

third organization commented that the amendment would increase the number of distractions to drivers at intersections while a fourth organization asserted that the amendment would add severe insult to injury. The last organization responded that the amendment would further encourage efforts being made by outdoor advertisers to weaken pending billboard control legislation.

The comments on the proposed amended agreement were evaluated by the FHWA. Outdoor advertising per se is not prohibited by the HBA. Section 131(d), which mandates agreements between the FHWA and the States, holds that effective control of outdoor advertising is thus not a total ban of advertising. Rather, it is the relegation of outdoor advertising signs to their proper areas. The urbanized area of Las Vegas would seem to be such an area.

It must be emphasized that nothing in the HBA or the Agreement prohibits Nevada or Las Vegas from imposing stricter controls on advertising. The HBA and the Agreement set the minimum amount of control a state must impose, not the maximum. Further, the amendment does not necessarily detract from Las Vegas' efforts to control outdoor advertising signs. The amendment would prohibit the erection of signs in incorporated cities, towns, or villages which are outside urbanized area boundaries. In incorporated villages and cities (such as Las Vegas) within urbanized areas, the erection of signs is already controlled by the existing Federal/State Agreement. The amendment to the agreement would exchange the restrictions on size, lighting, and spacing (while establishing block-out zones) within urbanized areas outside of incorporated villages and cities, for such restrictions within incorporated villages and cities outside of urbanized areas.

Any precedent set by the amendment to this agreement would be limited and nonbinding. The Las Vegas metropolitan area is unique, so the FHWA does not believe that any other Federal/State agreement would require amendment for the same reasons.

The FHWA believes that traffic safety within the Las Vegas urbanized area is not compromised by the amended language. Certainly, the State of Nevada, which is legally responsible for the safety of its highways, would not have proposed the amendment if it would lead to an increase in accidents. The amendment would extend block-out zones to the boundaries of unincorporated urbanized areas.

The comment that the amendment to the agreement would degrade the appearance of the area is inconsistent

with the State's claim that the amendment would result in minimal aesthetic impact because urban areas are generally developed and contain numerous on-premise signs. Especially in the Las Vegas urbanized area, which is far beyond the municipal boundary, the potential addition of 20 to 24 sign sites among the numerous on-premise signs is insignificant. Further, the amendment would have no effect on areas within the boundaries of incorporated villages and cities, such as Las Vegas.

Nevada and the FHWA have completed the above procedure up to the point of publishing the FHWA's decision in the **Federal Register**. The State has submitted an amended agreement, signed by its duly empowered officials, to the FHWA for execution. Since the FHWA has decided the agreement should be amended as proposed, it is now publishing its decision in this **Federal Register**, and has executed on this date the amended agreement provided by the State.

#### **Amendment to the Federal/State Agreement**

The Federal/State Agreement "For Carrying Out the National Policy Relative to Control of Outdoor Advertising in Areas Adjacent to the National System of Interstate and Defense Highways and the Federal-Aid Primary System" made and entered on January 21, 1972, between the United States of America represented by the Secretary of Transportation acting by and through the Federal Highway Administrator and the State of Nevada has been amended to read at *Section III: STATE CONTROL*, Paragraph 2. b. *Spacing of Signs* as follows:

"Outside of urbanized area boundaries, as defined by 23 U.S.C. 101(a), no structure may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area. Said 500 feet to be measured along the Interstate or freeway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way."

**Authority:** 23 U.S.C. 315; 49 CFR 1.48., 23 U.S.C. 131.

Issued on: February 25, 1999.

**Kenneth R. Wykle,**

*Federal Highway Administrator.*

[FR Doc. 99-5448 Filed 3-4-99; 8:45 am]

BILLING CODE 4910-22-P

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Highway Administration**

[FHWA Docket No. FHWA-1997-2301; 97-10]

#### **Highway Performance Monitoring System—Strategic Reassessment; Final Report**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice and closing of docket.

**SUMMARY:** FHWA has completed its strategic reassessment of the Highway Performance Monitoring System (HPMS). The work has been carried out over the past two years with the assistance of HPMS stakeholders, partners, customers and our HPMS Steering Committee. The participation of many individuals and organizations in response to our outreach process has provided valued perspectives to the reassessment process. The "Highway Performance Monitoring System (HPMS) Reassessment Final Report" and a companion informational brochure, "Re-engineering HPMS," have been issued.

**DATES:** The docket is closed as of March 5, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Getzewich, Highway Systems Performance Division, Office of Highway Information, (202) 366-0175, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4 p.m., e.t., Monday through Friday, except Federal holidays.

#### **SUPPLEMENTARY INFORMATION:**

##### **Electronic Access**

Internet users can access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. The FHWA report and brochure are available through the Internet at <http://www.fhwa.dot.gov/ohim> under the heading "Products and Publications." A very limited number of copies are available by writing or faxing your request to Federal Highway Administration (HPM-20), 400 Seventh Street, SW., Washington, DC 20590; fax: (202) 366-7742.

On December 23, 1996, the FHWA published a notice (61 FR 67590) requesting comments on issues related to a strategic reassessment of the Highway Performance Monitoring System (HPMS). The HPMS was developed in 1978 as a national highway transportation system data base. A major purpose of the HPMS has been to provide data that reflects the extent, condition, performance, use, and operating characteristics of the Nation's highways.

In 1988, the HPMS was enhanced with the addition of more detailed pavement data. In 1993, the HPMS was again revised to meet needs brought about by changes in the FHWA analysis and simulation models, including the shift to a geographic information system (GIS) environment; the effects of the 1990 Census; the Intermodal Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914; the Clean Air Act Amendments of 1990, Pub. L. 101-549, 104 Stat. 2399; and the Environmental Protection Agency (EPA) requirements concerning vehicle miles of travel (VMT) tracking data in air quality non-attainment areas.

The final report documents the results of FHWA's review of the HPMS. The purpose of this review was to assist FHWA in determining an appropriate future form and direction for this major FHWA data system as we move into the 21st Century. This report represents the culmination of several serial activities including:

- The identification and assessment of the impacts of the HPMS on FHWA, its State and other governmental partners, and the many and varied HPMS customers;
- The results of an extensive outreach program that included a national HPMS workshop held in June 1997; and
- The subsequent assimilation of inputs from these activities into a revised HPMS.

As a result of the reassessment, the FHWA will change the HPMS. Over 15 percent of the data items will be eliminated and another 15 percent will be changed to significantly reduce the number of detail lines. The HPMS sample size reductions are proposed and the summary of crash data by functional system is being eliminated. The FHWA will provide States with PC-based data submittal software and will develop Internet access to the HPMS data. Overall, the changes will reduce the burden for data providers while still meeting the stated HPMS goals and objectives, FHWA's future business needs, and our partners' and customers' information needs.

**Authority:** 23 U.S.C. 315; 49 CFR 1.48.

Issued on February 24, 1999.

**Kenneth R. Wykle,**

*Federal Highway Administrator.*

[FR Doc. 99-5447 Filed 3-4-99; 8:45 am]

BILLING CODE 4910-22-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-98-3355; Notice 3]

#### Red River Manufacturing, Inc.; Application for Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standard No. 224

We are asking for comments on the application by Red River Manufacturing, Inc., of West Fargo, North Dakota, for a three-year renewal of NHTSA Temporary Exemption No. 98-3 from Motor Vehicle Safety Standard No. 224 *Rear Impact Protection*. Red River has applied again on the basis that "compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard." 49 CFR 555.6(a).

We are publishing this notice of receipt of the application in accordance with our regulations on temporary exemptions. This action does not represent any judgment by us about the merits of the application. The discussion that follows is based on information contained in Red River's application.

#### Why Red River Needs To Renew Its Temporary Exemption

On April 1, 1998, we granted Red River a temporary exemption of one year from Standard No. 224. See 63 FR 15909 for our decision.

Among other kinds of trailers, Red River manufactures and sells two types of horizontal discharge trailers which discharge their contents into hoppers, rather than on the ground. This makes it impractical to comply with Standard No. 224 by using a fixed rear impact guard. One type of horizontal discharge trailer is used in the road construction industry to deliver asphalt and other road building materials to the construction site. The other type is used to haul feed, seed, and agricultural products such as sugar beets and potatoes, from the fields to hoppers for storage or processing. Both types are known by the name "Live Bottom."

Standard No. 224 requires, effective January 26, 1998, that all trailers with a GVWR of 4536 Kg or more, including Live Bottom trailers, be fitted with a rear

impact guard that conforms to Standard No. 223 *Rear impact guards*. Red River, which manufactured 225 Live Bottom trailers of all kinds in the 12 months preceding the filing of its application on December 22, 1998, has asked for a renewal of its exemption until April 1, 2002, in order to continue its efforts to develop a rear impact guard that conforms to Standard No. 223 and can be installed in compliance with Standard No. 224, while retaining the functionality and price-competitiveness of its trailers.

#### Why Compliance Would Cause Red River Substantial Economic Hardship

Live Bottoms accounted for almost half of Red River's production in 1997. In the absence of an exemption, Red River believes that approximately 60 percent of its work force would have to be laid off. Its projected loss of sales is \$8,000,000 to \$9,000,000 per year (net sales have averaged \$14,441,822 over its 1995, 1996, and 1997 fiscal years).

We require hardship applicants to estimate the cost required to comply with a standard, as soon as possible, and at the end of a one-, two-, or three-year exemption period. Red River estimates that even a three-year exemption will require a retail price increase that will result in a loss of 35 percent of Live Bottom sales. Further, "more than 50 percent of available engineering time would be required for compliance and related modifications in this time frame, resulting in a significant reduction in support for non-Live Bottom products, and a 5% decline in non-Live Bottom sales."

#### How Red River Has Tried to Comply With the Standard in Good Faith

In its initial application for a temporary exemption, Red River explained that, in mid 1996, its design staff began exploring options for compliance with Standard No. 224. Through a business partner in Denmark, the company reviewed the European rear impact protection systems. Because these designs must be manually operated by ground personnel, Red River decided that they would not be acceptable to its American customers. Later in 1996, Red River decided to investigate powered retractable rear impact guards. The initial design could not meet the energy absorption requirements of Standard No. 223. The company then investigated the use of pneumatic-over-mechanical retractable rear impact guards, and developed a prototype design which it began testing in the field in May 1998. This testing is disclosing a number of problems as yet unresolved. In the meantime, Red River