to apply the *Fifth Report and Order* separation requirements to independent LECs providing in-region, interstate, interexchange services. These petitions currently are under consideration by the Commission and may not be decided by April 18, 1998, the deadline for compliance with the separate affiliate requirement. We find that it is in the public interest for the Commission to address and resolve, prior to the deadline for compliance, petitioners' claim that this requirement should not be applied to independent LECs, so such LECs need not incur compliance costs while the possibility of changes to this requirement still exists. Accordingly, we find good cause to stay § 64.1903(c) which provides the date by which independent LECs providing in-region, interstate, interexchange services must comply with the *Fifth Report and Order* separation requirements until 60 days after release of a Commission reconsideration order addressing this issue.

Federal Communications Commission.

A. Richard Metzger, Jr.,

Chief, Common Carrier Bureau.

[FR Doc. 98–8932 Filed 4–3–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 395

Global Positioning System (GPS) Technology

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of interpretation; request for participation in pilot demonstration project.

SUMMARY: The FHWA believes global positioning system (GPS) technology and many of the complementary safety management computer systems currently being used by the motor carrier industry, provide at least the same degree of monitoring accuracy as the ''automatic on-board recorders'' allowed by the Federal Motor Carrier Safety Regulations (FMCSRs), 49 CFR 395.15. Accordingly, the FHWA is announcing a voluntary program under which a motor carrier with GPS technology and related safety management computer systems may enter into an agreement with the FHWA to use such systems in a pilot demonstration project to record and monitor drivers' hours of service in lieu of complying with the handwritten ''records of duty status'' requirement of the FMCSRs, 49 CFR 395.8. Consistent with the President's initiatives in reinventing government and regulatory reform, the project is intended to demonstrate whether the motor carrier industry can use the technology to improve compliance with the hours-of-service requirements in a manner which promotes safety and operational efficiency while reducing paperwork requirements.

DATES: This interpretation is effective April 6, 1998. Applications for participation in the pilot demonstration project will be accepted until October 5, 1998.

ADDRESSES: Written applications should be mailed to Office of Motor Carrier Research and Standards (HCS–10), Federal Highway Administration, Department of Transportation, 400 Seventh St., SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Bryan L. Price, Office of Motor Carrier Safety and Technology, (202) 366–5720, Mr. Neill L. Thomas, Office of Motor Carrier Research and Standards, (202) 366–4009, or Mr. Charles Medalen, Office of Chief Counsel, (202) 366–1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays. Application requests and specific questions regarding this pilot demonstration project may also be directed to the contact person(s) named in this notice or the Division or Regional Offices of the FHWA in your State.

SUPPLEMENTARY INFORMATION:

Electronic Access

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

Background

On September 30, 1988, the FHWA published a final rule (53 FR 38666) to allow motor carriers, at their option, to use certain automatic on-board recording devices to record their drivers' records of duty status in lieu of the required handwritten records of duty status. This provision is now codified at 49 CFR 395.15. Many motor carriers that employed that technology found that their compliance with the hours-of-service regulations improved. New technologies are emerging, however, and the narrowly crafted on-board recorder provision is becoming obsolete. Before considering changes to the rule, the FHWA believes it would be prudent to demonstrate the effectiveness of more recent technology for ensuring compliance with the hours-of-service regulations. The FHWA also hopes to demonstrate the safety and economic advantages to the motor carrier industry when the technology is used to reduce the prescriptive paperwork and recordkeeping requirements of the hours-of-service regulations (49 CFR part 395). The FHWA intends to carefully evaluate results of the pilot demonstration project. Should the results prove to be positive and the safety potential of the involved technologies confirmed, the agency will consider proposing revisions to the FMCSRs.

The FHWA is aware of the benefits of GPS technology to monitor and control drivers' compliance with the hours-of-service regulations. Although § 395.15 was originally promulgated for a specific technology, the FHWA believes GPS technology and many of the complementary safety management computer systems currently being used by the motor carrier industry provide at least the same degree of monitoring accuracy, while substantially complying with the requirements of § 395.15. Accordingly, the FHWA will allow volunteer motor carriers to use GPS technology to meet the ''automatic on-board recorder'' provisions of § 395.15 in order to demonstrate the safety potential of this technology. The FHWA invites motor carriers that believe their GPS technology programs meet the requirements set forth in this document to seek permission to participate in this demonstration project.

The conditions that will apply during the demonstration project are included in a question and answer format that expresses the interpretation.

Premise: Section 395.2 of the FMCSRs defines an ''automatic on-board recording device'' as ''an electric, electronic, electromechanical, or mechanical device capable of recording driver's duty status information accurately and automatically as required by § 395.15. The device must be integrally synchronized with specific operations of the commercial motor vehicle in which it is installed. At a minimum, the device must record engine use, road speed, miles driven, the date, and time of day.'' Section 395.15 of the FMCSRs provides motor carriers the authority to use ''automatic on-board recording devices'' to record

their drivers' hours-of-service in lieu of complying with the handwritten record of duty status requirements of § 395.8.

There are limited provisions of § 395.15 that are not entirely adaptable to GPS technology and related computer systems. The table below sets out those provisions and then describes what the GPS technology and related computer systems have available to satisfy, or go beyond, what is required by § 395.15.

49 CFR 395.15	GPS technology
§ 395.15(a)(1) permits use of ''Automatic on-board recording device'' (OBR) as defined at 49 CFR 395.2: capable of recording driver's duty status accurately and automatically * * * must be integrally synchronized with specific CMV functions * * * must record engine use, road speed, miles driven (axle revolutions), date and time of day (internal clock).	Records driver's duty status accurately and automatically * * * not ''integrally synchronized'' with specific CMV functions * * * Computes distance traveled by vehicle position readings (latitude/longitude) provided by satellite * * * Road speed estimated by time elapsed between vehicle position readings.
§ 395.15(b)(3) Support systems: must provide information about on-board sensor failures and identify edited data.	Support systems provide information about on-board system failures and identify edited data.
§ 395.15(f) Reconstruction of records of duty status: Drivers must note any failure of automatic OBRs and reconstruct records of duty status (RODS) for current day and past 7 days * * * must prepare handwritten RODs until device is operational.	If communications to CMV fail, vehicle position and sensor readings continue to be recorded by satellite and sent to terminal * * * retransmitted to CMV after communications are restored * * * Drivers can immediately request, by telephone, the previous 7 days RODS be sent via facsimile to roadside location * * * unnecessary to reconstruct RODS.
§ 395.15(h)(1) Submission of RODS: Driver must submit, electronically or by mail, to motor carrier, each RODS within 13 days following completion of each RODS.	Provides motor carrier automatically with access to all driver and vehicle records on a continual, ''real-time,'' basis.
§ 395.15(h)(2): Driver must review and verify all entries are accurate before submission to motor carrier.	Motor carrier furnishes driver with duty status summary * * * duty status entries available to driver for review and verification daily.
§ 395.15(h)(3): Submission of RODS certifies all entries are true and correct.	Driver's verification message certifies all entries are true and correct.
§ 395.15(i)(1): Motor carrier must obtain manufacturer's certificate that the design of OBR meets requirements.	The FHWA provides written approval.
§ 395.15(i)(2): Duty status may be updated only when CMV is at rest, except when registering time crossing State boundary.	Company policy prohibits any entry while CMV is in motion * * * records violations automatically * * * takes remedial action.
§ 395.15(i)(3): OBR and support systems must be, to the maximum extent practicable, tamper proof.	Provides time, location, and sensor signals by satellite service. System provides audit trails of all keyboard interactions.
§ 395.15(i)(4): OBR must warn driver visually and/or audibly the device has ceased to function.	Provides audible and/or visible warnings to CMV driver and motor carrier.
§ 395.15(i)(7): OBR and support systems must identify sensor failures and edited data.	Provides audit trails of all sensor failures and edited data.
§ 395.15(i)(8): OBR must be maintained and recalibrated in accordance with the manufacturer's specifications.	Performs maintenance in accordance with manufacturer's specifications * * * Renders calibration unnecessary.

Question: May Global Positioning System (GPS) technology and complementary safety management computer systems be used to meet the ''automatic on-board recording device'' provisions of § 395.15?

Guidance: As written, § 395.15 is not consistent in all details with newer technologies such as GPS. However, the FHWA believes the GPS technology and complementary safety management computer systems currently being used by specific motor carriers—for example Werner Enterprises, Inc. (Werner)—substantially conform with the requirements of § 395.15. More importantly these systems are capable of providing a superior proactive, ''real-time,'' approach to monitoring and controlling drivers'' hours-of-service. Werner is entering into an agreement with the FHWA to utilize GPS technology in lieu of handwritten records of duty status. Werner and any other motor carrier that wishes to enter into a similar agreement must have GPS technology and complementary safety management computer systems which meet the conditions specified in paragraphs (a) through (j).

(a) *Authority to use GPS technology.*

(1) The motor carrier may require drivers to use GPS technology to record their hours of service in lieu of complying with the requirements of 49 CFR 395.8.

(2) Drivers required by motor carriers to use GPS technology shall use such devices to record their hours of service.

(b) *Information requirements.* The following five requirements must be observed by the motor carrier and driver.

(1) The on-board GPS technology shall produce, upon demand, a driver's hours-of-service chart, in an electronic display or printout, showing the time and sequence of duty status changes, including the drivers' starting time at the beginning of each day.

(2) The on-board technology shall provide a means whereby authorized Federal, State, or local officials can immediately check the status of a driver's hours of service. This information may be used in conjunction with handwritten or printed records of duty status for the previous 7 consecutive days.

(3) Computer support systems used in conjunction with GPS technology at a driver's home terminal or the motor carrier's principal place of business must be capable of providing authorized Federal, State, or local officials with summaries of an individual driver's hours-of-service records, including the information specified in 49 CFR 395.8(d). The computer support systems must also be capable of identifying system failures and edited data.

(4) The driver shall have in his/her possession and/or make available for inspection while on duty, records of duty status for the previous 7 consecutive days. These records shall consist of information stored in and retrievable from the GPS technology, handwritten records, computer generated records, or any combination thereof.

(5) All hard copies of the driver's records of duty status must be signed by the driver. The driver's signature certifies the information contained thereon is true and correct.

(c) *Duty Status.* The required thirteen duty status and additional information items must be recorded as follows:

(1) ''Off duty'' or ''OFF'', or by an identifiable code or character.

(2) ''Sleeper berth'' or ''SB'', or by an identifiable code or character (only if the sleeper berth is used).

(3) ''Driving'' or ''D'', or by an identifiable code or character.

(4) ''On-duty not driving'' or ''ON'', or by an identifiable code or character.

(5) Date.

(6) Total miles driving today.

(7) Truck or tractor and trailer number.

(8) Name of carrier.

(9) Main office address.

(10) 24-hour period starting time (e.g., midnight, 9:00 AM, noon, 3:00 PM).

(11) Name of co-driver.

(12) Total hours.

(13) Shipping document number(s), or name of shipper and commodity.

(d) *Location of duty status change.* For each change of duty status (e.g., the place and time of reporting for work, starting to drive, on-duty not driving, and where released from work), the geographic coordinates must be recorded and automatically converted to city and State locations.

(e) *Reconstruction of records of duty status.* Drivers must immediately note any failure of the GPS technology or complementary safety management computer systems. Upon request of enforcement officials, drivers must contact their motor carriers and request facsimile copies of their ''records of duty status'' for the previous 8 days.

(f) *On-board information.* An information packet containing the following three items must be carried on board the vehicle, and available for review, at all times:

(1) An instruction sheet describing in detail how data is stored and retrieved from the GPS technology.

(2) A supply of blank driver's records of duty status graph-grids sufficient to record the driver's duty status and other related information for the duration of each trip.

(3) A copy of this interpretation, and a letter from the FHWA certifying that the motor carrier's GPS technology and complementary safety management computer systems substantially comply with the provisions of 49 CFR 395.15.

(g) *Driver's verification of records of duty status.*

(1) The driver shall review and verify that all entries provided to him/her by the GPS technology are accurate.

(2) The driver's verification message certifies that all entries made by the driver or generated by GPS technology are true and correct.

(h) *Performance of GPS technology.* Motor carriers that use GPS technology for recording their drivers' records of duty status in lieu of the handwritten record shall ensure the following five requirements are met.

(1) The GPS technology and complementary safety management computer systems are, to the maximum extent practicable, tamper proof and do not permit altering of the information collected concerning the driver's hours of service;

(2) GPS technology must have the capability to display the following six items.

(i) Driver's total hours of driving for the current day.

(ii) Driver's total hours on duty for the current day.

(iii) Driver's miles driving for the current day.

(iv) Driver's hours on duty for the prior 7 consecutive days, including the current day.

(v) Driver's total hours on duty for the prior 8 consecutive days, including the current day.

(vi) The sequential changes in the driver's duty status and the times the changes occurred for each driver using the device.

(3) The GPS technology and complementary safety management computer systems are capable of recording separately each driver's duty status when there is a multiple-driver operation;

(4) The motor carrier's drivers are adequately trained regarding the proper operation of the GPS technology.

(5) The motor carrier must maintain a second (back-up) copy of the electronic hours-of-service records, by month, in a different physical location than where the original data is stored.

(i) *Rescission of authority.* Consistent with 49 CFR 395.15(j), the FHWA may, after notice and opportunity to reply, order any motor carrier or driver to comply with the requirements of 49 CFR 395.8 if the FHWA has determined any one of the following three events has occurred.

(1) The motor carrier has been issued a conditional or unsatisfactory safety rating by the FHWA.

(2) The motor carrier has required or permitted a driver to establish, or the driver has established, a pattern of exceeding the hours-of-service limitations set forth in 49 CFR 395.3.

(3) The motor carrier or driver has tampered with or otherwise abused the GPS technology and/or the complementary safety management computer systems for purposes contrary to the hours-of-service rules set forth in 49 CFR part 395.

(j) *Termination of Participation.* The motor carrier may terminate its participation upon written notice to the FHWA.

Question: How will the success of the pilot demonstration project be evaluated?

Guidance: The FHWA plans to evaluate the demonstration project in the following four ways:

(a) Level of compliance with the hours-of-service regulations.

(b) Accident involvement.

(c) Paperwork burden reduction.

(d) Improvements in operational efficiency (i.e., costs associated with preparing, reviewing, and retaining hours-of-service data).

As stated previously, the FHWA intends to carefully evaluate results of the pilot demonstration project. Should the results prove to be positive and the safety potential of the involved technologies confirmed, the agency will consider proposing revisions to the FMCRs.

(5 U.S.C. 553(b); 23 U.S.C. 315; 49 U.S.C. 31133, 31136, and 31502; sec. 345, Pub. L. 104–59, 109 Stat. 568, 613; and 49 CFR 1.48)

Issued on: March 25, 1998.

Gloria J. Jeff,

Deputy Federal Highway Administrator.

[FR Doc. 98–8882 Filed 4–3–98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 533

[Docket No. NHTSA–97–3130]

RIN 2127–AG72

Light Truck Average Fuel Economy Standard, Model Year 2000

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule.

SUMMARY: This final rule establishes the average fuel economy standard for light trucks manufactured in model year (MY) 2000. The issuance of the standard is required by statute. Pursuant to section 322 of the fiscal year (FY) 1998 DOT Appropriations Act, the light truck standard for MY 2000 is 20.7 mpg.

DATES: The amendment is effective May 6, 1998. The standard applies to the 2000 model year. Petitions for reconsideration must be submitted within 45 days of publication.

ADDRESSES: Petitions for reconsideration should be submitted to: Administrator,