
DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 71

[OST Docket No. OST-99-5843] 313

RIN 2105-AC80

**Relocation of Standard Time Zone
Boundary in the State of Nevada**

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Department of Transportation (DOT) is relocating the City of West Wendover, Nevada, from the Pacific Time Zone to the Mountain Time Zone. This action is taken in response to a petition by the Mayor of West Wendover. The action is designed to facilitate commerce and reduce confusion.

DATES: This rule is effective at 2:00 a.m. PDT, Sunday, October 31, 1999.

FOR FURTHER INFORMATION CONTACT:

Joanne Petrie, Office of the Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation, Room 10424, 400 Seventh Street, S.W., Washington, DC 20590, (202) 366-9315; email address: joanne.petrie@ost.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Under the Standard Time Act of 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260-64), the Secretary of Transportation has authority to issue regulations modifying the boundaries between time zones in the United States in order to move an area from one time zone to another. The standard in the statute for such decisions is "regard for the convenience of commerce and the existing junction points and division points for common carriers engaged in interstate or foreign commerce."

Petition for Rulemaking

On January 8, 1999, Walter F. Sanders, Mayor of the City of West

Wendover, Nevada sent a letter to the Department of Transportation petitioning the Department to change the city from the Pacific Time Zone to the Mountain Time Zone. The letter noted the following facts in support of the petition.

1. West Wendover is located on the border of Utah and Nevada and is directly adjacent to the City of Wendover, Utah, which is in the Mountain Time Zone.

2. It is more than one hundred miles to the nearest city.

3. Businesses in West Wendover make most of their purchases from Salt Lake City, which is in the Mountain Time Zone.

4. The city receives all of its television and radio broadcasts from Salt Lake City. Due to mountain ranges west of West Wendover, radio broadcasts cannot be received from the Nevada area.

5. West Wendover has one weekly local newspaper, which is printed in Salt Lake City.

6. The City of West Wendover currently has no passenger rail service. The nearest public rail service is located in either Salt Lake City, Utah or Elko, Nevada. Both cities are more than one-hundred miles from West Wendover.

7. Greyhound buses travel through West Wendover on an east/west run, but only stop in Wendover, Utah.

8. Wendover, Utah, has a small airport, which is limited to mostly small private aircraft and which receives no commercial air service. Tooele County, Utah, which is on Mountain time, is in the process of renovating its airport. The closest major airport is Salt Lake City International Airport.

9. A small percentage of West Wendover's working population resides outside the City limits. The majority of employed residents work in the gaming/tourism industry.

10. Medical services are currently provided by a local medical clinic. The facility is owned by the City of West Wendover, which in turn has leased the facility to the University of Utah—Medical Facility. This agreement provided the opportunity for expanded medical services to the community. Most residents of West Wendover travel to Salt Lake City for major and routine health care.

11. Secondary education is offered in Salt Lake City, Utah and Elko, Nevada.

12. West Wendover is in the process of expanding its recreation facilities. These recreational services are designed to accommodate people from the Wastach Front area, which is on Mountain time.

13. West Wendover's residents must travel to Salt Lake City or Elko in order to obtain a greater variety of services, shopping, and recreation.

14. The City of West Wendover is trying to purchase Air Force property adjacent to the Tooele County Airport. This purchase is expected to provide opportunities to establish a more diversified economy within the Wendover/West Wendover community.

15. Historically, West Wendover has always operated on Mountain time. Prior to the 1980s, there was no reason to do otherwise because there was literally nothing to the town fifty yards past the state line. When West Wendover began to "boom," the town tried to operate by Pacific time. According to the Mayor, this action created mass confusion for both residents and those outside the community.

16. The Mayor stated that by allowing West Wendover to formally move into the Mountain Time Zone, commerce within the Wendover/West Wendover community would be facilitated and confusion would be eliminated.

On July 26, 1999, the DOT published a notice of proposed rulemaking in the **Federal Register** (64 FR 40331) that would move West Wendover to the Mountain Time Zone. On August 10, 1999, the DOT held a public hearing at the West Wendover Library to take questions and comments on the proposed change. The hearing was attended by approximately twelve people plus the City Council. All but one of those testifying favored the change. The individual in favor of Pacific time did not elaborate on her reasons for her position. Those in favor focused on the practicality of observing Mountain time based on the geography of the area. The City is located on the State line and adjacent to Wendover, Utah. The nearest towns are over 100 miles away. Most of the commerce takes place to the east. The economy of the community, especially its plans for future expansion, are tied to the Mountain Time Zone. The City has always observed Mountain time and it would be a hardship to now enforce Pacific time.

One written comment strongly supporting Mountain time was filed in the docket by Viola S. Troyan. Among other things, Ms. Troyan noted her belief that 99 percent of the people in West Wendover "think Mountain time."

Finding

We find that, based on the Mayor's petition, testimony presented at the hearing and the comment filed in the docket, there is good cause to place

West Wendover, Nevada in the Mountain Time Zone. The change is effective at 2:00 a.m. PDT, Sunday, October 31, 1999. Because the community is already unofficially observing Mountain time, we find good cause to make this rule effective on less than 30 days notice.

Impact on Observance of Daylight Saving Time

This time zone change does not affect the observance of daylight saving time. Under the Uniform Time Act of 1966, as amended, the standard time of each time zone in the United States is advanced one hour from 2:00 a.m. on the first Sunday in April until 2:00 a.m. on the last Sunday in October, except in any State that has, by law, exempted itself from this observance.

Regulatory Analysis and Notices

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979.) We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The rule primarily affects the convenience of individuals in scheduling activities. By itself, it imposes no direct costs. Its impact is localized in nature.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small business, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. This rule primarily affects individuals and their scheduling of activities. Although it will affect some small businesses, not-for-profits, and the City of West Wendover, it will not be a substantial number. In addition, the change should have little, if any, economic impact. I, therefore, certify under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

We have analyzed this rule under Executive Order 12612 and have determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) and Executive Order 12875, enhancing the Intergovernmental Partnership, (58 FR 58093; October 28, 1993) govern the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule does not impose an unfunded mandate.

Taking of Private Property

This rule does not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protect Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

This rule is not a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act and, therefore, an environmental impact statement is not required.

List of Subjects in 49 CFR Part 71

Time.

For the reasons discussed above, the Office of the Secretary is amending Title 49 Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read:

Authority: Secs. 1-4, 40 Stat. 450, as amended; sec. 1, 41 Stat. 1446, as amended;

secs. 2-7, 80 Stat. 107, as amended; 100 Stat. 764; Act of Mar. 19, 1918, as amended by the Uniform Time Act of 1966 and Pub. L. 97-449, 15 U.S.C. 260-267; Pub. L. 99-359; 49 CFR 159(a), unless otherwise noted.

2. In § 71.9, revise paragraph (b) to read as follows:

§ 71.9 Boundary line between mountain and Pacific zones.

* * * * *

(b) *Utah-Nevada-Arizona-California.* From the northeast corner of the State of Nevada southerly along the Utah-Nevada boundary to the junction with the northern border of the City of West Wendover, Nevada. Then westward along the northern, western, and southern boundaries of the City of West Wendover back to the Utah-Nevada boundary. Then southerly along the Utah-Nevada boundary, the Nevada-Arizona boundary, and the Arizona-California boundary to the boundary between the United States and Mexico.

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Issued in Washington, DC, on October 12, 1999.

Rodney E. Slater,

Secretary.

[FR Doc. 99-27240 Filed 10-20-99; 8:45 am]

BILLING CODE 4910-62-P