

United States equipped with a factory-installed Lexus Link System. Upon new vehicle purchase, the first year of the Lexus Link service is free unless the vehicle purchaser (or lessee) declines the service. However, in order for the Lexus Link System to be initially activated when a vehicle is sold (or leased), a dealer representative must complete a Service Subscription Agreement (SSA), which must be signed by the owner (or lessee). The SSA must be completed and signed before the service or sales department can activate the Lexus Link System. Toyota's IR response indicated that there was no Lexus Link SSA found for the petition vehicle, and therefore the petition vehicle never had the service activated.

Toyota acknowledged in its response that confusion may occur due to the current Lexus Link System's voice message, since it alerts the driver to its "active" status each time the ignition is turned on, even where the service is not available. This is especially the case when someone other than the owner operates the vehicle; the driver may misunderstand the system's availability in light of the voice message. In order to correct this potential misunderstanding, and to improve customer satisfaction with the Lexus Link System function, Toyota has indicated that they will make a prospective production change and will conduct a service campaign to change the system's voice message for vehicles already sold.

Toyota also indicated that it has received 54 complaints, 64 field reports, and one lawsuit (filed by the petitioner) concerning various malfunctions and reception concerns with the Lexus Link System. Of these complaints and field reports, none alleges that there was an aggravated medical condition because emergency medical help was not forthcoming as a result of the failure to communicate with the Lexus Link Center for assistance; and only three complainants indicated that they were misled into believing that the Lexus Link System was activated when, in fact, it was never activated at the time of vehicle purchase. ODI also reviewed its database and found no record of any related complaints.

Despite the fact that the system's voice message may potentially confuse the driver as to service availability, the available data does not appear to indicate that a safety-related defect exists. A subject vehicle occupant without the Lexus Link System service available for any reason is exposed to no greater risk than those who do not have the system.

In view of the foregoing, it is unlikely that NHTSA would issue an order for the notification and remedy of the alleged defect as defined by the petitioner in the subject vehicles at the conclusion of the investigation requested in the petition. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

**Authority:** 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Issued on: August 22, 2002.

**Kenneth N. Weinstein,**

*Associate Administrator for Safety Assurance.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-55 (Sub-No. 619X)]

#### CSX Transportation, Inc.- Abandonment Exemption-in Allegan County, MI

On August 12, 2002, CSX Transportation, Inc. (CSXT), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a portion of its line of railroad in its Western Region, Chicago Division, Grand Rapids Subdivision, Hamilton Industrial Track, extending from milepost CGB 19.00 in Holland, MI, to milepost CGB 12.90 in Hamilton, MI, a total distance of approximately 6.1 miles. The line traverses U.S. Postal Service Zip Codes 49423 and 49419.

The line does not contain federally granted rights-of-way. Any documentation in CSXT's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by November 29, 2002.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,100 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of

rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than September 19, 2002. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-55 (Sub-No. 619X) and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001; and (2) Natalie S. Rosenberg, 500 Water Street—J150, Jacksonville, FL 32202. Replies to the CSXT petition are due on or before September 19, 2002.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152.

Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1552. [Federal Information Relay Service (FIRS) for the hearing impaired is available at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at [WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).

Decided: August 22, 2002.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

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