

and used by researchers and others to better define safety improvements to reduce the number of fatalities and serious injuries in bus crashes.

The NPRM also requested comments on the burden to State and local Governments, costs, reduction of transcription errors, and alternative approaches.

### Summary of Comments

The agency received eight comments in response to the NPRM. None of the commenters, except NTSB, supported the proposal. Comments were received from three manufacturers (International Truck and Engine Corporation, Blue Bird Body Company, and Freightliner), and one industry association (National Truck and Equipment Association). Those commenters generally opposed recording the proposed VIN suffix on the certification label and the submittal of information under the proposed Part 584. They alternatively suggested that the name of the bus manufacturer be recorded on the PAR so it could be captured in FARS. Researchers and others seeking more descriptive information about the bus body could then contact the bus body manufacturer for the information about the bus body. These commenters generally disagreed with the cost estimate that was provided in the NPRM and suggested that the real cost would be much higher; however, no estimates of actual costs were provided.

The agency also received comments from two individuals, Mr. Jim Lawrence and Mr. Duane E. Bartels. Mr. Lawrence suggested that the proposed Part 584 information be specified in Part 565, "Vehicle Identification Number Requirements." Mr. Lawrence also suggested that the agency require that manufacturers submit information on a quarterly basis and maintain a database of the manufactured-supplied information. He felt this would reduce transcription errors when recording the information at the crash scene and the burden on State and local Governments in collecting this information. However, Mr. Lawrence did not provide any information on how NHTSA could obtain the crash information without having it recorded on the PAR at the crash scene. Mr. Bartels suggested that buses be required to have the number of seating positions recorded on the certification label for the purposes of inspection so that inspectors could determine whether a commercial driver's license and drug and alcohol testing requirements needed to be met to operate the bus. The agency notes that Mr. Bartels' request is outside the scope of this rulemaking action.

A comment was received from the European Commission, Enterprise and Industry Directorate-General which represents the European Union (EU). The European Commission stated, "this new administrative procedure could represent an unnecessary trade obstacle for EU manufacturers."

NTSB stated that although the proposed regulation does not establish bus definitions for the FMVSSs, it does establish identification of bus bodies, and thus classification for the FARS database. NTSB also stated that while not defining bus bodies in the FMVSSs, the proposal would better identify the type of bus in the FARS system, and therefore would satisfy the intent of the NTSB safety recommendations to accurately collect vehicle accident data for analysis and safety improvement.

The agency did not receive any comments from States or local jurisdictions on whether they would change the PAR so that the proposed VIN suffix could be captured at the crash scene and subsequently entered in the FARS database. No information was received from the States or local jurisdictions on the burden that this rulemaking action would place on them.

### Agency Rationale for Terminating Rulemaking

NHTSA has decided to terminate the proposed rulemaking because we have identified an alternative approach to obtain more accurate bus accident data for analysis and safety improvement that it believes is more efficient and less burdensome.

FARS data and the majority of NHTSA's other data are derived from the PAR. There is no indication that states and local jurisdictions would change the PAR to capture the additional VIN information at the scene of the crash. The agency believes that continuing this rulemaking would not provide improvement to the existing information that is already recorded in the FARS database. It would also place an unnecessary burden on the bus manufacturers and likely cause greater transcription errors in the information collected at the scene of bus crashes. The agency believes that the best way to encourage states to consistently capture information on the PAR is through simplification of data collection at the crash scene, and that changing the MMUCC will accomplish the NTSB intent to improve information collected about bus crashes.

The NTSB study leading to its recommendations was based on data in the FARS database for buses prior to the

existence of MMUCC.<sup>1</sup> NHTSA has made significant efforts to simplify the data collection techniques at the crash scene and enable the States to collect more accurate data. A 2005 agency review of compliance with the 1998 publication of MMUCC showed that 50 percent of the States had adopted the MMUCC. NHTSA expects even greater adoption in the future because of provisions in the SAFETEA-LU<sup>2</sup> legislation providing grants for States that establish traffic safety information systems to improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the safety data collected. This will provide a greater incentive for states to adopt the MMUCC.

The next edition of MMUCC is scheduled to be updated in 2007. NHTSA believes that changing the MMUCC to ensure more efficient and accurate coding of bus accident data at the crash scene will lead to better inclusion of the bus related information on the PAR and consequent improvement of the bus information in FARS and other NHTSA databases. Since this will be more efficient and less burdensome while still achieving the NTSB intent, we have decided to terminate this rulemaking.

**Authority:** 49 U.S.C. 30162; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

Issued on: January 12, 2007.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

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## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

#### 49 CFR Parts 1520 and 1580

[Docket No. TSA-2006-26514]

RIN 1658-AA51

### Rail Transportation Security Notice of Proposed Rulemaking

**AGENCY:** Transportation Security Administration, DHS.

**ACTION:** Notice of public meeting; request for comments.

**SUMMARY:** This document provides the time and location of the public meeting which will be held by the Transportation Security Administration

<sup>1</sup> For more information regarding MMUCC, go to <http://www.mmucc.us>.

<sup>2</sup> Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

(TSA) regarding the Notice of Proposed Rulemaking (NPRM) entitled "Rail Transportation Security," which was published in the **Federal Register** on December 21, 2006.

**DATES:** The meeting will take place on February 2, 2007, from 10 am to 4 pm. Persons wishing to submit written comments should submit them by February 20, 2007.

**ADDRESSES:** The meeting will be held at the Crystal City Marriott at Reagan National Airport, 1999 Jefferson Davis Highway, Arlington, Virginia 22202 USA, telephone: 703-413-5500.

Anyone in need of assistance or a reasonable accommodation for the meeting should contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. In addition, sign and oral interpretation, as well as a listening device, can be made available at the meeting if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

TSA invites interested persons to participate in this rulemaking by submitting written comments, data, or views relating to any aspect of rail transportation security. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from this rulemaking action. You may submit comments, identified by the TSA NPRM docket number (TSA-2006-26514) to this rulemaking, using any one of the following methods.

(1) Searching the Department of Transportation's electronic Docket

Management System (DMS) Web page (<http://dms.dot.gov/search>);

(2) Accessing the Government Printing Office's Web page at <http://www.gpoaccess.gov/fr/index.html>; or

(3) Visiting TSA's Security Regulations Web page at <http://www.tsa.gov> and accessing the link for "Research Center" at the top of the page.

**FOR FURTHER INFORMATION CONTACT:** Lisa L. Peña, Freight Rail Security, Transportation Sector Network Management, TSA-28, Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202-4220; telephone (571) 227-4414; facsimile (571) 227-2930; e-mail [Lisa.Pena@dhs.gov](mailto:Lisa.Pena@dhs.gov).

**SUPPLEMENTARY INFORMATION:** The agenda for the meeting will include a discussion of TSA's Rail Transportation Security NPRM, 71 FR 76852, Dec. 21, 2006. In this NPRM, TSA proposes security requirements for freight railroad carriers; intercity, commuter, and short-haul passenger train service providers; rail transit systems; and rail operations at certain, fixed-site facilities that ship or receive specified hazardous materials by rail. This rule proposes to codify the scope of TSA's existing inspection program and to require regulated parties to allow TSA and Department of Homeland Security (DHS) officials to enter, inspect, and test property, facilities, and records relevant to rail security. This rule also proposes that regulated parties designate rail security coordinators and report significant security concerns to DHS.

TSA further proposes that freight railroad carriers and certain facilities

handling certain categories and quantities of hazardous materials ensure a positive and secure chain of custody for those shipments that may transit a high threat urban area. We also propose that these carriers and facilities be equipped to report car location and shipping information to TSA upon request. TSA also proposes to clarify and extend the sensitive security information (SSI) protections to cover certain information associated with rail transportation.

The meeting is open to the public, but attendance is limited to the space available. Members of the public must make advance arrangements to present oral statements at the meeting by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. Written comments may be submitted to TSA by providing them to the docket. Information on the docket is listed under the heading **ADDRESSES**.

TSA intends to analyze the public comments and issue a final rule. The information presented at the public meeting should greatly assist TSA in developing proposed standards for rail transportation security. Therefore, TSA looks forward to meeting with the key stakeholders on this topic and exchanging information.

Issued in Arlington, Virginia, on January 11, 2007.

**John Sammon,**

*Assistant Administrator, Transportation Sector Network Management.*

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