

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****49 CFR Part 393****Public Meeting to Discuss the Development of In-Service Brake Performance Standards for Commercial Motor Vehicles Inspected With Performance-Based Brake Testers**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FHWA is announcing a public meeting to discuss the development of commercial motor vehicle brake force regulations that could be enforced by Federal and State officials using performance-based brake testing technologies. The FHWA is nearing the completion of a research program to evaluate certain performance-based brake testing technologies, including roller dynamometers, flat-plate testers, breakaway torque brake testers, an on-board decelerometer, and an infrared brake temperature measurement system. Currently performance-based brake testers may be used in commercial motor vehicle inspections but only as screening and sorting devices because there are no Federal regulations that make reference to brake force measurements as a means of determining whether a vehicle has adequate braking capability. The recommendations from the researchers would, if adopted by the FHWA, enable Federal and State officials to use performance-based brake testers as both screening tools and enforcement tools when vehicles with inadequate braking capability are identified. The purpose of the public meeting is to provide interested parties an opportunity to review and comment on the researchers' recommendations.

DATES: The meeting will be held on October 2, 1998. The meeting will begin at 9:00 a.m. and end at 4:30 p.m.

ADDRESSES: The meeting will be held at the Hyatt Regency Rochester Hotel, 125 East Main Street in Rochester, New York.

FOR FURTHER INFORMATION CONTACT: Mr. Larry W. Minor, Vehicle and Operations Division, Office of Motor Carrier Research and Standards, (202) 366-4009; Ms. Kate Hartman, Commercial Vehicle Operations Division, Office of Motor Carrier Safety and Technology, (202) 366-0950, Federal Highway Administration, 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.

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.gov/su_docs.

Background

In 1993, the FHWA initiated a research program to evaluate various performance-based brake testing technologies for use on commercial motor vehicles. The purpose of the program was to determine, through field-test data collection, if performance-based brake inspection technologies could improve or assist with the throughput and accuracy of the current inspection techniques which involve visual examination of components, measurement of push-rod travel on air-braked vehicles, and listening for air leaks. Following the completion of the first task of the program, in which various performance-based technologies were analyzed, several of the systems were selected for evaluation in a roadside field-test inspection program.

During the field tests, inspections were performed using both visual and performance-based methods to compare their ability to detect vehicle brake defects. In particular, a Commercial Vehicle Safety Alliance Level 4 inspection (consisting of the brake and tire portion of a Level 1 inspection) was conducted in addition to a performance-based brake test. The dual inspections were performed by State officials in each of eight States that volunteered to participate in the field test program.

The data collected from these dual inspections were tabulated and correlations were sought between: (1) Violations of the Federal Motor Carrier Safety Regulations (FMCSRs) and the North American Uniform Vehicle Out-of-Service Criteria used by officials in the United States, Canada, and Mexico, and (2) various pass/fail criteria used by manufacturers of performance-based technology. In addition to the performance-based brake "failure" information, data relating to the operational characteristics of each prototype machine were also collected and evaluated. These data included setup and tear down times, vehicle

inspection times, maintenance requirements, user friendliness, calibration procedures and results, operator skill-level requirements and information to generate a cost-benefit analysis. A key source of data was the interviews with State inspectors.

The preliminary findings from the first phase of the prototype brake testing program are documented in an interim report, "Evaluation of Performance-Based Brake Testing Technologies," December 1995, FHWA-MC-96-004. A copy of this report may be obtained by contacting one of the individuals listed at the beginning of this notice. The interim report presents findings based upon approximately one year of data from roller dynamometers used in Colorado and Ohio, and a flat plate tester in Minnesota.

Subsequent to the publication of the interim report, West Virginia participated in the field test evaluation of a roller dynamometer. Wisconsin is collecting data on a flat-plate tester, and Maryland and Nevada are collecting data on breakaway torque testers. Connecticut participated in the testing of a roller dynamometer for several months but elected to discontinue its involvement in the research program. The final report has been submitted to the FHWA by the researchers and will be published by the FHWA later this year.

Determination of Eligibility for MCSAP Funding

On April 1, 1996, the FHWA issued a memorandum advising agency staff that two specific performance-based brake testing machines are eligible for funding under the Motor Carrier Safety Assistance Program (MCSAP). On March 11, 1997, the FHWA issued another memorandum announcing the eligibility for funding of a third performance-based brake testing machine. The memoranda indicated that the devices are prototypes, and are approved for screening and sorting purposes only. This means that States may request MCSAP funding to purchase one of the approved brake testers for use in screening or sorting vehicles at inspection sites.

On December 8, 1997, the FHWA held a public meeting at the National Highway Traffic Safety Administration's (NHTSA) Vehicle Research and Test Center to discuss the development of functional specifications for performance-based brake testers purchased with Federal funds through the MCSAP. A notice announcing the meeting was published in the **Federal Register** on November 13, 1997 (62 FR 60817). The FHWA indicated that the

final version of the functional specifications would be used by the States as guidelines to determine whether the purchase of a specific brake tester would be an eligible expense item under the MCSAP.

On June 5, 1998, the FHWA published a notice in the **Federal Register** requesting public comment on the functional specifications (63 FR 30678). The comments from the participants in the December 8, 1997, public meeting were incorporated to the extent practicable prior to the publication of the June 5, 1998, notice. The FHWA will discuss the comments received and present the final version of the function specifications in a separate notice to be published in the **Federal Register** at a later date.

Development of In-Service Brake Performance Standards

Currently, vehicles that fail a brake performance test must be inspected to determine the reason for the poor test results. Motor carriers cannot be cited for brake-related violations of the FMCSRs solely on the basis of the results from a performance-based brake tester because the current regulations do not make reference to the specific aspects of brake performance that are evaluated by the brake testers. Therefore citations are based upon the specific defects or deficiencies found during the in-depth inspection.

The FHWA is considering the development of pass/fail criteria for braking force that could be enforced by Federal and State officials using performance-based brake testing technologies. As inspection criteria or regulations are developed through the rulemaking process, the use of the performance-based brake testing machines could be expanded to include enforcement of the new Federal brake performance standards. The new standards would be an alternative to the stopping distances from 32.2 kilometers per hour (20 miles per hour) currently specified in 49 CFR 393.52 but rarely enforced by Federal and State officials because of difficulties in performing such tests at roadside. If brake force standards are developed through the rulemaking process, Federal, State, and local government inspectors would be able to issue citations based upon the output from the brake testers. The public meeting will provide interested parties with the opportunity to discuss with the FHWA and the researchers, recommendations for brake force standards.

In addition to a discussion about brake force standards, there will be a presentation and discussion of the

results from recently completed round-robin tests of performance-based brake testers. During the tests, a variety of performance-based brake testers were used to evaluate the same test vehicles, a five-axle tractor-semitrailer combination vehicle and a two-axle single-unit truck. The results from the round-robin tests will enable the researchers and the FHWA to make direct comparisons between the force measurements from certain brake testers and stopping distances from 32.2 km/hr, and help resolve concerns about using the brake testers for enforcement purposes.

List of Subjects in 49 CFR Part 393

Highways and roads, Motor carriers, Motor vehicle equipment, Motor vehicle safety.

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

Issued on: August 20, 1998.

Jill L. Hochman,

Acting Associate Administrator for Motor Carriers.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 082098B]

Mid-Atlantic Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Public hearings, request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold public hearings to allow for input on Amendment 12 to the Fishery Management Plan (FMP) for Summer Flounder, Scup, and Black Sea Bass; Amendment 8 to the Atlantic Mackerel, Squid, and Butterfish FMP; and Amendment 12 to the Atlantic Surf Clam and Ocean Quahog FMP. These amendments are intended to comply with the new and revised national standards and other required provisions of the Sustainable Fisheries Act (SFA).

DATES: Written comments on the amendments will be accepted until September 25, 1998. The public hearings are scheduled to be held September 8 and 9, 1998, 6 to 10 p.m.

ADDRESSES: Send comments to the Mid-Atlantic Fishery Management Council, 300 South New Street, Dover, DE 19904.

The hearings will be held in Rhode Island, New York, New Jersey, Maryland, and Virginia. See **SUPPLEMENTARY INFORMATION** for specific times and locations of the hearings.

FOR FURTHER INFORMATION CONTACT: Christopher Moore, Ph.D., Acting Executive Director, Mid-Atlantic Fishery Management Council, 302-674-2331, ext. 16.

SUPPLEMENTARY INFORMATION:

Background

These FMP amendments are proposed to bring the Summer Flounder, Scup, and Black Sea Bass FMP; the Atlantic Mackerel, Squid, and Butterfish FMP; and the Atlantic Surf Clam and Ocean Quahog FMP into compliance with the new and revised national standards and other required provisions of the SFA. Specifically, these amendments propose to revise the overfishing definitions for summer flounder, scup, black sea bass, Atlantic mackerel, *Loligo pealei*, *Illex illecebrosus*, butterfish, surf clam and ocean quahog; identify essential habitat for these species; and address the new and revised national standards of the SFA relative to existing management measures. These amendments also propose to add a framework adjustment procedure that would allow the Council to add or modify management measures through a streamlined public review process. In addition, Amendment 12 to the Atlantic Surf Clam and Ocean Quahog FMP proposes to implement an operator permit requirement. Also, Amendment 8 to the Atlantic Mackerel, Squid, and Butterfish FMP proposes to include vessel length, weight, and horsepower restrictions for domestic harvesting vessels in the Atlantic mackerel fishery.

Public Hearings

The dates and locations of the hearings are scheduled as follows:

1. Tuesday, September 8, 1998, 6-10 p.m.—Comfort Inn, 1940 Post Road, Warwick, RI;

2. Tuesday, September 8, 1998, 6-10 p.m.—Quality Inn Lake Wright, 6280 Northampton Boulevard, Norfolk, VA;

3. Wednesday, September 9, 1998, 6-10 p.m.—Holiday Inn MacArthur Airport, 3845 Veterans Memorial Highway, Ronkonkoma, NY;

4. Wednesday, September 9, 1998, 6-10 p.m.—Cape May Extension Office, Dennisville Road, Cape May Courthouse, NJ; and

5. Wednesday, September 9, 1998, 6-10 p.m.—Sheraton Fountainebleau,