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The Audio Division requests comments on a petition filed by Jeraldine Anderson proposing the allotment of Channel 292A at Zapata, Texas, as the community's fourth local FM transmission service. Channel 292A can be allotted to Zapata in compliance with the Commission's minimum distance with a site restriction of 9.0 kilometers (5.6 miles) south to avoid a short-spacing to the licensed site of Station KPSO-FM, Channel 292A, Falfurria, Texas. The coordinates for Channel 292A at Zapata are 26-49-57 North Latitude and 99-14-25 West Longitude. Since Zapata is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Groveland, Channel 264A.

3. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by adding Powers, Channel 293C2.

4. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 292A at Zapata.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

**RIN 2127-A184**

#### Federal Motor Vehicle Safety Standards; Low Speed Vehicles; Termination of Rulemaking

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Termination of rulemaking.

**SUMMARY:** The purpose of this document is to announce the termination of a rulemaking in which the agency had considered adding additional conspicuity requirements applicable to low-speed vehicles (LSV), as well as a requirement that LSVs bear a label identifying the safety hazards associated with their operation in mixed traffic. Due to the absence of data showing a conspicuity-related safety problem with current LSV designs, the agency has decided to terminate the rulemaking.

**FOR FURTHER INFORMATION CONTACT:** For non-legal issues, contact Mr. William D. Evans, Office of Crash Avoidance Standards, phone (202) 366-2272. For legal issues, contact Christopher Calamita, Office of Chief Counsel, phone (202) 366-2992. You may send mail to both of these officials at the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On June 17, 1998, NHTSA published a final rule establishing Federal Motor Vehicle Safety Standard (FMVSS) No. 500, "Low-speed vehicles," and added a definition of "low-speed vehicle" to 49 CFR 571.3 (63 FR 33194). This new FMVSS and vehicle classification responded to the growing public use of golf cars and other similar-sized small vehicles to make short trips for shopping, social and recreational

purposes primarily within retirement or planned communities. An LSV is defined in 49 CFR 571.3 as a 4-wheeled motor vehicle, other than a truck, whose speed attainable in 1.6 km (1 mile) is more than 32 kilometers per hour (20 miles per hour) and not more than 40 kilometers per hour (25 miles per hour) on a paved level surface. Due to their small size, low operating speed and restricted area of use, LSVs are excluded from many of the FMVSSs that apply to conventional, higher-speed motor vehicles. LSVs are not required to have doors or bumpers and are not required to meet any crashworthiness tests. However, FMVSS No. 500 does require LSVs certified for use on public roads to be equipped with certain safety equipment: Headlamps, front and rear turn signal lamps, tail lamps, stop lamps, rear reflex reflectors mounted on each side, a reflex reflector mounted on the rear, rearview mirrors, a parking brake, a windshield of AS-1 or AS-4 glazing composition and Type 1 or Type 2 seat belt assemblies that conform to FMVSS No. 209 at each designated seating position.

On January 9, 2002, the agency received a petition for rulemaking from General Motors Corporation (GM). GM requested that the agency amend Standard No. 500 to require all low-speed vehicles to be equipped with a label identifying the safety hazards associated with their operation in mixed traffic, and additional conspicuity features. NHTSA granted the petition from GM.

On July 12, 2002, NHTSA published a notice of proposed rulemaking (NPRM) (67 FR 46149) proposing the LSV warning label and additional conspicuity requirements. Specifically, the agency proposed that LSVs be required to bear a warning label to ensure that drivers of LSVs are alerted to the safety hazards associated with their operation in mixed traffic. The NPRM also proposed that LSVs be equipped with additional reflex reflectors or retroreflective conspicuity sheeting, and that headlamps, tail lamps, and side marker lamps be continuously illuminated while the LSV propulsion system is activated. In addition, a "slow-moving vehicle" emblem would be required on the rear of each LSV. The comment period on the NPRM ended on September 10, 2002. The agency received comments from 15 sources. Thirteen of the commenters were generally in favor of the proposed requirements; however, they offered variations to the specific proposals or disagreed with certain elements. Two commenters generally felt that the agency did not provide

enough data to support the safety need for such a proposal.

## II. Decision To Withdraw Rulemaking

NHTSA searched its Fatality Analysis Reporting System (FARS) and its National Automotive Sampling System (NASS) from 1998 to present for crashes involving LSVs. No crash data relative to LSVs were found. (This may reflect the reporting practices of some police departments that do not recognize LSVs

as motor vehicles.) In its September 10, 2002, comments to the LSV conspicuity NPRM (67 FR 46149), DaimlerChrysler mentioned that they knew of only four crashes involving Global Electric Motorcars (GEM), none of which resulted in deaths. Only two of the four crashes involved other vehicles and those were the result of operator errors in judgment rather than a lack of conspicuity. In view of the absence of data showing a conspicuity-related

safety problem with current LSV designs, the agency has decided to terminate the rulemaking.

**Authority:** 49 U.S.C. 322, 30111, 30115, 30166 and 30177; delegation of authority at 49 CFR 1.50.

Issued on: February 3, 2005.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

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