

- Administrative issues.

Attendance is open to the interested public but will be limited to the space available. The public must make arrangements by February 1, 1999, to present oral statements at the meeting. The public may present written statements to the executive committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to her at the meeting.

Sign and oral interpretation, as well as an assistive listening device, can be made available if requested 10 calendar days before the meeting by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on January 15, 1999.

Ida M. Klepper,

Acting Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 99-1552 Filed 1-22-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Implementation of Section 360 of the Omnibus Appropriations Act for Fiscal Year 1999 (Public Law 105-277)

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of implementation of Section 360 of the Omnibus Appropriations Act for Fiscal Year 1999.

SUMMARY: Section 360 of the Omnibus Appropriations Act for Fiscal Year 1999 (Public Law 105-277) provides that FTA may allow certain recipients of Urbanized Area Formula Funds (Section 5307 of Title 49 U.S.C.) in areas with populations 200,000 or over that provide service for elderly persons and persons with disabilities, with 20 or fewer vehicles, to use a portion of their Section 5307 funds for operating assistance. Because of changes made by the Transportation Equity Act for the 21st Century (TEA-21), such funds would normally not be available for Federal transit operating assistance.

The chief executive or authorized official of a transit operation who believes his or her operation to be eligible for Federal transit operating assistance under Section 360 may submit a letter of intent to use the provisions of Section 360. The letter of intent should identify the transit property, address the criteria for eligibility listed herein, and identify the amount of funds that will be requested for Federal transit operating assistance for Fiscal Year 1999.

DATES: A letter of intent to apply for funds pursuant to Section 360 must be received by the appropriate FTA Regional Office on or before April 15, 1999. FTA will make a determination of the amount that may be used for Federal transit operating assistance on or before May 14, 1999.

ADDRESSES: Addresses of FTA Regional Offices are as follows:

Region 1—Boston. Transportation Systems Center, Kendall Square, 55 Broadway, Suite 920, Cambridge, MA. 02142-1093

Tel. 617 494-2055

Region 2—New York. I Bowling Green, New York, NY 10274

Tel. No. 212 264-8162

Region 3—Philadelphia. 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124

Tel. 215 656-7100

Region 4—Atlanta. 61 Forsyth Street, S.W. Suite 17T50 Atlanta, GA 30303-8917

Tel. 404 562-3500

Region 5—Chicago. 200 W. Adams Street, Suite 2410, Chicago, IL 60606-5232

Tel. 312 353-2789

Region 6—Ft. Worth. 819 Taylor Street, Room 8A36 Ft. Worth, TX 76102

Tel. 817 978-0550

Region 7—Kansas City, MO. 6301 Rockhill Road, Suite 303 Kansas City, MO 64131-1117

Tel. 816 523-0204

Region 8—Denver. Columbine Place, 216 16th St., Suite 650 Denver, CO 80202-5120

Tel. 303 844-3242

Region 9—San Francisco. 201 Mission Street, Room 2210 San Francisco, CA 94105-1800

Tel. 415 744-3133

Region 10—Seattle. Jackson Federal Building, 915 Second Avenue, Suite 3142 Seattle, WA 98174-1002

Tel. 206 220-7954

FOR FURTHER INFORMATION CONTACT: Mr. Douglas A. Kerr, Director, Office of Program Guidance and Support, Federal Transit Administration (Tel. (202) 366-1656).

SUPPLEMENTARY INFORMATION: In the Omnibus Appropriations Act for Fiscal Year 1999 (Public Law 105-277 dated October 21, 1998, Congress added a provision that allows operating expenses of certain transit operators in areas with populations of 200,000 and over to be an eligible cost category under the Urbanized Area Formula Program, Section 5307 of Title 49 U.S.C. The Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178) eliminated the eligibility of Federal transit operating assistance for

urbanized areas with populations 200,000 or over. The provision, Section 360 of the Omnibus Act, amends Section 3027 of the TEA-21 by adding the following language:

“(3) Services for Elderly and Persons with Disabilities. In addition to assistance made available under paragraph (1), the Secretary may provide assistance under section 5307 of title 49 United States Code, to a transit provider that operates 20 or fewer vehicles in an urbanized area with a population of at least 200,000 to finance the operating costs of equipment and facilities used by the transit provider in providing mass transportation services to elderly and persons with disabilities, provided that such assistance to all entities shall not exceed \$1,000,000 annually.”

The intent of Congress is to protect—“hold harmless”—from the loss of Federal transit operating assistance certain small providers in urbanized areas larger than 200,000 that provide demand-responsive service to accommodate elderly persons and/or persons with disabilities in areas in which there is no other transit service. The provision of Section 360 is designed not as a new window of opportunity to use Federal funds for transit operating assistance but as a corrective action to address a need the Congress identified in large urbanized areas in which there is no other transit service provided for elderly persons and persons with disabilities.

Amount Available

Section 5307 funds made eligible for operating assistance by Omnibus Act amount to a total of \$1 million per year. Such demand responsive service to elderly persons and/or persons with disabilities will be eligible for FTA operating assistance at the 50/50 Federal/local share ratio.

The \$1 million made eligible for Federal transit operating assistance by Section 360 of the Omnibus Act is not additional money; nor is it a set-aside. Rather, this provision establishes an optional additional eligibility for the use of Section 5307 funds by past recipients of Section 5307 funds that qualify to use a portion of the Fiscal Year 1999 funds for operating assistance.

Funds for ADA-Related Paratransit

The funds eligible for operating assistance under Section 360 of the Omnibus Act are not available to operate the paratransit services complementary to fixed route bus services that are required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12143). TEA-21, at Section 3027, amended Section 5302(a) of Federal transit law to expand the

definition of an eligible FTA-assisted capital project to include costs for operating ADA-related complementary paratransit in any sized UZA, for any grant applicant that is in compliance with ADA. Hence, providers of ADA-related paratransit service may apply for funds at the 80/20 Federal/local share ratio in accordance with Section 3027 of TEA-21. Up to 10 percent of the urbanized area's apportionment under Section 5307 of Title 49, Chapter 53, may be used for the ADA-related costs. The option to use and the allocation of the 10 percent is to be made by the local Metropolitan Planning Organization.

Criteria

The criteria by which FTA will allow eligibility for Federal transit operating assistance under the provisions of Section 360 of the Omnibus Appropriations Act for Fiscal Year 1999 are as follows:

1. The operator provides demand responsive service exclusively for elderly persons and/or persons with disabilities. Such service does not include service for the general public.
2. The number of demand responsive vehicles, operated in maximum service, is 20 or fewer.
3. The operator provides the demand responsive service in a UZA with a population of 200,000 or over.
4. The demand-responsive service provided is not ADA paratransit service complementary to fixed route service.
5. Neither fixed-route nor ADA-related paratransit service complementary to fixed-route service is provided in the service areas serve by the demand responsible service for which Federal transit operating assistance will be requested.
6. The transit provider, in at least one of Federal Fiscal Years 1996, 1997, or 1998, has received an FTA grant for operating assistance under Section 5307 of Title 49 U.S.C. or has received operating assistance under Section 5307 passed through from another FTA grantee and has reported the assistance in the National Transit Database. An exception to the criteria of reporting the funds received by a pass through arrangement would be the case in which FTA has allowed an exemption to the reporting because the transit operator operated nine or fewer vehicles.
7. The Metropolitan Planning Organization concurs in the use for operating assistance of a portion of the urbanized area's Section 5307 apportionment.

Calculation

After determining a transit provider's eligibility to use Section 5307 funds for

operating assistance, and taking into account the total amounts of Federal transit operating assistance being requested, FTA will determine the amount for which the recipient is eligible. Determination will be made on the basis of the recipient's past receipt—either directly or indirectly—of Federal transit operating assistance under Section 5307 of Title 49 U.S.C. The transit operator will not receive more than the maximum the operator has received in any one of the Federal Fiscal Years 1996, 1997, or 1998.

If the total amount requested by all eligible recipients pursuant to Section 360 is greater than \$1 million, FTA will calculate the amount eligible to each eligible recipient on the basis of Federal transit operating assistance obligated to or passed through to the particular eligible recipient in the past, as a proportion of the total amount of Federal transit operating assistance obligated to or passed through to all of the eligible recipients requesting eligibility under Section 360.

FTA Grant Application Requirements

All of the normal FTA grant requirements regarding Federal transit operating assistance apply, as described in Appendix D of FTA Circular 9030.1C, "Urbanized Area Formula Program: Grant Application Instructions," dated October 1, 1998. Understanding that amendments to Transportation Improvement Programs (TIP) and to State Transportation Improvement Programs (STIP) will have to be made, FTA will not require that the funds be programmed in a TIP before the letter of intent is received. Use of the funds under Section 360 must be programmed in an approved TIP and an approved STIP, however, before FTA can obligate funds.

Letter of Intent

The letter of intent, which must be received by the appropriate FTA Regional Office on or before April 15, 1999, should address the following:

1. Each criterion of eligibility listed.
2. The amounts of Federal transit operating assistance received, either directly or indirectly, in each of Federal Fiscal Years 1996, 1997, and 1998.
3. The amount of Fiscal Year 1999 funds that will be requested for Federal transit operating assistance. Such amount may not be greater than the maximum amount received in any one of Federal Fiscal Years 1996, 1997, or 1998.

Issued on: January 20, 1999.

Gordon J. Linton,
Administrator.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-99-4973]

Nissan Motors Corporation U.S.A.; Receipt of Application for Decision of Inconsequential Noncompliance

Nissan Motor Corporation U.S.A. (Nissan) has determined that certain 1998 and 1999 Nissan Frontier pickup trucks equipped with automatic transmissions were not in full compliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 102, "Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Nissan has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

We are publishing this notice of receipt of an application as required by 49 U.S.C. 30118 and 30120. This action does not represent any agency decision or other exercise of judgment concerning the merits of the application.

Under S3.1.4.1 of FMVSS No. 102, if a vehicle's transmission shift lever sequence includes a park position, identification of the shift lever positions (including the positions in relation to each other and the position selected) shall be displayed in view of the driver under two conditions: if the ignition is in a position where the transmission can be shifted, or the transmission is not in park.

From September 1997 to August 1998, Nissan produced approximately 22,000 U.S. light trucks that use an electronic display in the instrument panel to indicate transmission gear position. In these vehicles, when the ignition key is in the "OFF" or "ACCESSORY" position, the selected gear position is not displayed. "OFF" refers to the range of movement of the ignition key between the "LOCK" and "ACCESSORY" positions. The gear selector lever can be moved while the ignition switch is in "OFF" or "ACCESSORY." There is no detent for "OFF" as the key is rotated nor is "OFF" labeled on the ignition switch.