

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****Environmental Impact Statement:
Bexar County, TX**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: Pursuant to 40 CFR 1508.22 and 43 Texas Administrative Code § 2.5 (e)(2), the Federal Highway Administration, Texas Department of Transportation (TxDOT) and Alamo Regional Mobility Authority are issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for proposed improvements to Loop 1604 in San Antonio, Texas, within Bexar County limits to enhance mobility and improve safety from FM 1957 to IH 35 North, a distance of approximately 32.35 miles in Bexar County Texas. Areas within the city of San Antonio are included in the project study area.

FOR FURTHER INFORMATION CONTACT: Mr. Salvador Deocampo, District Engineer, District A, Federal Highway Administration, Texas Division, 300 East 8th Street, Room 826, Austin, Texas 78701. Phone: 512-536-5950.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration in cooperation with the Texas Department of Transportation and the Alamo Regional Mobility Authority will prepare an EIS for transportation improvements to Loop 1604 from FM 1957 to IH 35 North, a distance of approximately 32.35 miles. The current Loop 1604 facility consists of a four-lane divided, partial access-controlled roadway from FM 1957 to State Highway (SH) 16 and a four-lane expressway with full access-controlled through travel lanes and parallel partially access-controlled lanes that interface among the through travel lanes, local land use, and connecting roadways from SH 16 to IH 35 North. Growth, development, and traffic congestion continue to increase along Loop 1604 from FM 1957 to IH 35 North. The project is needed as Loop 1604 does not currently meet present and future growth, development, and traffic demands creating inefficiencies in facility safety, mobility, and operation. The proposed purpose of the project is to improve safety within the Loop 1604 corridor, enhance mobility and operational efficiency, and to deliver and implement the benefits in an expeditious manner.

The currently proposed project, as included in the San Antonio-Bexar

County Metropolitan Planning Organization's Mobility 2030 Plan, is an added capacity project to add frontage roads and additional main lanes as follows: From SH 151 to 1.2 miles south of SH 16, expand to a 6 lane toll expressway with non-toll frontage roads and from 1.2 miles south of SH 16 to IH 35, expand the expressway lanes from 4 to 6 or 8 lanes with the new lanes being toll lanes. The Loop 1604 EIS will evaluate build and no-build alternatives, including those in the Mobility 2030 Plan. In addition to the build and no-build alternatives, Transportation System Management (TSM), Transportation Demand Management (TDM), transit, and tolled and non-tolled alternatives will also be considered. The EIS will study potential impacts from construction and routine operation of the proposed roadway including, but not limited to, the following: transportation impacts (construction detours, construction traffic, mobility improvements), air and noise impacts from construction equipment and operation of the facilities, water quality impacts from construction area and roadway storm water runoff, impacts to waters of the United States, impacts to historic and archeological resources, impacts to floodplain, socio-economic resources (including Environmental Justice and Limited English Proficiency population), indirect and cumulative impacts, land use, vegetation, wildlife, impacts to and/or potential displacement of residences and businesses, and aesthetic and visual resources.

Anticipated federal permits, pending selection of alternatives and field surveys may include, but are not limited to, the following: Section 106 (National Historic Preservation Act), Section 401/404 (Clean Water Act), and Section 7 (Endangered Species Act). A Project Coordination Plan will be provided in accordance with Public Law 109-59, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Title VI, Section 6002, Efficient Environmental Reviews for Project Decision Making, August 10, 2005, to facilitate and document the lead agencies; structure interaction with the public and other agencies and to inform the public and other agencies of how the coordination will be accomplished. The Project Coordination Plan will promote early and continuous involvement from stakeholders, agencies, and the public as well as describe the proposed project, the roles of the agencies and the public, the project need and purpose, schedule,

level of detail for alternatives analysis, methodologies to be used in the environmental analysis, and the proposed process for coordination and communication.

This Project Coordination Plan is designed to be part of a flexible and adaptable process. The Project Coordination Plan will be available for public review, inputs, and comments at public meetings, including scoping meetings and hearings held, in accordance with the National Environmental Policy Act (NEPA) through the evaluation process, and upon request at the Alamo Regional Mobility Authority's office. Pursuant to 23 U.S.C. Chapter 1, Subchapter 1, Section 139 of SAFETEA-LU, cooperating agencies, participating agencies, and the public will be given an opportunity for input in the development of the project. The first of a series of public scoping meetings, conducted in an open house format, is planned to be held in the fall of 2009. This preliminary scoping meeting will be the first in a series of meetings to solicit public comments throughout the planning process on the proposed action as part of the NEPA process.

The scoping meetings will provide opportunities for participating agencies, cooperating agencies, and the public to be involved in defining the need and purpose for the proposed project and to assist in determining the range of alternatives for consideration in the EIS and alternative evaluation methodologies. As part of the scoping process, correspondence describing the proposed action and soliciting comments to be considered during the scoping process will be sent to the appropriate federal, state, and local agencies, and to organizations and individuals who have previously expressed or are known to have an interest in the project. Public scoping meetings and public hearings will be held during appropriate phases of the project development process. Public notices will be given stating the date, time, and location of each. The Draft EIS will be available for public and agency review and comment prior to a public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided. A proposed schedule for completion of the environmental review process is not available at this time;

however, it will become accessible for public review at a future date.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on federal programs and activities apply to this program.)

Issued on: July 27, 2009.

Salvador Deocampo,

District Engineer.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2009-0113; Notice 1]

Auto Temp, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

Auto Temp, Inc. (Auto Temp) has determined that certain replacement backlights (part number FB22692 GTY ATI), manufactured for 2006-09 Honda Civic 2-Door Coupe passenger cars, do not fully comply with paragraph S5.2 of 49 CFR 571.205, Federal Motor Vehicle Safety Standard (FMVSS) No. 205 *Glazing Materials*. Auto Temp has filed an appropriate report pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Auto Temp has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Auto Temp's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Auto Temp estimated that 68 replacement backlights manufactured on July 14, 2008, intended for 2006-09 Honda Civic 2-Door coupe passenger cars, are involved and that 80% of those backlights may be noncompliant.

Paragraphs S5.2 of FMVSS No. 108 require in pertinent part:

S5.2 Each of the test specimens described in ANSI/SAE Z26.1-1996 Section 5.7 (fracture test) must meet the fracture test requirements of that section when tested in accordance with the test procedure set forth in that section.

5.7.4 Interpretation of Results. NO individual fragment free from cracks and

obtained within 3 minutes subsequent to test shall weight more than 4.25g (0.15oz).

Auto Temp explained that the noncompliance is that the subject backlights do not meet the fracture test requirements of FMVSS No. 205 Section 5.7 Fracture Test 7 ANSI/SAE Z26.1-1996, because several tests revealed that out of 8 tested backlights, 6 contained fragments that exceeded the 4.25g (0.15oz) threshold specified by the above standard.

Auto Temp states that it believes that this noncompliance is inconsequential to motor vehicle safety for the following reasons. Out of several thousand total fragments no more than 2 noncompliant fragments were found from a single backlight. Each of the noncompliant fragments exhibited all of the characteristics of tempered safety glass. The position of the noncompliant fragments in the backlight, coupled with the package tray location of the Honda Civic 2-Door Coupe, minimizes the potential for any contact between glass fragments and vehicle occupants. The extremely low percentage of noncompliant fragments, together with the small number of total affected backlights, results in a minimal impact on issue of motor vehicle safety.

Auto Temp also has informed NHTSA that since it has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety it has not yet formulated a remedy for the noncompliance. However, Auto Temp has agreed to reimburse its customers for all returned parts (FB22692 GTY ATI backlights produced on July 14, 2008) regardless of the filing of an inconsequential petition.

Auto Temp also informed NHTSA that it has corrected the problem that caused this noncompliance.

In summation, Auto Temp states that it believes that the noncompliances are inconsequential to motor vehicle safety and that no corrective action is warranted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance.

Interested persons are invited to submit written data, views, and arguments on this petition. Comments

must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. By mail addressed to: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. Electronically: by logging onto the Federal Docket Management System (FDMS) Web site at <http://www.regulations.gov/>. Follow the online instructions for submitting comments. Comments may also be faxed to 1-202-493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to http://www.regulations.gov, including any personal information provided.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

You may view documents submitted to a docket at the address and times given above. You may also view the documents on the Internet at http://www.regulations.gov by following the online instructions for accessing the dockets available at that Web site.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.