



RE: REGULATORY NOTICE

Be advised, that the Federal Register of September 2, 1999 includes the final rule concerning driver disqualification provisions for railroad crossing violation. This rule becomes effective on October 4, 1999. While states have 3 years from this date to modify their statues concerning the actual driver disqualification issues Federal enforcement is possible as of 10-04-99. The major concern for all parties effected is that the rule be both practical and enforceable. A reading of the attached document will show that FHWA has taken the position that practical application is sometimes beyond the scope of this rulemaking. Therefore be aware that some issues remain unresolved from a practical standpoint. Attached you will find a copy of this final rule. Please note the important portions of this rule have been boxed for you.

Under this FHWA-97-3103 final rule, FHWA addressed four (4) separate issues. These issues are:

- **THE PENALTIES ASSOCIATED WITH VIOLATION OF RAILROAD-HIGHWAY GRADE CROSSING LAWS**
DRIVERS DISQUALIFICATION
CARRIERS UP TO \$10,000.00 PER VIOLATION
- **SIX (6) TYPES OF VIOLATIONS WHICH ARE SUBJECT TO THE PENALTIES**
- **HOW CARRIERS CAN DEFEND THEMSELVES FROM CHARGES OF VIOLATING THESE NEW REQUIREMENTS.**
- **FHWA METHOD FOR INSURING STATE COMPATIBILITY WITH FEDERAL REQUIREMENTS CONTAINED WITHIN 49 CFR**

NATC and others tried in May to introduce practical issues into this process with limited success

If there are any questions on the above, please contact our office directly at (609) 426-0555, between the hours of 9 AM and 5 PM, Monday through Friday.