

cautioned, however, that significant progress will be difficult to achieve without additional funding.

The National Sheriffs' Association (NSA) suggested a number of changes to the proposed guideline. NSA observed that the proposed guideline mentions Police Departments, but not Sheriff's Offices, and recommended that Sheriff's Offices should be mentioned specifically and that State Police Officer Standards and Training (POST) should be changed to read Peace Officer Standards and Training (POST). NSA also recommended that the guideline address waterway patrol (for which many Sheriff's Offices have responsibility) and drugs that impair driving.

By referring to "State and local law enforcement agencies" and "State Police Officer Standards and Training" in Guideline 15, the agencies did not intend to exclude County law enforcement agencies or Sheriff's Offices. The guideline has been amended to clarify that State, county and local law enforcement agencies are all covered and that POST can refer to either police or peace officers.

The agencies have not amended the guideline in response to the other recommendations in NSA's comments. Waterway patrol activities are beyond the scope of what is authorized under the Section 402 Highway Safety Program. Their inclusion in this Section 402 guideline would therefore be inappropriate.

The guideline has not been amended to further address drugs that impair driving. The agencies believe the guideline already addresses this issue adequately. The introductory paragraph of Guideline 15, for example, provides that "Traffic law enforcement plays an important role in deterring impaired driving involving alcohol or other drugs." The guideline also recommends that law enforcement agencies develop and implement enforcement plans that include impaired driving involving alcohol or other drugs, and that they address impaired driving involving alcohol or other drugs in their public information and education activities.

The California Highway Patrol (CHP) commented that the guideline should not mandate the provision of specialized commercial motor vehicle in-service training to traffic enforcement officers. The agencies recognize that CHP has officers who have been trained and who enforce commercial motor vehicle requirements. This recommendation in the guideline was intended to address the need for training in those States that do not have these specialized resources available to

them. By providing specialized training, law enforcement agencies would be able to augment ongoing inspection activities with the resources already available in their current law enforcement program. Moreover, the guideline represents recommendations to the States, not mandates. The agencies have not changed the guideline in response to this comment.

#### *Other Guidelines Remain Unchanged*

The agencies proposed that all other guidelines contained in part 1204 would remain intact and unchanged by this proposal. As discussed above, commenters supported the agencies' proposal to add a new Roadway Safety guideline, and suggested that guidelines 9, 12 and 13 would then become duplicative and should be removed. The agencies have adopted this suggestion. All other guidelines remain unchanged. The following guidelines remain unchanged by this proposal:

- Guideline No. 1 Periodic Motor Vehicle Inspection
- Guideline No. 2 Motor Vehicle Registration
- Guideline No. 4 Driver Education
- Guideline No. 5 Driver Licensing
- Guideline No. 6 Codes and Laws
- Guideline No. 7 Traffic Courts
- Guideline No. 16 Debris Hazard Control and Cleanup
- Guideline No. 17 Pupil Transportation Safety (Rev. 4/91)
- Guideline No. 18 Accident Investigation and Reporting

It should be noted that the guidelines are not binding on the States. A State's decision not to adopt a portion of a guideline, for example, would not entail penalties for the State. Nonetheless, the agencies encourage the use of the recommendations contained in these guidelines to optimize the effectiveness of highway safety programs conducted at the State and local level.

#### *All Guidelines Removed From Code of Federal Regulations*

As discussed above, with the passage of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17), Congress gave statutory recognition to the treatment of the guidelines as information the States could draw upon to build the framework of their highway safety programs. With the shift in focus from mandatory standards to advisory guidelines, this information need no longer appear in the Code of Federal Regulations (CFR). For these reasons, and consistent with streamlining efforts under the President's regulatory reform initiative, this action simultaneously

removes all guidelines from the 23 CFR part 1204. The existing guidelines, as amended by today's action, and the new guidelines introduced by today's action, will be published in a separate document which will be made available to the States in the near future. For reference until that time, the guidelines affected by today's action are set forth below in an appendix.

#### *Economic and Other Effects*

The agencies have considered the impacts that are associated with this action, and determined that it is not significant within the meaning of Executive Order 12866 or the Department of Transportation Regulatory Policies and Procedures. The guidelines contained in Part 1204 are advisory, not mandatory. Accordingly, a full regulatory evaluation is not necessary.

Since this matter relates to grants, the notice and comment requirements established in the Administrative Procedure Act, 5 U.S.C. 553, are not applicable. Because the agencies were not required to publish a notice of proposed rulemaking regarding this action, the agencies are not required to analyze the effect of this action on small entities, in accordance with the Regulatory Flexibility Act. The agencies have nonetheless evaluated the effects of this notice on small entities. Based on the evaluation, we certify that this notice will not have a significant economic impact on a substantial number of small entities. Accordingly, the preparation of a Regulatory Flexibility Analysis is unnecessary.

#### *Environmental Impacts*

The agencies have also analyzed this action for the purpose of the National Environmental Policy Act. The agencies have determined that this action will not have a significant effect on the human environment.

#### *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 it has no federalism implication that warrants the preparation of a federalism assessment.

#### *List of Subjects in 23 CFR Part 1204*

Grant programs, Highway safety.