

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****Environmental Impact Statement:
Talbot and Caroline Counties,
Maryland**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement/Section 4(f) Evaluation (EIS/4(f)) will be prepared for a proposed bridge project in Talbot and Caroline Counties, Maryland.

FOR FURTHER INFORMATION CONTACT: Ms. Renee Sigel, Planning, Research and Environmental Team Leader, Federal Highway Administration, The Rotunda—Suite 220, 711 West 40th Street, Baltimore, Maryland 21211.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the U.S. Coast Guard, the National Marine Fisheries Service, and the Maryland State Highway Administration, will prepare an EIS/4(f) on a proposal to improve the MD 331 crossing of the Choptank River connecting Talbot and Caroline Counties, Maryland.

The purpose of this project is to provide a dependable crossing of the river which will safely accommodate both vehicular and marine traffic. The existing structure (Bridge No. 20023) is an historically significant swing span bridge which provides the only crossing of the river for thirteen miles. This crossing serves as a vital economic link between the towns of Easton and Preston and is also essential for providing rapid response for fire equipment and emergency services. From a maritime perspective, the bridge controls access to and from the upper twenty miles of the Choptank River, and provides the only access to Tuckahoe Creek.

The alternatives under consideration include the No-Build Alternate, rehabilitation of the existing bridge, several high level fixed span structures on new alignment both north and south of the existing bridge, and a Dual Bridge Alternate utilizing both a new high level fixed span structure and the existing bridge.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this proposal. A public informational meeting will be held in

the Spring of 1998, followed by a public hearing in the Summer. Public notice will be given of the time and place of both the meeting and hearing. The draft EIS/4(f) will be available for public and agency review and comment prior to the public hearing.

An informal scoping meeting for this project was held in November of 1997. The scoping process includes on-going coordination with a number of agencies and the public including local marinas and the Marine Trade Association as well as presenting at interagency meetings.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and EIS should be directed to the FHWA at the address provided above. In addition, the U.S. Army Corps of Engineers is reviewing the proposal for a Department of the Army Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit decision. Any questions or concerns regarding the aquatic environment can be forwarded to: U.S. Army Corps of Engineers, Baltimore District, CE NAB-OP-RX, Attn: Keith A. Harris, Chief Special Projects, Permit Section, P.O. Box 1715, Baltimore, MD 21203-1715.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program).

Issued: April 1, 1998.

Renee Sigel,

Planning, Research and Environment Team Leader, Baltimore, Maryland.

[FR Doc. 98-9362 Filed 4-8-98; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****Driver History Initiative Projects; Fiscal Year 1998 Funding**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of solicitation.

SUMMARY: This notice solicits proposals from States for projects to evaluate their current citation issuance, conviction process, and driver licensing procedures and policies in meeting the goal of timely, accurate, and complete reporting and recording of traffic convictions within a State and between States.

Where deficiencies are identified, a State is to develop new or revised systems, procedures, and/or policies to improve the reporting and recording of traffic convictions. The FHWA will provide grant funds to the selected States to carry out the projects from funds set aside in the Department of Transportation and Related Agencies Appropriations Act, 1998 (Pub. L. 105-66, 111 Stat. 1425) for driver improvements and enhancements.

DATES: Proposals must be submitted on or before July 8, 1998.

ADDRESSES: Submit all proposals to: Mr. Phillip Forjan, Federal Highway Administration, Department of Transportation, Office of Motor Carrier Research and Standards, HCS-20, Room 3107, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Phillip Forjan, Office of Motor Carrier Research and Standards, (202) 366-4001, or Mr. Paul Claunch, Office of Motor Carrier Safety and Technology, (202) 366-2170, 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. Those desiring notification of receipt of their proposal submission must include a self-addressed, stamped envelope or postcard.

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 Government Printing's Office's database at http://www.access.gpo.gov/su_docs.

Background

Extensive studies and research conducted over a period of years have found that driver error is a major cause of motor vehicle crashes. Driver error is a complex problem with many components including age, experience, time of day, extent of familiarity with the roadway, emotional/physical/mental state, traffic patterns, etc. Improving driver behavior is essential if highway safety is to be improved. Federal, State, and local governments spend millions of dollars annually on training, education, public information, and law enforcement efforts to protect the motoring public by detecting and

detering unsafe driver behavior. The enforcement component of these programs produces thousands of citations for driving violations every day.

The backbone of what is known as the "driver control system" is the driver history, which should include a record of the driver's convictions as well as the dates of any license suspensions and reinstatements. This record provides licensing agencies, law enforcement, prosecutors, judges, insurance organizations, and potential employers with the information needed to make sound decisions involving an individual's driving and/or license status. The driver history system, however, does not always service the needs of the public in reporting timely, accurate, and reliable information.

State Citation Tracking Study

About two years ago, a large State with citation tracking capability sampled the disposition of a randomly selected group of commercial motor vehicle (CMV) driving citations. The State waited one year from the date of issuance to investigate the results of the citations on the driver history of the drivers cited. The State agency analyzed citations issued to 184 commercial drivers licensed by that State and 95 commercial drivers holding licenses issued by other States. The State's driver history records showed the following:

	In-state drivers (per-cent)	Out-of-state drivers (per-cent)
Nothing on record	27	49
Convicted of offense charged	56	9
Convicted of lesser offense or non-commercial violation	17	42

Of the citations written to in-State drivers, 75 were for serious traffic offenses as defined in the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 U.S.C. chapter 313). These offenses include speeding fifteen or more miles per hour over the limit, improper lane change, following too closely, or reckless driving as defined by State or local law. Of those citations written to in-State drivers, 63 percent resulted in convictions for the offense charged and are listed in the driver history, 23 percent did not appear on the driver history at all, and 14 percent appeared as a conviction of reduced charge or a non-commercial violation. Of the citations written to out-of State drivers, 56 were for serious traffic

offenses. Fourteen percent of the citations resulted in convictions for the offense charged and are listed as such in the driver record, 54 percent did not appear on the driver history at all, and 32 percent appeared as convictions of either a reduced charge or a non-commercial violation.

It is very unlikely that acquittals account for all 23 percent of the citations issued to in-State drivers for serious traffic offenses, and 54 percent issued to out-of-State drivers, which were not listed in the driver history. Discussions with safety practitioners around the country bring general agreement that, in many cases, convictions simply do not result in entries in the driver history. This raises serious questions as to the efficacy of current enforcement efforts. If very large numbers of citations regularly do not result in convictions or convictions are not entered into the driver history, there is little chance of the driver control system working to identify problem drivers for corrective action.

Systemic reporting problems, including inconsistencies in reporting driving convictions among and within States, are another concern. An example would be where a State, upon receiving a driver history record or conviction from another State, either will not post a conviction because it is old or will not act on a history or conviction because it is from out-of-State. Given current reporting problems between and among courts and licensing agencies, a reporting delay in excess of six months is common.

The primary concern is those commercial drivers who continue to drive in spite of multiple disqualifying offenses. These multiple offenders are either undetected by the driver control system or granted hardship or limited licenses that allow them to continue to drive under restricted circumstances, which may or may not become part of the driver history. The outcome is that "at-risk" drivers often go undetected, their behavior unchanged, and they put others at risk of injury or death.

CDL Effectiveness Study Preliminary Conclusions: Harmonization of State Laws and Adjudication

The Senate Appropriations Committee in the Senate Report to the Department of Transportation and Related Agencies Appropriations Act, 1995, directed the FHWA to provide information regarding actions taken under the CDL program to suspend, revoke, or otherwise disqualify commercial motor vehicle operators who commit certain violations and to provide information in other areas of

program performance. (S.Rep. No. 103-310, at page 101 (1994)). As a result, the FHWA's Office of Motor Carriers initiated the Commercial Driver License Effectiveness Study to examine the implementation of the Commercial Driver's License (CDL) program and to assess its effectiveness and benefits to highway safety, including the best methods of monitoring and restricting "at-risk" drivers of CMVs.

The following is a list of some of the CDL implementation study's significant findings in the area of harmonization of State laws and adjudication:

1. At least 15 States have programs which provide for masking convictions so that they are not visible to an employer if the driver attends a prescribed education or treatment program. Such programs compromise the intent of harmonization to the degree that they mask convictions for disqualifying offenses specified in 49 U.S.C. 31310.

2. Few judges, prosecutors, or law enforcement officers have received training or study materials on the CDL program. Many are not aware of the Federal statute addressing commercial motor vehicle driving offenses, the CDL program, or the harmonization of State laws regarding convictions defined in 49 U.S.C. 31310. Judges and prosecutors generally do not understand that CMV violations are materially different from other traffic violations.

3. The level of coordination which exist between a State's driver licensing agency and the State's traffic court system is inadequate in many instances to assure driver control measures are properly administered and occur in a timely fashion..

4. Data analysis of CDL holder convictions found 19 percent of all convictions are posted as "UNKNOWN" with respect to vehicle type, while an additional 64 percent are marked "NO," i.e., the violation did not occur in a CMV. Omitting a check mark on the citation indicating that the violation occurred in a CMV, or "losing" the check mark during the adjudication and conviction posting process, eliminates application of the Federal requirements and sanctions.

5. This data sufficiency problem is further exacerbated for out-of-State convictions. Six State DMVs out of 41 responding automatically "translate" some CMVSA violations to a lesser offense when the conviction does not indicate the violation was in a CMV (e.g., a conviction for .04 percent Blood Alcohol Concentration (BAC) would be posted as a conviction for an "open container"). The survey also indicates that statutes prohibit 5 of the 46

responding States from taking license withdrawal action against a driver for an out-of-State conviction, except those listed in 49 U.S.C. 31310. If an out-of-State conviction is not marked as occurring in a CMV, 43 of the 46 responding States automatically post the conviction as occurring in a non-CMV. The survey included all 50 States plus the District of Columbia. There were several questions on the survey that were not addressed by all the States.

Conviction Deferral Programs

Many States and localities have adopted programs that allow convictions for moving traffic offenses to be deferred, diverted, or otherwise prevented from becoming a part of a driver's permanent record. The assumption underlying many of these programs is that drivers should be afforded the opportunity to mend their ways without facing a fine plus ongoing, increased insurance costs if the offense becomes a part of the permanent driving record.

These programs often require drivers to attend driver improvement programs or other training sessions in order to avoid having the driving conviction entered on their permanent records. Some of these programs are managed Statewide by driver licensing agencies. The programs generally consist of systems to retain deferred convictions in State records, but to mask them if requested by certain parties (i.e., insurance companies). This enables the State to monitor the driver's behavior and, when the system works properly, to avoid allowing a driver to simultaneously participate in several diversion or deferral programs with multiple convictions. Other programs allow local jurisdictions to manage their own diversion or deferral programs. Under this system, local courts can collect and retain additional court costs to cover the deferral or diversion programs. These funds are retained by the local governments to be used for governmental programs. In Indiana, the diversion/deferral program does not require participation in a remedial driver training or driver improvement course.

In addition to giving the drivers a second chance and helping them to avoid potentially significant increased costs following a traffic conviction, diversion and deferral programs are a useful source of revenue for local governments. In States like Indiana, local jurisdictions can collect extra fines and fees as a part of the program and can retain those revenues for local use. Generally, traffic citations that are adjudicated locally and reported to the

State allow for some type of State and local revenue sharing of fines collected by local jurisdictions. Clearly, diversion/deferral programs can be attractive to local jurisdictions as a means of retaining fine revenues collected in local courts. Some policies allow these funds to be given to civic organizations such as Mothers Against Drunk Driving (MADD). In addition to such not-for-profit organizations, funds are diverted to alcohol and drug services, city/county governments, courts, law enforcement agencies, and the prosecutor's office.

Use of deferral programs leads to traffic convictions not being reported to State licensing agencies. These omissions can have a potentially serious effect on safety, particularly where the programs are administered locally. In such cases, local jurisdictions are likely to be unaware of the identity of deferral program participants in neighboring communities. Consequently, an habitual offender could participate in several deferral programs at one time, with no record of the traffic convictions existing on the offender's driver history. Even where deferral/diversion programs are centrally administered, they are dependent on complete reporting by local jurisdictions to ensure that a driver is not participating in multiple programs.

Participation in these programs is particularly problematic for holders of a CDL. Commercial drivers generally drive significantly more miles annually than do passenger car drivers. Their exposure to crashes and to more hazardous driving conditions that can lead to crashes is much greater than that of the average driver. Also, commercial drivers operate larger, heavier vehicles that can cause significant damage in a crash with a passenger car. In addition, the CDL program includes specific, required penalties for drivers who commit more than one serious traffic offense as defined in 49 U.S.C. 31310. Drivers convicted of these offenses (including, among other things, improper or erratic lane changing or speeding 15 or more miles an hour over the speed limit) are subject to license suspension. Participation in a diversion/deferral program could allow these drivers to mask such offenses from judges, prosecutors, and licensing agencies and, thus, avoid statutorily required sanctions. The potential exists for chronic offenders to use the diversion/deferral system to continue to drive well beyond a point where they would otherwise be subject to some type of license sanction or remedial program under the CDL program.

The purpose of this discussion is to point out that while deferral/diversion programs can provide drivers an opportunity to avoid potentially large and continuing penalties for conviction of a single moving violation, they can also allow chronic offenders to avoid detection and CDL holders to avoid statutory penalties. Jurisdictions should weigh the safety impact of these programs and consider whether they need more controls to ensure that safety is not compromised. There is also the question of taxpayer confidence in a traffic enforcement program that allows local jurisdictions to collect and retain extra revenue for traffic convictions which are not reported to the State. Some citizens hold traffic enforcement programs in disdain as revenue generating mechanisms for local governments, rather than efforts to ensure and support public safety by limiting crashes and injuries. Diversion/deferral programs that allow local jurisdictions to raise fines and penalties and forego reporting of convictions could contribute to this type of criticism. States seeking to participate in this grant program will be asked to review and include in their grant proposal a summary of diversion/deferral programs in the State.

Driver History Initiative Projects

The FHWA is trying to improve the timeliness, completeness, accuracy, and clarity of State driver history files by promoting an integrated driver licensing system. Such a system will improve and enhance the driver history file by its ability to facilitate identification, prosecution, and adjudication of problem drivers. It will benefit drivers who have satisfied the penalties or conditions of a driving restriction by promptly updating their driving record. It will ensure that all drivers have complete, accurate, and up-to-date histories available as needed for employment and insurance purposes.

The initiative will begin with Federally funded State projects. It will involve States that are willing to explore and test new and proven methodologies and protocols, allowing for rapid electronic exchange of driver history information. A major component of the projects will be to test procedures that facilitate citation tracking from issuance to resolution. The project should also enhance the accuracy, speed, and completeness of driver history information exchange among the various components of the system, including law enforcement, prosecutors, the courts, and driver licensing agencies, both within the State and across State boundaries.

The scope of potential projects or plans should not be limited to system development, changes, or enhancements. The State may have a system that is technically sound but hampered by State procedures, policies, laws, or legislation preventing the State from utilizing its system in the most efficient and effective manner. The FHWA will entertain proposals that may not involve the system but would meet the project goals. One example of a procedure problem is out-of-State convictions. Some States treat paper notification of out-of-State convictions differently than electronic notification of similar convictions; several States lack the authority to assess points or penalties for convictions received electronically. As mentioned above, many States report there are certain out-of-State convictions which they cannot enter on drivers' records because of statutory inconsistencies, State-to-State.

The primary objective of this effort is to achieve enhancements in the development, exchange, retention, and reporting of driver histories of commercial motor vehicle operators. The FHWA believes that any enhancements to the commercial segment of the driver licensing system are also likely to have a positive effect on the non-commercial side. However, the FHWA will accept proposals on all aspects of the States' driver licensing recordkeeping and control systems.

Solutions developed as a result of the various projects will be shared with other States that wish to improve and upgrade their driver history tracking systems or revise existing licensing procedures.

The initiative will be a collaborative effort among the Federal Highway Administration (FHWA), and the National Highway Traffic Safety Administration (NHTSA), which jointly will provide the funding, as well as the American Association of Motor Vehicle Administrators (AAMVA), the National Association of Governors' Highway Safety Representatives (NAGHSR), the Commercial Vehicle Safety Alliance (CVSA), and the International Association of Chiefs of Police (IACP), which will all provide technical support during all phases of the projects.

Project Goal

The goal of the FHWA is to ensure timely, accurate, and complete reporting and recording of traffic convictions within States (courts, State licensing agencies, prosecutors), and between and

among States to reliably identify potential problem drivers by enhancing existing systems, developing new systems, or revising existing procedural practices.

Proposal Submission

Required Content of Proposals

While providing the maximum possible flexibility to States, grant proposals must meet certain criteria. The grant proposal criteria are designed to ensure that key State agencies and organizations participate in approved grant activities. A thorough evaluation design is another key requirement. The proposal must include the following nine items:

1. Identify a lead Agency for the project.
2. Identify an interdisciplinary working group within the State, including but not limited to the motor vehicle licensing agency, court system, prosecutors, State law enforcement, Governor's Highway Safety Representative, and Motor Carrier Safety Assistance Program (MCSAP) representative.
3. Provide an analysis of existing systems or procedures, including discussion of any driver conviction/deferral programs, and outline strengths and define areas requiring attention or improvement. Include any statutory limitations that may affect communication and recording of convictions on the system.
4. Define system requirements, including project scope, whether new technologies would be tested, and methods of gathering, integrating, and facilitating data exchange between various users.
5. Provide and submit a project evaluation plan and time lines for completion. If your project is not system related, describe existing procedures, the problems they generate, proposed new procedures, anticipated outcome, and the means to measure the success or impact of the project or program.
6. Define, analyze, and document user procedures, including projected barriers to project success.
7. Define the methodology for implementing the system or procedures.
8. Provide plans for preparing a final report, including the evaluation findings and recommendations for other States regarding the strengths and weaknesses of this project or program.
9. Provide a budget for the project.

Submission of Proposals

There will be no formal Request For Proposals (RFP). Proposals responding to this notice must be valid for 180 days, and may be funded at any time during that validity period. Submit an original and three copies of your proposal, following the task requirements listed above to Mr. Phillip J. Forjan, Federal Highway Administration, Department of Transportation, Office of Motor Carrier Research and Standards, HCS-20, Room 3107, 400 Seventh Street, SW., Washington, DC 20590.

Evaluation of Proposals and Award

A panel comprised of representatives from the NHTSA, the AAMVA, the NAGHSR, the CVSA, and the IACP will assist the FHWA in its oversight of the project. Members of the panel will be available for technical assistance during all phases of the projects and will review the evaluations of each final product. The panel will evaluate each proposal, based on the following factors: (1) The intrinsic merit of the proposal; (2) the technical competency of the proposal; (3) the potential for utilization of results; (4) reasonableness of the initial cost proposed; and (5) adequacy of proposed resources to complete the project requirements satisfactorily and in a timely manner.

Project Funding

This notice announces the FHWA's intent to provide funding in FY 1998 for a number of projects relating to driver licensing systems and State driver license procedures. States are invited to submit proposals outlining their projects to the FHWA's Office of Motor Carriers. The FHWA will fund project management and implementation of State systems or revision of State procedures. This grant will not require matching funds. The FHWA has \$500,000 available for this purpose in Fiscal Year 1998 and contemplates making several awards from the proposals submitted. The States are also encouraged to explore other funding sources in both the private and public sectors to implement integrated driver history tracking systems.

Authority: Pub. L. 105-66, 111 stat. 1425, 1432, 49 U.S.C. 31102, and 49 CFR 1.48.

Issued on: April 1, 1998.

Gloria J. Jeff,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 98-9380 Filed 4-8-98; 8:45 am]

BILLING CODE 4910-22-P