

on or after September 1, 2009 for motor vehicles having a gross vehicle weight rating (GVWR) of 10,000 pounds or less be permanently labeled with: (1) A full TIN required by 49 CFR part 574 on the intended outboard sidewall of the tire; (2) except for retreaded tires, either the full or a partial TIN containing all characters in the TIN, except for the date code, and at the discretion of the manufacturer, any optional code, must be labeled on the other sidewall of the tire.<sup>3</sup>

Tire recalls in the year 2000 highlighted the difficulty that consumers experienced when attempting to determine whether a tire is subject to a recall when a tire is mounted so that the sidewall bearing the TIN faces inward *i.e.*, underneath the vehicle. After a series of Congressional hearings about the safety of and experiences regarding the tires involved in those recalls, Congress passed and the President signed into law the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act on November 1, 2000. Public Law 106-414. 114 Stat. 1800.

One matter addressed by the TREAD Act was tire labeling. Section 11 of the TREAD Act required a rulemaking to improve the labeling of tires to assist consumers in identifying tires that may be the subject of a recall.

In response to the TREAD Act's mandate, NHTSA published a final rule that, among other things, required that the TIN be placed on a sidewall of the tire and a full or partial TIN be placed on the other sidewall. See 67 FR 69600, 69628 (November 18, 2002), as amended 69 FR 31306 (June 3, 2004). In the preamble to the 2002 final rule, the agency identified the safety problem which prompted the issuance of the rule. 67 FR at 69602, 69606, and 69610. The agency explained that when tires are mounted so that the TIN appears on the inward facing sidewalls, motorists have three difficult and inconvenient options for locating and recording the TINs. Consumers must either: (1) Slide under the vehicle with a flashlight, pencil and paper and search the inside sidewalls for the TINs; (2) remove each tire, find and record the TIN, and then replace the tire; or (3) enlist the aid of a garage or service station that can

perform option 1 or place the vehicle on a vehicle lift so that the TINs can be found and recorded. If the tires were mounted with the intended outward sidewall facing inboard, the intended inboard sidewall would be facing outboard and the TIN would not be visible. Without any TIN information on the outside sidewalls of tires, the difficulty and inconvenience of obtaining the TIN by consumers reduces the number of people who respond to a tire recall campaign and increases the number of motorists who unknowingly continue to drive vehicles with potentially unsafe tires.

YTC suggests that this noncompliance does not preclude motorists from checking the inboard sidewall if the TIN is not found on the outboard sidewall. This approach is inadequate. The noncompliance here is the exact problem that plagued millions of tire owners in 2000 and one that Congress mandated that NHTSA address. When the TIN is placed on one sidewall of a tire and that sidewall is mounted on the inboard side of a wheel, it is very difficult and inconvenient for the consumer to locate and record the TIN. In such situations, consumers who attempt to determine if a tire is within the scope of a recall may not be able to read the inboard sidewall without taking one of the three inconvenient steps discussed above. The difficulty and inconvenience of locating a TIN under these circumstances poses serious impediments to the successful recall of the noncompliant tires, which may result in motorists continuing to drive their vehicles with potentially unsafe tires.

While NHTSA has determined in the past that in some instances TIN marking omissions were inconsequential to motor vehicle safety, those determinations occurred prior to the adoption of FMVSS No. 139 pursuant to the TREAD Act. Following the enactment of the TREAD Act, NHTSA found that there is a safety need for a full TIN on one sidewall and a full or partial TIN on the other sidewall. For these reasons, FMVSS No. 139 now requires TIN markings on both sidewalls of a tire so that consumers can readily determine if a tire is subject to a safety recall.

In consideration of the foregoing, NHTSA has decided that the petitioner has not met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, YTC's petition is hereby denied, and the petitioner must notify owners, purchasers and dealers pursuant to 49 U.S.C. 30118 and

provide a remedy in accordance with 49 U.S.C. 30120.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8.

Issued on: February 16, 2012.

**Nancy Lummen Lewis,**  
*Associate Administrator for Enforcement.*

[FR Doc. 2012-4296 Filed 2-23-12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2012-0015]

#### Insurance Cost Information Regulation

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice of Availability.

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**SUMMARY:** This notice announces NHTSA's publication of the 2012 text and data for the annual insurance cost information booklet that all car dealers must make available to prospective purchasers, pursuant to 49 CFR 582.4. This information is intended to assist prospective purchasers in comparing differences in passenger vehicle collision loss experience that could affect auto insurance costs.

**ADDRESSES:** Interested persons may obtain a copy of this booklet or read background documents by visiting <http://regulations.dot.gov> at any time, or visiting Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue SE, Washington, DC 20590. Ms. Ballard's telephone number is (202) 366-5222. Her fax number is (202) 493-2990.

**SUPPLEMENTARY INFORMATION:**

Pursuant to section 201(e) of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 1941(e), on March 5, 1993, 58 FR 12545, NHTSA amended 49 CFR part 582, *Insurance Cost Information Regulation*, to require all dealers of automobiles to distribute to prospective customers information that compares differences in insurance costs of different makes and models of passenger cars based on differences in damage susceptibility.

<sup>3</sup> Tires manufactured after September 1, 2009 must be labeled with the TIN on the intended outboard sidewall of a tire and either the TIN or partial TIN on the other sidewall. 49 CFR 571.139 S5.5.1(b). If a tire manufactured after September 1, 2009 does not have an intended outboard sidewall, one sidewall must be labeled with the TIN and the other sidewall must have either a TIN or partial TIN. *Id.*

Pursuant to 49 CFR 582.4, all automobile dealers are required to make booklets that include this comparative information, as well as certain mandatory explanatory text that is set out in section 582.5, available to prospective purchasers. Early each year, NHTSA produces a new version of this booklet to update the Highway Loss Data Institute's (HLDI) December Insurance Collision Report.

NHTSA is mailing a copy of the 2012 booklet to each dealer that the Department of Energy uses to distribute the "Gas Mileage Guide." Dealers will have the responsibility of reproducing a sufficient number of copies of the booklet to assure that they are available for retention by prospective purchasers by March 26, 2012. Dealers who do not receive a copy of the booklet within 15 days of the date of this notice should contact Ms. Ballard of NHTSA's Office of International Policy, Fuel Economy, and Consumer Programs (202) 366-5222 to receive a copy of the booklet and to be added to the mailing list. Dealers may also obtain a copy of the booklet through the NHTSA Web page at: <http://www.nhtsa.dot.gov/>. From there, click on the Vehicle Safety tab, then choose the Vehicle-Related Theft category, on that page, under the Additional Resources Panel, click on 2012 Comparison of Insurance Costs. (49 U.S.C. 32302; delegation of authority at 49 CFR 1.50(f).)

Issued on: February 17, 2012.

**Christopher J. Bonanti,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2012-4374 Filed 2-23-12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35587]

#### Fannin Rural Rail Transportation District—Lease and Operation Exemption—Line of Texas Department of Transportation

Fannin Rural Rail Transportation District (FRRTD), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from the Texas Department of Transportation (TxDOT), and to operate, a 34.78-mile rail line extending from milepost 94.0 in Paris to milepost 128.78 in Bonham, Tex. The line has been a part of Union Pacific Railroad Company's (UP) Bonham Subdivision.

Through the Board's offer of financial assistance process, FRRTD previously was authorized to acquire from UP, and

to operate, a 33.5-mile portion of UP's Bonham Subdivision extending between milepost 94.0, near Paris, and milepost 127.5, east of Bonham, in Lamar and Fannin Counties, Tex.<sup>1</sup> After an agreement had been reached with UP for sale of the line but before consummating the transaction, FRRTD sold its interest in the rail line to TxDOT.<sup>2</sup>

FRRTD states that it leased the 33.5-mile portion of the line from TxDOT in 2006, apparently believing at the time that further Board authority was unnecessary. FRRTD has filed this notice to lease and operate the 1.28-mile portion of the line extending between milepost 127.5 and milepost 128.78 to be acquired from UP by TxDOT and to lease and operate the 33.5-mile portion extending between milepost 94.0 and milepost 127.5 that it already has leased from TxDOT. FRRTD has structured the filing to ensure that it possesses appropriate regulatory authority for the entire 34.78 miles of rail line.

Applicant states that Mid-Michigan Railroad, Inc., d/b/a Texas Northeastern Railroad (TNER), will provide freight service over the 1.28-mile portion of the line pursuant to its previously authorized trackage rights<sup>3</sup> and that any future freight service on the currently dormant 33.5-mile portion will be provided by a third-party operator, subject to proper Board authorization. Applicant notes that FRRTD and TxDOT will possess a residual common carrier obligation on the 34.78-mile line and that FRRTD will provide tourist train operations on the line as well. Applicant states that the proposed lease does not involve any provision or agreement that would limit future interchange with a third-party connecting carrier.

The transaction is expected to be consummated on or after March 9, 2012.

<sup>1</sup> See *Union Pac. R.R.—Aban. Exemption—in Lamar and Fannin Cntys., Tex.*, AB 33 (Sub-No. 163X) (STB served Aug. 19, 2003).

<sup>2</sup> See *State of Tex., acting by and through the Tex. Dept. of Transp.—Acquisition Exemption—Union Pac. R.R.*, FD 34834 (STB served Feb. 24, 2006), where TxDOT obtained Board authority for the acquisition of the 33.5-mile line from UP. In *Texas Department of Transportation—Acquisition Exemption—Line of Union Pacific Railroad Company*, FD 35493 (STB served June 24, 2011), TxDOT recently obtained Board authority to acquire from UP 1.28 miles of rail line on UP's Bonham Subdivision extending between milepost 127.5 and milepost 128.78, in Fannin County Tex., which is the remaining portion of the rail line FRRTD is now seeking Board authority to lease and operate.

<sup>3</sup> In *Mid-Michigan Railroad, Inc., d/b/a Texas Northeastern Railroad—Trackage Rights Exemption—Line of Texas Department of Transportation*, FD 35494 (STB served June 24, 2011), TNER obtained Board authority for a grant of local trackage rights by TxDOT over the 1.28-mile line of railroad.

FRRTD certifies that its projected annual revenues as a result of this transaction will not exceed \$5 million annually and will not result in it becoming a Class I or Class II rail carrier.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than March 2, 2012 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35587, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Glenn M. Taylor, President, Fannin Rural Rail Transportation District, 514 Chestnut Street, Bonham, TX 75418.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: February 21, 2012.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. 2012-4335 Filed 2-23-12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35593]

#### Cedar River Railroad Company—Trackage Rights Exemption—Chicago, Central & Pacific Railroad Company

Pursuant to a written trackage rights agreement,<sup>1</sup> Chicago, Central & Pacific Railroad Company (CCP) has agreed to grant nonexclusive overhead trackage rights to Cedar River Railroad Company (CEDR) over approximately 5.2 miles of rail line between the connection with CEDR at approximately milepost 281.0 at Mona Junction in Cedar Falls, Iowa, and CCP's Waterloo Yard at approximately milepost 275.8 in Waterloo, Iowa.

The earliest this transaction may be consummated is March 9, 2012, the

<sup>1</sup> A redacted version of the trackage rights agreement between CCP and CEDR was filed with the notice of exemption. The unredacted version, as required by 49 CFR 1180.6(a)(7)(ii) and 1180.4(g)(1)(i), was concurrently filed under seal along with a motion for protective order. The motion is being addressed in a separate decision.