

One commenter indicates that the advisory group process has not evolved into effective partnerships. There is not sufficient evidence to support such a claim; rather, the contrary is evidenced through the many items identified annually by commenters and in the recertification application that demonstrate efforts to enhance marine safety. In letters expressing concern to the contrary there was indication of sufficient partnering efforts to indicate the PWSRCAC fosters such a goal.

One commenter believes that individual members should obtain PWSRCAC approval before litigating. Based upon Coast Guard calls, the litigation in question was a private matter between a representative of a member of the PWSRCAC, not acting under the capacity of their PWSRCAC office. There is no requirement in the Act that precludes members of the PWSRCAC from initiating and conducting personal litigation against any entity. The Act merely precludes others from litigation against "Councils".

One comment criticizes the PWSRCAC for not accepting outcomes counter to those indicated in its advice. The Act does not preclude the PWSRCAC from continuing to pursue initiatives that it believes to be in its best interest. Two commenters offer specific examples for the previous comment. As an alternative voluntary advisory group, the PWSRCAC is not compelled to adopt a position that seems based only upon science. It is responsible to represent its regional interests.

Twenty commenters to the docket recommend recertification. One commenter does not oppose recertification but stops short of recommending recertification.

Three additional positive letters were received after the docket closed, two from members of Congress and one from the Governor of Alaska.

As a result of the above analysis, the following recommendations were conveyed to the PWSRCAC in the recertification letter: that the PWSRCAC revisits the Alaska residency issue as part of the "self-governing process"; that the PWSRCAC conducts an internal policy and controls audit; that the PWSRCAC makes results of the previous two items and any actions stemming from an audit available in the next recertification application; and, that the PWSRCAC includes a copy of the by-laws as part of the recertification package for the next recertification and in subsequent years following changes to the by-laws.

In light of the many positive comments received regarding the PWSRCAC's performance during the past year and the above analysis, the Coast Guard has determined that recertification in accordance with the Act is appropriate. The Coast Guard has requested the PWSRCAC to include documentation in its application next year indicating how each of the issues has been addressed. Such documentation should include recent correspondence from the PWSRCAC to the Coast Guard resolving concerns.

**RECERTIFICATION:** By letter dated November \_\_\_\_, 1998, the Assistant Commandant for Marine Safety and Environmental Protection certified that the PWSRCAC qualifies as an alternative voluntary advisory group under 33 U.S.C. 2732(o). This recertification terminates on January 30, 2000.

Dated: January 13, 1999.

**R.C. North,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.*

[FR Doc. 99-1880 Filed 1-26-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**Notice of Intent to Rule on PFC Application 99-06-C-00-PDX To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Portland International Airport; Submitted by the Port of Portland (Port), Portland, Oregon**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use, and use only the revenue from a PFC at Portland International Airport under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

**DATES:** Comments must be received on or before February 26, 1999.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address:

J. Wade Bryant, Manager; Seattle Airports District Office, SEA-ADO; Federal Aviation Administration; 1601 Lind Avenue SW, Suite 250; Renton, Washington 98055-4056.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Sue Haynes, Finance Manager I, at the following address; 7000 N.E. Airport Way, Portland, OR 97218.

Air carriers and foreign air carriers may submit copies of written comments previously provided to Portland International Airport under section 158.23 of Part 158.

**FOR FURTHER INFORMATION CONTACT:** Ms. Mary Vargas, (425) 227-2660; Seattle Airports District Office, Federal Aviation Administration; 1601 Lind Avenue SW, Suite 250; Renton, Washington 98055-4056. The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application 99-06-C-00-PDX to impose and use the revenue from a PFC at Portland International Airport, under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On January 19, 1999, the FAA determine that the application to impose and use the revenue from a PFC submitted by the Port of Portland, Portland, Oregon, was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than April 16, 1999.

The following is a brief overview of the application.

Level of the proposed PFC: \$3.00.

Proposed charge effective date: November 1, 2006.

Proposed charge expiration date: March 1, 2014.

Total estimated net PFC revenue: \$194,309,000.

Brief description of proposed project(s): Terminal Expansion South (TES)—Phase 2.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air taxi/commercial operators and is defined as "the carriage in air commerce of persons for compensation or hire as a commercial operator, but not an air carrier, of aircraft having a maximum seating capacity of less than twenty passengers or a maximum payload capacity of less than 6,000 pounds. 'Air taxi/commercial operators' shall also include, without regard to number of passengers or payload capacity, revenue passengers transported for student instruction, nonstop sightseeing flights that begin and end at the same airport and are conducted within a 25 statute mile radius of the airport, ferry or

training flights, aerial photography or survey charters, and fire fighting charters.”

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Office located at: Federal Aviation Administration, Northwest Mountain Regional Office, Airports Division, ANM-600, 1601 Lind Avenue SW, Suite 315; Renton, WA 98055-4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Portland International Airport, Portland, Oregon.

Issued in Renton, Washington on January 19, 1999.

**David A. Field,**

*Manager, Planning, Programming and Capacity Branch, Northwest Mountain Region.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[FHWA Docket No. FHWA-98-4839]

#### Transportation Equity Act for the 21st Century; Federal Highway Post-Accident Alcohol Testing Study

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

**ACTION:** Notice; request for comments.

**SUMMARY:** This notice invites public comments on issues relating to the legislative requirement to conduct a study and report to the Congress on the feasibility of utilizing law enforcement officers for conducting post-accident alcohol testing of commercial motor vehicle operators provided in section 4020 of the Transportation Equity Act for the 21st Century (TEA-21), Pub. L. 105-178, 112 Stat. 107, 414. The FHWA is initiating the study and would like all comments to address the following issues:

(1) The impact of current post-accident alcohol testing requirements on commercial motor carrier employers, including any burden that they may encounter in attempting to perform an alcohol test within two hours of an accident; and

(2) The feasibility of utilizing law-enforcement officers for conducting post-accident alcohol testing of commercial motor vehicle operators as a method of obtaining more timely information.

**DATES:** This docket will remain open until the study is completed. However, in order for comments responding to

issues raised by this notice to be considered during critical early stages of the study, they should be submitted no later than March 29, 1999.

**ADDRESSES:** Signed, written comments should refer to the docket number that appears at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

**FOR FURTHER INFORMATION CONTACT:** Dr. Alfred E. Barrington, DTS-34, Safety and Environmental Technology Division, (617) 494-2018, Volpe National Transportation Systems Center, 55 Broadway, Cambridge, MA 02142; or Mr. Michael Falk, Office of the Chief Counsel, (HCC-20), (202) 366-1384, Department of Transportation, 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 Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the **Federal Register's** home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

##### Background

Section 4020 of TEA-21, Post-Accident Alcohol Testing, requires:

(a) **STUDY.** —The Secretary [of Transportation] shall conduct a study of the feasibility of utilizing law enforcement officers for conducting post-accident alcohol testing of commercial motor vehicle operators under section 31306 of title 49, United States Code, as a method of obtaining more timely information. The study shall also assess the impact of the current post-accident alcohol testing requirements on motor carrier employers, including any burden that employers may encounter in meeting the testing requirements of such section 31306.

(b) **REPORT.** —Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to

Congress a report on the study, together with such recommendation as the Secretary determines appropriate.

Under 49 CFR 382.303, commercial motor vehicle operators must be tested for alcohol and controlled substances as soon as practicable following an accident if:

(1) The accident involved the loss of human life, regardless of whether the operator was issued a citation for a moving traffic violation; or

(2) The operator was issued a citation under State or local law for a moving traffic violation arising from the accident and the accident involved:

(a) Bodily injury requiring medical treatment away from the accident scene; or

(b) Disabling damage to any motor vehicle requiring its removal from the accident scene by tow truck or other motor vehicle.

If the required post-accident alcohol test is not administered within two hours following the accident, the commercial motor carrier employer must prepare and maintain on file a record stating the reason the test was not promptly administered. If the test is not administered within eight hours following the accident, the employer must cease attempting to administer the test and shall prepare and maintain an appropriate record.

Comments and suggestions are invited concerning any aspects as to the feasibility of the post-accident alcohol test by police and the burden imposed on commercial motor carriers by the existing requirements. Of concern are operational, legal and financial factors, as well as equipment, human resources and training. Comments are requested specifically on the following questions that arise from the above requirements.

1. Are law-enforcement agencies and commercial motor carrier employers aware of the Federal regulation that requires motor carrier employers to test drivers for alcohol “as soon as practicable” if involved in an accident?

2. Do law-enforcement agencies/commercial motor carrier employers believe that this test is feasible?

3. Are commercial motor vehicle operators aware that they are required under certain circumstances to be tested for alcohol after being involved in an accident?

4. Are commercial motor carrier employers equipped to test a commercial motor vehicle operator for alcohol within two hours after an accident?

5. Are police equipped to test a commercial motor vehicle operator for alcohol within two hours of an accident?