

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****Environmental Impact Statement:
Wayne County, MI**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of availability (NOA) of the Final Environmental Impact Statement (FEIS) for the Detroit River International Crossing Study and Section 4(f) Evaluation.

SUMMARY: This notice announces the availability of a Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation for the Detroit River International Crossing Study (DRIC). This action is pursuant to the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 *et seq.*, as amended and the Council on Environmental Quality Regulations (40 CFR parts 1500–1508). The FEIS identifies the Preferred Alternative for a new border crossing between Detroit, Michigan and Windsor, Ontario; describes the environmental impacts of the proposed project and proposed mitigation; and addresses comments received on the Draft Environmental Impact Statement and Section 4(f) Evaluation issued in February 2008.

DATES: Any comments must be received on or before January 5, 2009. The FEIS waiting period ends 30 days after the U.S. Environmental Protection Agency publishes the DRIC's NOA in the **Federal Register** (currently scheduled to be published on December 5th).

ADDRESSES:

1. *Document Availability:* Copies of the FEIS are available for public inspection and review on the project Web site: <http://www.partnershipborderstudy.com> and at the following locations:

MDOT Bureau of Transportation Planning, 425 Ottawa St., Lansing;
MDOT Metro Region Office, 18101 W. Nine Mile Rd., Southfield;
MDOT Detroit Transportation Service Center, 1400 Howard St., Detroit;
MDOT Taylor Transportation Service Center, 25185 Goddard, Taylor;
Henry Ford Centennial Library, 16301 Michigan Ave., Detroit;
Detroit Public Library, 5201 Woodward Ave., Detroit;
Bowen Branch of the Detroit Public Library, 3648 W. Vernor, Detroit;
Library at Southwestern High School, 6921 W. Fort St., Detroit;
Delray Recreation Center, 420 Leigh St., Detroit;
Allen Park Library, 8100 Allen Rd., Allen Park;

Ecorse Library, 4184 W. Jefferson Ave., Ecorse;
Melvindale Library, 18650 Allen Rd., Melvindale;
River Rouge Library, 221 Burke St., River Rouge;
Kemeny Recreation Center, 2260 S. Fort St., Detroit;
Campbell Brand Library, 8733 W. Vernor Hwy., Detroit;
Neighborhood City Hall Central District, 2 Woodward Ave., Detroit;
Neighborhood City Hall Northwestern District, 19180 Grand River Ave., Detroit;
Neighborhood City Hall Northeastern District, 2328 E. Seven Mile Rd., Detroit;
Neighborhood City Hall Western District, 18100 Meyers Road, Detroit;
Neighborhood City Hall Eastern District, 7737 Kercheval St., Detroit;
Neighborhood City Hall Southwestern District, 7744 W. Vernor St., Detroit.

Copies of the FEIS may be requested from Bob Parsons (Public Involvement and Hearings Officer) at the Michigan Department of Transportation, 425 W. Ottawa Street, P.O. Box 30050, Lansing, MI 48909 or by calling (517) 373-9534.

2. *Comments:* Send any comments on the FEIS to the Michigan Department of Transportation, c/o Bob Parsons (Public Involvement and Hearings Officer), 425 W. Ottawa Street, P.O. Box 30050, Lansing, MI 48909; Fax: (517) 373-9255; or e-mail: parsonsb@michigan.gov. Information regarding this proposed action is available in alternative formats upon request.

FOR FURTHER INFORMATION CONTACT:

Ryan Rizzo, Major Project Manager, at FHWA Michigan Division, 315 W. Allegan Street, Room 201, Lansing, MI 48933; by phone at (517) 702-1833, or e-mail at Ryan.Rizzo@FHWA.DOT.US.
David Williams, Environmental Program Manager, FHWA Michigan Division, 315 W. Allegan Street, Room 201, Lansing, MI 48933; by phone at (517) 702-1820; or e-mail at David.Williams@FHWA.DOT.US.

SUPPLEMENTARY INFORMATION: The Detroit River International Crossing (DRIC) Study is a bi-national effort to complete the environmental study processes related to a new border crossing. The DRIC Study identifies solutions that support the region, state, provincial and national economies while addressing the civil and national defense and homeland security needs of the busiest trade corridor between Canada and the United States. Leading the study is the Border Transportation Partnership (The Partnership) comprised of the following agencies: Federal Highway Administration

(FHWA), Michigan Department of Transportation (MDOT), Transport Canada (TC) and Ontario Ministry of Transportation (MTO). The Partnership completed the Planning/Needs and Feasibility Study in February 2004, released the DEIS for public review and comment in February 2008 and conducted public hearings in March 2008. The FEIS includes responses to the comments received during that public comment period. All approvals will be consistent with the National Environmental Policy Act (NEPA) in the U.S., the Ontario Environmental Assessment Act (OEAA) and the Canadian Environmental Assessment Act (CEAA). The Canadian environmental clearance process also is nearing completion.

Purpose and Need for the Project: The purpose of the DRIC Study is to provide safe, efficient and secure movement of people and goods across the U.S.-Canadian border in the Detroit River area to support the economies of Michigan, Ontario, Canada and the United States, and to support the mobility needs of national and civil defense to protect the homeland. To address future border crossing mobility requirements through 2035, there is a need to: Provide new border-crossing capacity to meet increased long-term demand; improve system connectivity to enhance the seamless flow of people and goods; improve operations and processing capability in accommodating the flow of people and goods; and provide reasonable and secure crossing options (i.e., redundancy) in the event of incidents, maintenance, congestion, or other disruptions.

Preferred Alternatives: The Preferred Alternative evaluated includes an interchange with I-75, a customs inspection plaza, and a bridge from the plaza that spans the Detroit River. The FEIS analyzes the issues/impacts on the United States' side of the proposed new border crossing. A Canadian-produced set of documents analyzes the issues/impacts on the Canadian side. The No-Build Alternative would not result in a new international border crossing system in the Detroit-Windsor area. Only the existing crossings, plazas and freeway connections, including the Gateway connection currently under construction, would continue operations. The No-Build Alternative considered the proposal by the private-sector owners of the Ambassador Bridge to build a six-lane span to replace the existing four-lane bridge.

Authority: 42 U.S.C. 4321 *et seq.*, as amended and the Council on Environmental Quality Regulations (40 CFR Parts 1500–

1508) 23 CFR 771.117; and 23 U.S.C. 139(1)(1).

Issued on: November 24, 2008.

James J. Steele,

Division Administrator, Lansing, Michigan.

[FR Doc. E8-28563 Filed 12-4-08; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

WCTU Railway Company

[Waiver Petition Docket Number FRA-2008-0106]

The WCTU Railway Company (WCTU), as a subsidiary of Railserve Inc. having its office located in Atlanta, Georgia, has petitioned FRA for a waiver of compliance from 49 CFR Part 223, Safety Glazing Standards for one locomotive, specifically locomotive number WCTU 1001. Locomotive WCTU 1001 is an EMD Switcher-Model SW1, built in 1946. The existing glazing is an ASI laminated safety glass, and is currently in good condition. WCTU, which is located in White City, Oregon, operates on approximately 20 miles of track and serves approximately 12 small rail shippers around White City, OR.

WCTU interchanges with the Central Oregon & Pacific Railroad Company. The records indicate that there have been no reported incidents of vandalism or any other incidents that involved WCTU 1001. WCTU operates over 20 miles of track at a speed not exceeding 10 miles per hour. To install FRA Type I or Type II safety glazing would impose an extreme financial burden to this railroad.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before

the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2008-0106) and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and 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).

Issued in Washington, DC, on December 1, 2008.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E8-28886 Filed 12-4-08; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2008-0189]

Initial Decision That Certain BMW Mini Cooper S Vehicles Contain a Safety-Related Defect Regarding the Exhaust Pipe Tips; and Scheduling of a Public Meeting

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of initial decision and public meeting.

SUMMARY: NHTSA will hold a public meeting regarding its Initial Decision that model year (MY) 2007 and certain MY 2008 BMW Mini Cooper S vehicles (subject vehicles) contain a defect related to motor vehicle safety in the vehicle's exhaust pipe tips.

DATES: The public meeting will be held beginning at 10 a.m. on Wednesday, December 17, 2008.

FOR FURTHER INFORMATION CONTACT:

AnnaLisa Nash, Office of Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590; (202) 366-5263. NHTSA's Initial Decision, and the information on which it was based, is available at NHTSA's Technical Information Services (TIS), Room E12-100, 1201 New Jersey Avenue, SE., Washington, DC 20590; Telephone: (202) 366-2588. When visiting Technical Information Services or contacting it via telephone, refer to investigation EA08-020. In addition, the agency's initial decision is available on the agency's Web site at <http://www.nhtsa.gov>.

SUPPLEMENTARY INFORMATION: Pursuant to 49 U.S.C. 30118(a) and 49 CFR 554.10, on November 26, 2008, NHTSA's Associate Administrator for Enforcement made an Initial Decision that MY 2007 and certain 2008 BMW Mini Cooper S vehicles manufactured by BMW of North America, LLC (BMW) contain a defect related to motor vehicle safety. The exhaust pipe tips on these vehicles cause and contribute to burns on the legs of people.

A. The Agency's Investigation and Request That BMW Conduct a Recall

On April 28, 2008, NHTSA's Office of Defects Investigation (ODI) opened an investigation, Preliminary Evaluation (PE08-031), to investigate an alleged safety-related defect concerning burn injuries in MY 2007 Mini Cooper S (hardtop) vehicles. ODI requested information from BMW. After a review