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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Chapter X, Part 1249

Bureau of Transportation Statistics

49 CFR Chapter XI, Part 1420

RIN 2139-AA06

Reports of Motor Carriers; Redesignation of Regulations Pursuant
to the ICC Termination Act of 1995

AGENCIES: Bureau of Transportation Statistics (BTS) and Surface
Transportation Board (STB), DOT.

ACTION: Final rule; redesignation.

SUMMARY: This document establishes a new chapter in the Code of Federal
Regulations (CFR) for the BTS and transfers and redesignates
regulations concerning reports of motor carriers, currently found in
the STB's CFR chapter, to the BTS's new CFR chapter. The ICC
Termination Act of 1995 (ICCTA), which was enacted on December 29,
1995, and took effect on January 1, 1996, abolished the Interstate
Commerce Commission (ICC) and transferred certain of the ICC's
functions and proceedings to either the STB or the Secretary of
Transportation. As pertinent here, responsibility for the collection
and dissemination of motor carrier financial information was
transferred to the Secretary of Transportation, who has delegated that
responsibility to the BTS. This action reflects that change.

EFFECTIVE DATE: This rule is effective September 30, 1998.

FOR FURTHER INFORMATION CONTACT: For BTS: David Mednick, K-2, 400
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(202) 565-1695].

SUPPLEMENTARY INFORMATION: This document transfers the regulations for
motor carrier finance reports, currently found in 49 CFR part 1249, and
redesignates them as 49 CFR part 1420. The regulations at part 1249
were issued by the ICC. The ICCTA, Pub. L. 104-88, 109 Stat. 803 (1995)
abolished the ICC and transferred certain functions and proceedings

either to the STB or the Secretary of Transportation. As pertinent here, the motor carrier financial and operating data collection provisions of 49 U.S.C. 14123 were transferred to the Secretary of Transportation, and the Secretary has delegated the responsibility for these provisions to the BTS.

The regulations for motor carrier finance reporting, however, are still located in 49 CFR Chapter X, which have since been assigned for the use of the STB.¹ In order for BTS to modify these regulations, and for administrative clarity, these regulations are being transferred to 49 CFR Chapter XI, part 1420. This transfer and redesignation

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will not result in any substantive changes to the regulations. It will have no effect on the proposed establishment of a negotiated rulemaking advisory committee, Negotiated Rulemaking Committee to Revise the Motor Carrier Financial and Operating Data Collection Program, 61 FR 64849 (Dec. 9, 1996).

\1\ Other ICC regulations that were formerly located at 49 CFR chapter X, and that were transferred to the Secretary of Transportation by the ICCTA, were delegated to the Federal Highway Administration and have already been redesignated to another chapter. See Motor Carrier Transportation; Redesignation of Regulations from the Surface Transportation Board Pursuant to the ICC Termination Act of 1995, 61 FR 54706 (October 21, 1996).

This action makes no substantive changes to the motor carrier financial and operating data collection regulations. It simply provides notice to the public that certain regulations currently found in 49 CFR chapter X are being moved to 49 CFR chapter XI. Therefore, BTS believes that prior notice and opportunity to comment are unnecessary and that good cause exists to dispense with the 30-day delay in effective date requirement so that BTS may administer these regulations

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This action is exempt from the Office of Management and Budget review under Executive Order 12866 since it is a technical correction that does not materially affect the substance of the underlying rule. This action simply transfers the regulations now located at 49 CFR part 1249 from Chapter X to Chapter XI and redesignates them as 49 CFR part 1420.

Regulatory Flexibility Act

The BTS certifies that this action will not have a significant economic effect on a substantial number of small entities. As noted above, this action simply redesignates the regulations for motor carrier finance reports, and it makes no substantive changes.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

Paperwork Reduction Act

This action does not establish a collection of information requirement for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 et seq.

National Environmental Policy Act

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects

49 CFR Part 1249

Motor carriers, Reporting and recordkeeping requirements.

49 CFR Part 1420

Motor carriers, Reporting and recordkeeping requirements.

Issued on: September 23, 1998.

Robert A. Knisely,
Deputy Director, Bureau of Transportation Statistics.
Linda J. Morgan,
Chairman, Surface Transportation Board.

In consideration of the foregoing and under the authority of 49 U.S.C. 111, 721(a), and 14123, the BTS establishes a new chapter XI in title 49 of the CFR, and the BTS and the STB hereby amend chapters X and XI of 49 CFR as set forth below:

1. Title 49 is amended by establishing chapter XI (consisting of subchapters A and B) to read as follows:

CHAPTER XI--BUREAU OF TRANSPORTATION STATISTICS, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A--[RESERVED]

SUBCHAPTER B--REPORTS

PART 1420--REPORTS OF MOTOR CARRIERS

Chapter X, Part 1429--[Redesignated as Chapter XI, Part 1420]

2. Part 1249 in 49 CFR Chapter X is redesignated as Part 1420 and transferred to 49 CFR Chapter XI.

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