

Transportation Equity Act for the 21st Century (TEA-21). I-69 is planned to be a continuous north-south corridor linking Canada, the United States, and Mexico. The proposed facility would also serve as a high priority element of the statewide Trans-Texas System as outlined in the June 2002 report published by TxDOT entitled "Crossroads of the Americas: Trans Texas Corridor Plan."

As currently envisioned, Trans-Texas would potentially include highway lanes for passenger vehicles; separate lanes for trucks; and six rail lines (one in each direction serving freight, commuter and high speed passenger traffic). The width of the proposed facility would be approximately 1,000 to 1,200 feet including a 200-foot wide utility zone that could ultimately accommodate lines for water, petroleum, natural gas, electricity, data, and other commodities. The overall length of the corridor is approximately 1,000 miles but the final length is dependent upon the location decision.

FHWA and TxDOT anticipate utilizing a combination of traditional and innovative financing options to fund construction of the proposal facility. These options include state and federal transportation sources, public/private partnerships, and tolling.

The Tier One EIS will focus on broad issues and generally address the national, regional and area-wide implications of the major alternatives. The Tier One study will not authorize construction of any element of the proposed facility. Anticipated decisions to be made during the Tier One study include evaluation of the "no action" alternative; identification of a preferred corridor location where the I-69 highway element and the remaining modal elements of the Trans-Texas Corridor can be coincidental and where they will be separated; refinement of modal concepts; identification of segments of independent utility (to be studied further in subsequent tiers); identification of areas that may warrant corridor preservation; and development of a plan for further action. Documents prepared during subsequent tiers would rely upon and utilize the environmental analysis in the Tier One. As a priority element of a national I-69 corridor initiative, the proposed facility would address interstate and international transportation needs, goals and objectives.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state and local authorities as well as private organizations, individuals and stakeholders who have previously

expressed or are known to have an interest in this proposal. Public meetings and public hearings will be held during appropriate phases of the project development process. Public notices will be given of the date, time, and location of each.

A second high priority Trans-Texas Corridor, the IH 35 High Priority Corridor, is also under development and a Tier One Corridor EIS is being considered for that facility. A separate Notice of Intent will be published by the FHWA for that EIS.

Although the I-69 and IH-35 Corridor facilities are separate and distinct actions, with each having logical termini and independent utility, each of the proposed facilities share the need to terminate along the Texas-Mexico International Border (or Texas Gulf Coast) resulting in overlap of study areas. In the overlapping areas, care will be taken to closely coordinate the development of the two separate facilities in order to minimize duplication of effort and inconvenience to the public, resource agencies, and other stakeholders. Both projects will be considered in the cumulative impacts analysis for each of the facilities.

To ensure that the full range of issues related to this proposed action is addressed and all significant concerns are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the Tier One EIS should be directed to the FHWA at the address provided above.

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

Issued on: January 6, 2004.

**John Mack,**

*District Engineer, Austin, Texas.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: South Kohala, Hawaii

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:**

**SUMMARY:** The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS)

will be prepared for a proposed highway project in South Kohala, Hawaii.

**FOR FURTHER INFORMATION CONTACT:** Mr. Abraham Wong, Hawaii Division Administrator, Federal Highway Administration, Office Address: 300 Ala Moana Blvd., Room 3-306, Honolulu, Hawaii 96813, Mailing Address: Box 50206, Honolulu, Hawaii 96850, Telephone: (808) 541-2700.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the State of Hawaii, Department of Transportation, Highways Division, will prepare an Environmental Impact Statement (EIS) to realign and/or widen an existing highway in South Kohala, on the island of Hawai'i. The proposed highway improvements begin near the intersection of Mud Lane and the Hawai'i Belt Road (State Route 19) and terminate along Mamalahoa Highway (State Route 190) near the Waimea-Kohala Airport. The total length of this project is approximately 6.3 miles. A 1.7-mile spur, which would connect with Lindsey Road, will also be analyzed as part of the realignment proposal.

The purpose of this project is to improve highway safety and reduce congestion, while preserving the character and ambience of the historic Waimea village. In addition to various alternative highway alignments, project alternatives will include: (1) Taking no action; and (2) using Travel Demand Management/Transportation Systems Management (TDM/TSM) and/or mass transit.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and individuals, who have expressed an interest in this project. A series of public meetings will be held in the vicinity of Waimea. In addition, a public hearing will be held after publication of the draft EIS. Public notices will be issued, which will specify the date, time, and place of the hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing. A formal scoping meeting is not planned at this time.

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 the FHWA at the above address.

(Catalog of Federal Domestic Assistant 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.)

Dated: Issued on: January 8, 2004.

Abraham Wong,

Division Administrator, Honolulu.

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-16888]

#### Notice of Receipt of Petition for Decision that Nonconforming 2003-2004 Mercedes Benz E Class (211) Passenger Cars Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for decision that nonconforming 2003-2004 Mercedes Benz E Class (211) passenger cars are eligible for importation.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2003-2004 Mercedes Benz E Class (211) passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

**DATES:** The closing date for comments on the petition is February 17, 2004.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 a.m. to 5 p.m.].

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.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Automobile Concepts, Inc. of North Miami, Florida ("AMC") (Registered Importer 01-278) has petitioned NHTSA to decide whether 2003-2004 Mercedes Benz E Class (211) passenger cars are eligible for importation into the United States. The vehicles which AMC believes are substantially similar are 2003-2004 Mercedes Benz E Class (211) passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 2003-2004 Mercedes Benz E Class (211) passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

AMC submitted information with its petition intended to demonstrate that non-U.S. certified 2003-2004 Mercedes Benz E Class (211) passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are

capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 2003-2004 Mercedes Benz E Class (211) passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 106 *Brake Hoses*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 135 *Passenger Car Brake Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 212 *Windshield Retention*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 225 *Child Restraint Anchorage Systems*, and 302 *Flammability of Interior Materials*.

In addition, the petitioner claims that the vehicles comply with the Bumper Standard found in 49 CFR part 581.

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Inscription of the word "brake" on the instrument cluster in place of the international ECE warning symbol; (b) modification of the speedometer to read in miles per hour by downloading U.S. version information, or replacement of the speedometer with one that reads in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: Installation of U.S.-model headlamps, tail lamps, and front and rear sidemarkers.

Standard No. 110 *Tire Selection and Rims*: Installation of a tire information placard.

Standard No. 111 *Rearview Mirror*: Inscription of the required warning statement on the passenger side rearview mirror's face.

Standard No. 114 *Theft Protection*: Reprogramming of the vehicle's computer to activate the key warning system.

Standard No. 118 *Power Window Systems*: Reprogramming of the vehicle's computer so that the power windows will not operate with the ignition switched off.

Standard No. 208 *Occupant Crash Protection*: (a) Activation of the seat belt warning buzzer by reprogramming the vehicle's instrument cluster; (b) inspection of all vehicles and