

Transportation (Department) pursuant to its assigned responsibilities under 23 U.S.C. 327, as well as actions by other Federal agencies, are final within the meaning of 23 U.S.C. 139 (I)(1). The actions relate to a proposed Interstate 5 Bus/Carpool Lanes Project (Post Miles 9.7 to 22.5), south of Elk Grove Blvd. to United States (US) Highway 50 in Sacramento County, State of California. This action grants approval for the project.

**DATES:** By this notice, FHWA, on behalf of the Department, is advising the public of final actions subject to 23 U.S.C. 139 (I)(1). These actions have been taken by the Department pursuant to its assigned responsibilities under 23 U.S.C. 327, as well as by other Federal agencies. A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before February 22, 2014. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Kendall Schinke, Senior Environmental Planner, California Department of Transportation, 2379 Gateway Oaks Dr., Suite 150, Sacramento, CA 95833, weekdays between 8 a.m. and 4:30 p.m., (530) 741-4394, [kendall\\_schinke@dot.ca.gov](mailto:kendall_schinke@dot.ca.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Department and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of California. The Interstate 5 Bus/Carpool Lanes Project would improve operations and safety of Interstate 5 in Sacramento County, California. This would be accomplished by adding bus/carpool lanes in the median the entire length of the project. The actions by the Department and other Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA)/ Finding of No significant Impact (FONSI) for the project, approved by the Department on June 26, 2013. The EA/ FONSI and other project records are available by contacting the Department at the address provided above. The EA/ FONSI can be viewed and downloaded from the project Web site at [www.dot.ca.gov/dist3/Projects/00165/prjindex.htm](http://www.dot.ca.gov/dist3/Projects/00165/prjindex.htm) or viewed at the Sacramento County Public Library—Sacramento Public Library Central Library 828 I Street, Sacramento, CA 95814. Comments or questions concerning this proposed action should

be directed to Caltrans at the address provided above.

This notice applies to the Department and other Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to the following Federal environmental statutes and Executive orders:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].

3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) et seq.]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(ll)]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209]; The Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.

7. Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992(k).

8. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1377]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act, [16 U.S.C. 3921, 3931]; Wetlands Mitigation [23 U.S.C. 103(b)(6)(M) and 133(b)(11)]; Flood Disaster Protection Act, 42 U.S.C. 4001–4128.

9. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898,

Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(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.)

**Authority:** 23 U.S.C. 139(I)(1).

**Matthew Schmitz,**

*Director State Programs, Federal Highway Administration, Sacramento, California.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA 2013-0002-N-20]

#### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Federal Railroad Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking an extension of the following currently approved information collection activities. These information collection activities received a six-month emergency approval from OMB on August 29, 2013. FRA seeks this extension while it is determining the proper course of action to take to ensure that certain unattended trains and vehicles on mainline track or mainline siding outside of a yard or terminal, particularly ones transporting hazardous materials, are properly secured against unintended movement. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

**DATES:** Comments must be received no later than November 25, 2013.

**ADDRESSES:** Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 17, Washington, DC 20590, or Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB control number 2130-0601." Alternatively, comments may be transmitted via facsimile to (202) 493-6216 or (202) 493-6497, or via email to Mr. Brogan at [Robert.Brogan@dot.gov](mailto:Robert.Brogan@dot.gov), or to Ms. Toone at [Kim.Toone@dot.gov](mailto:Kim.Toone@dot.gov). Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493-6292) or Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6132). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44

U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(I)-(iv); 5 CFR 1320.8(d)(1)(I)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a "user friendly" format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below are brief summaries of three currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

*Title:* Emergency Order No. 28, Notice No. 1.

*OMB Control Number:* 2130-0601.

*Abstract:* FRA has determined that public safety compelled the issuance of Emergency Order No. 28, which requires railroads operating on the general system of transportation to

implement additional processes and procedures to ensure that unattended trains and vehicles on mainline track or sidings are properly secured against unintended movement. Emergency Order No. 28 was published in the **Federal Register** on August 7, 2013, in response to the catastrophic accident that occurred in Lac-Mégantic, Quebec, Canada, on July 6, 2013. See 78 FR 48218. Emergency Order No. 28 is intended to address some of the human factors failures that may cause unattended equipment to be improperly secured in order to protect the general public and communities near the general system of rail transportation and railroad equipment that is used on it against derailment situations similar to that which occurred at Lac-Mégantic.

The collection of information is being used by FRA to ensure that railroads and their employees fulfill all the requirements that are set out in the Emergency Order. Among other purposes, FRA will use the information collected to verify that railroads develop, adopt, and comply with a plan that identifies specific locations and circumstances when a train or vehicle transporting the type and quantity of hazardous materials described in Appendix A of this Emergency Order shall be left unattended on a mainline track or mainline siding outside of a yard or terminal. FRA will also use the collection of information to confirm that railroads review and verify and adjust, as necessary, existing procedures and processes related to the number of hand brakes to be set on all unattended trains and equipment. Railroads must ensure the means of verifying that the number is appropriate. FRA will use the collection of information to enforce compliance, where necessary.

*Form Number(s):* N/A.

*Affected Public:* Businesses.

*Frequency of Submission:* One-time; on occasion.

*Respondent Universe:* 655 railroads; 100,00 Railroad Employees.

*Reporting Burden:*

Emergency order item No.	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
(1) RR Plans identifying specific locations and circumstances of trains carrying hazardous materials:	655 railroads .....	491 plans .....	40 hours .....	19,640
—Revised Plans .....	655 railroads .....	50 revised plans .....	10 hours .....	500
—Notifications to FRA by RR of Plan Development Prior to Its Operation Pursuant to Plan.	655 railroads .....	50 notifications .....	30 minutes ..	25
(2)(a)—RR Development of Process for Securing Unattended Trains or Vehicles:	655 railroads .....	491 processes .....	60 minutes ..	491
(b)—RR Employees communication to dispatchers of information regarding securement of train.	100,000 Employees .....	26,000 exchanges/com-munications.	5 minutes ....	2,167

Emergency order item No.	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
(c)—Dispatcher's Record of Information Exchanged or Communicated.	655 railroads .....	26,000 records .....	2 minutes ....	867
(d)—Train Dispatcher or Other Qualified Employee Verification and Confirmation of Train Securement Meeting RR's Requirements.	655 railroads .....	26,000 verifications and confirmations.	2 minutes ....	867
(3) RR Review and Revision of Existing Procedures and Processed Related to the number of Hand Brakes Set on All Unattended Trains:	655 railroads .....	491 revised procedures and processes.	6 hours .....	2,946
(4) RR Revision of Operating Rules and Practices to Require Job Briefing of Train Securement: —Daily Job Briefings .....	655 railroads .....	491 revised operating rules and practices.	2 hours .....	982
(5) Development of RR Procedure to Ensure a Qualified Employee Inspects All Equipment Visited by Emergency Responder for Proper Securement Before Train or Vehicle is Left Unattended: —Inspections of Equipment .....	100,000 RR Employees ... 655 railroads .....	23,400,000 briefings .....	30 seconds .. 60 minutes ..	195,000 491
(6) RR Employees Copy of FRA EO 28:	655 railroads .....	1,000 inspections .....	4 hours .....	4,000
	100,000 RR Employees ...	100,000 copies .....	1 minute .....	1,667

*Total Estimated Responses:*  
23,581,555.  
*Total Estimated Annual Burden:*  
229,643 hours.  
*Status:* Regular Review.  
Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501–3520.  
**Rebecca Pennington,**  
*Chief Financial Officer.*  
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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

[Docket No. NHTSA–2013–0017; Notice 2]

**Fuji Heavy Industries U.S.A., Inc., Grant of Petition for Decision of Inconsequential Noncompliance**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.  
**ACTION:** Grant of petition.

**SUMMARY:** Fuji Heavy Industries U.S.A., Inc., on behalf of Subaru of America (Fuji), has determined that certain 2013 Subaru XV Crosstrek passenger cars manufactured between May 17, 2012, and February 7, 2013, do not fully comply with paragraphs S6.1 and S6.2 of Federal Motor Vehicle Safety Standard (FMVSS) No. 205, *Glazing Materials*. Fuji has filed an appropriate report dated January 29, 2013, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*.

**ADDRESSES:** For further information on this decision contact Mr. Luis Figueroa, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5298, facsimile (202) 366–7002.

**SUPPLEMENTARY INFORMATION:**

*I. Fuji's Petition:* Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR Part 556, Fuji has petitioned for an exemption from the notification and remedy requirements of 39 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety. Notice of receipt of the petition was published, with a 30 day public comment period, on February 25, 2013 in the **Federal Register** (78 FR 12827). No comments were received. To view the petition, and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: <http://www.regulations.gov/>. The follow the online search instructions to locate docket number “NHTSA–2013–0017.”

*II. Vehicles Involved:* Affected are approximately 23,600 model year 2013 Subaru XV Crosstrek passenger cars manufactured between May 17, 2012, and February 7, 2013.

*III. Rule Text:* Paragraphs S6.1 and S6.2 of FMVSS No. 205 specifically states:

S6.1 A prime glazing material manufacturer must certify, in accordance with 49 U.S.C. 30115, each piece of glazing material to which this standard applies that is designed—

- (a) As a component of any specific motor vehicle or camper; or
- (b) To be cut into components for use in motor vehicles or items of motor vehicle equipment.

S6.2 A prime glazing manufacturer certifies its glazing by adding to the marks required by section 7 of ANSI Z26.1–1996, in

letters and numerals of the same size, the symbol “DOT” and a manufacturer's code mark that NHTSA assigns to the manufacturer.

*IV. Summary of FUJI'S Analyses:* Fuji explains that the noncompliance is that, due to a labeling error, the glazing markings on the rear window of the subject vehicles lack the symbol “DOT”, the manufacturer's code mark (i.e. 44), and the AS3 code mark and thus do not conform to the requirements of 49 CFR 571.205 paragraphs S6.1 and S6.2.

Fuji contends that the rear glazing of the affected vehicles otherwise meets all marking and performance requirements of FMVSS No. 205 and ANSI Z26.1 and NHTSA has previously noted that “The stated purposes of FMVSS No. 205 are to reduce injuries resulting from impact to glazing surfaces, to ensure a necessary degree of transparency in motor vehicle windows for driver visibility, and to minimize the possibility of occupants being thrown through the vehicle windows in collisions” (64 FR 70116). Because the affected glazing fully meet all of the applicable performance requirements, Fuji believes the absence of the “DOT” symbol, the manufacturer's number (i.e. “44”), and the AS3 code mark have no effect upon the ability of the glazing to satisfy these stated purposes and thus perform in the manner intended by FMVSS No. 205.

Fuji stated that it is not aware of any crashes, injuries, customer complaints or field reports associated with this noncompliance.

Fuji also expressed its belief that NHTSA has previously granted similar petitions involving the omission of FMVSS No. 205 markings.

Fuji has additionally informed NHTSA that it has corrected the noncompliances so that all future