously held by the Federal Highway Administration's Office of Motor Carriers.

EFFECTIVE DATE: This rule is effective on October 9, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Medalen, Office of the Chief Counsel, HCC-20, (202) 366-1354, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590; or Ms. Gwyneth Radloff, Office of the General Counsel, (202) 366-9319, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

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Background

Section 338 of the FY 2000 Department of Transportation and Related Agencies Appropriations Act (Public Law 106-69, 113 Stat. 986, at 1022, October 9, 1999) prohibits the Federal Highway Administration (FHWA) from spending funds to carry out the functions and operations of its Office of Motor Carriers (OMC). The legislation provides that, if the Secretary delegates those functions and operations outside of the FHWA, the funds shall also be transferred. Accordingly, on October 9, 1999, the Secretary rescinded as much of the current delegation of his authority to the Federal Highway Administration to carry out motor carrier functions and operations as he could (see Final rule, 64 FR 56270, October 19, 1999), and redelegated that authority to the Director of the new Office of Motor Carrier Safety in the Department of Transportation.

However, the duties and powers related to motor carrier safety vested in the Secretary by chapters 5 and 315 of title 49, United States Code, were delegated by statute to the Federal Highway Administrator by 49 U.S.C. 104(c)(2) and could not be exercised or transferred by the Secretary without legislative approval. Public Law 106-73 (113 Stat. 1046, October 19, 1999) amended the second proviso of Sec. 338 to read as follows: "Provided further, That notwithstanding section 104(c)(2) of title 49, United States Code, the Federal Highway Administrator shall not carry out the duties and functions vested in the Secretary under 49 U.S.C. chapters 5 and 315." Sec. 338, as amended by Public Law 106-73, now prohibits the Federal Highway Administrator from carrying out the duties and powers related to motor carrier safety vested in the Secretary by chapters 5 and 315 and restores the Secretary's authority to exercise or delegate these authorities, effective retroactively to October 9, 1999.

Accordingly, the Secretary delegates the authority to carry out certain portions of chapters 5 and 315 to the

Director, Office of Motor Carrier Safety. This restores to the Office of Motor Carrier Safety the authority under 49 U.S.C. 521(b) to issue civil penalties or assist the Department of Justice in pursuing civil or criminal cases, authority that could not be exercised under the original version of Sec. 338. Also being delegated to OMCS is the Secretary's authority: (1) To investigate motor carriers, subpoena witnesses and records and take depositions (49 U.S.C. 502); (2) relating to service of process, designation of agents to receive service of process, and identification of interstate motor vehicles (49 U.S.C. 503 and 31504); (3) to establish recordkeeping and reporting requirements for, and inspect the equipment and records of, motor carriers (49 U.S.C. 504); (4) to require motor carriers to file copies of their contracts or other arrangements with shippers (49 U.S.C. 505); (5) to investigate violations of chapter 5 by motor carriers (49 U.S.C. 506); (6) to bring a civil action or request the Attorney General to bring court proceedings against motor carriers or brokers to enforce chapter 5 or a regulation or order based on chapter 5 (49 U.S.C. 507); (7) to issue regulations governing the release by a motor carrier of a former driver's safety performance records to his or her subsequent motor carrier employers (49 U.S.C. 508); (8) to levy civil penalties against motor carriers for violations of certain statutes on which the Federal Motor Carrier Safety Regulations (FMCSRs) are based (49 U.S.C. 521(b)(1)-(5), (7)); (9) relating to the disclosure of certain business information obtained during inspections by Department of Transportation employees (49 U.S.C. 523); (10) relating to qualifications and maximum hours of service of motor carrier drivers (49 U.S.C. 31502); and (11) relating to investigation of the need for regulation of qualifications and maximum hours of service of motor carrier drivers (49 U.S.C. 31503).

This rule is being published as a final rule effective retroactively to October 9, 1999 pursuant to section 2 of Public Law 106-73. As the rule relates to Departmental organization, procedure, and practice, notice and comment on it are unnecessary under 5 U.S.C. 553(b). In addition, the functions addressed in this rule were transferred to enable the Department's motor carrier safety program to continue. For this reason, the Secretary finds good cause under 5 U.S.C. 553(d)(3) to make this rule effective retroactively to October 9, 1999.