

changes at this juncture should also, to the extent possible, address:

1. Highway and vehicle safety through a performance based regulatory approach;

2. Efficient interstate and international commerce through advanced highway and vehicle technologies;

3. Streamlined, uniform, and enforceable administrative procedures and requirements for permitting and taxation purposes;

4. Compatible vehicle and infrastructure design; and

5. Equitable recovery of public costs.

The TS&W policies directly influence truck designs and configurations. Choices made in this regard by motor carriers and truck designers, in response to size and weight constraints, affect not only the amount of weight carried by a truck and the effect that weight has on highway infrastructure, but also the braking and handling and stability properties of the vehicle. Vehicle size and weight policies should be structured to encourage and ensure vehicle designs and configurations that are optimized relative to all these concerns.

The TS&W policy and highway user fee issues are virtually inseparable. Pavement and bridge costs attributable to heavy vehicles will rise (or fall) as the result of size and weight policy changes. Significant changes in size and weight limits should not be considered without evaluating appropriate motor carrier user fees. Fines and other penalties have proven to be ineffective deterrents to overweight operations because they are too low to offset potential profits from operating overweight. This is borne out by Federal estimates that show 10 to 20 percent of all combinations operate illegally overweight. State permit fees for overweight operations generally are too low to cover added pavement and bridge costs associated with the overweight operations. States that issue overweight and oversize permits should consider setting permit fees at levels that reflect added highway costs of overweight operations to improve the effectiveness of their TS&W enforcement efforts.

In an effort to better understand the effects of TS&W policy changes on these many factors, the Department has undertaken a comprehensive TS&W study to examine the relationship between TS&W policy and safety, pavement and bridge condition, shipper logistics, truck operating costs, intermodal operation, and energy and environmental concerns, to evaluate the appropriate scope and extent of Federal involvement. The FHWA published a

notice in the **Federal Register** on February 2, 1995, announcing the study and soliciting comments (60 FR 6587).

Regarding international commerce, wide disparity between the standards across the United States, Mexico, and Canada (as well as those across our States) often inhibit the efficient flow of continental trade. In a NAFTA context, the Department is committed to finding a means, in consultation with Congress, to make TS&W and safety standards compatible. Further, significant growth in international container traffic, combined with varying international TS&W standards, has created enforcement and economic efficiency concerns.

#### 6. Highway Freight Transportation and Air Quality

With the passage of the Clean Air Act Amendments of 1990 and the subsequent Federal Implementation Plan (FIP) for California in 1994, concerns have been raised as to the effects that air quality regulations may have on freight transportation in the near future, especially in California. While air quality improvement is an important public policy objective, it is important to remember that there are typically multiple objectives and implications in all major public policy decisions, and these must be balanced. For instance, the original FIP issued on May 5, 1994, contained several proposals which it was thought might significantly impact the freight industries, and hence regional and national economic performance. Since that time, the FIP has been revised, based on public comment, to more effectively balance the national objectives of improving air quality and maintaining economic competitiveness. The currently proposed standard of 2.0 g/bhp-hr (grams per brake-horsepower-hour) for nitrogen oxide emissions and the implementation time frame is considered more feasible by industry.

Freight concerns are likely to play a more prominent role in other State Implementation Plans now being considered. Recognizing these concerns, the Environmental Protection Agency recently set up a government and industry task force to look at various freight and air quality issues.

**Authority:** 23 U.S.C. 315; 49 U.S.C. 301, 302, 305; Pub. L. 102-548, 106 Stat. 3646.

Issued on: August 21, 1995.

**Rodney E. Slater,**

*Federal Highway Administrator.*

[FR Doc. 95-21305 Filed 8-25-95; 8:45 am]

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## Federal Railroad Administration

### Fiscal Year 1995 Railroad User Fee Calculations

**AGENCY:** Federal Railroad Administration; Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** The Federal Railroad Administration is today publishing its fiscal year 1995 assessment rates supporting the collection of railroad user fees.

**FOR FURTHER INFORMATION CONTACT:** Vicky McCully, Railroad User Fee Officer, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC. 20590; telephone (202) 366-6569.

**SUPPLEMENTARY INFORMATION:** In its regulations implementing the Railroad User Fee provisions of section 20115 of Title 49, United States Code (formerly section 216 of the Federal Railroad Safety Act of 1970 (see 49 CFR 245.301(a)), the Federal Railroad Administration (FRA) indicated that it would publish a notice each year in the **Federal Register** identifying FRA's calculations of the total railroad user fee to be collected for the fiscal year, the assessment rate per train mile, the assessment rate per employee hour, and the assessment rate per road mile (as adjusted by the sliding scale).

For fiscal year 1995, user fee assessments totaling \$40,584,892 are based on 658,208,164 total industry train miles; 150,820 total industry road miles; and 518,612,773 total industry employee hours.

The base assessment rate per road mile is \$93.99, with applicable adjustments for the sliding scale as follows:

Train mile/road mile ratio	SF <sup>1</sup>	RM rate <sup>2</sup>
1201 and above .....	1.00	\$113.39
1001 to 1200 .....	0.75	70.49
751 to 1,000 .....	0.50	46.99
501 to 750 .....	0.25	23.50
Up to 500 .....	0.00	0.00

<sup>1</sup> SF refers to scaling factor.

<sup>2</sup> RM Rate refers to Road Mile Rate.

The assessment rate per train mile is \$.033842. The assessment rate per employee hour is \$.007809.

Issued in Washington, DC on August 22, 1995.

**Donald M. Itzkoff,**

*Deputy Federal Railroad Administrator.*

[FR Doc. 95-21306 Filed 8-25-95; 8:45 am]

BILLING CODE 4910-06-P

### Petition for a Waiver of Compliance

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of Federal railroad safety regulations. The individual petitions are described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket No. HS-92-1) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

The waiver petition is as follows:

*Algers, Winslow and Western Railway Company (AWW) FRA Waiver Petition Docket No. HS-95-10*

The AWW seeks a continuation of a previously issued exemption so it may permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The AWW states that it is not its intention to employ a train crew over 12 hours per day under normal circumstances, but this exemption, if granted, would help its operation if unusual operating conditions are encountered.

The AWW provides freight service over 16 miles of trackage within Pike County, Indiana. The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts it employs not more

than 15 employees and has demonstrated good cause for granting this exemption.

Issued in Washington, DC, on August 22, 1995.

**Phil Olekszyk,**

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*

[FR Doc. 95-21249 Filed 8-25-95; 8:45 am]

BILLING CODE 4910-06-M

### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 CFR Part 236

Pursuant to Title 49 CFR Part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of Title 49 CFR Part 236 as detailed below.

#### Block Signal Application (BS-AP)-No. 3361

##### Applicants

Consolidated Rail Corporation, Mr. J. F. Noffsinger, Chief Engineer—C&S, 2001 Market Street, P. O. Box 41410, Philadelphia, Pennsylvania 19101-1410

CSX Transportation, Incorporated, Mr. D. G. Orr, Chief Engineer—Train Control, 500 Water Street (S/C J-350), Jacksonville, Florida 32202,

Indianapolis Union Railway, Mr. Larry L. Ratcliffe, Assistant General Manager Network Operations, Two Commerce Square, 14D, 2001 Market Street, P. O. Box 41414, Philadelphia, Pennsylvania 19101-1414.

Consolidated Rail Corporation (Conrail), CSX Transportation, Incorporated (CSX), and Indianapolis Union Railway (IU) jointly seek approval of the proposed discontinuance and removal of "CP KD" Interlocking, milepost 1.1 and the traffic control signal system between milepost 1.1 and 1.8, on Conrail's Zionsville Secondary Track, Indianapolis Division, near Indianapolis, Indiana. The proposed changes include removal of controlled interlocking signals 2E, 2W, 4E, 6N, and 6S; removal of automatic signal 1130E, installation of stop signs at the Conrail-IU crossing at grade, and re-designation of the Zionsville Secondary Track to an industrial track.

The reason given for the proposed changes is to retire facilities no longer required for present operations.

Any interested party desiring to protest the granting of an application

shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. The original and two copies of the protest shall be filed with the Associate Administrator for Safety, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590 within 45 calendar days of the date of issuance of this notice. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on August 22, 1995.

**Phil Olekszyk,**

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*

[FR Doc. 95-21250 Filed 8-25-95; 8:45 am]

BILLING CODE 4910-06-P

### UNITED STATES INFORMATION AGENCY

#### Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects in the exhibit "Dutch and Flemish Cabinet Galleries and Adriaen Brouwer: Youth Making Faces" (See list <sup>1</sup>) imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with foreign lenders. I also determine that the exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, DC, from on or about September 24, 1995, through on or about February 11, 1996, is in the national interest. Public Notice of this determination is ordered to be published in the **Federal Register**.

<sup>1</sup> A copy of this list may be obtained by contacting Paul W. Manning, Assistant General Counsel, at 202/619-5997; the address is Room 700, U.S. Information Agency, 301-4th Street, SW., Washington, DC 20547.