

**DEPARTMENT OF TRANSPORTATION****Federal Transit Administration****Intent To Prepare a Supplemental Draft Environmental Impact Statement for the Southwest Light Rail Transit Extension Project (Formerly Referred to as the Southwest Transitway)**

**AGENCY:** Federal Transit Administration (FTA), Department of Transportation.

**ACTION:** Notice of Intent to prepare a Supplemental Draft Environmental Impact Statement

**SUMMARY:** The Federal Transit Administration (FTA), the Federal lead agency, and the Metropolitan Council (Council), the local lead agency, intend to publish a Supplemental Draft Environmental Impact Statement (SDEIS) for the Southwest Light Rail Transit Extension (SWLRT) Project (formerly referred to as the Southwest Transitway Project), in accordance with the National Environmental Policy Act (NEPA), its implementing regulations, provisions of the Moving Ahead for Progress in the 21st Century (MAP–21), and the Minnesota Environmental Policy Act (MEPA). The original Notice of Intent to prepare a DEIS for the Project was issued on September 23, 2008. The Project's Draft Environmental Impact Statement (DEIS) was published on October 12, 2012, with a public comment period concluding on December 31, 2012. The Project is a new 15.8-mile light rail alignment with 17 new light rail stations, several new park-and-ride lots, and one new light rail operations and maintenance facility (OMF). The project requires modification to existing freight rail alignments within the project vicinity. The SDEIS will evaluate environmental impacts associated with proposed adjustments to the Locally Preferred Alternative, freight rail alignments, and location of the OMF. The SDEIS will also incorporate pertinent issues raised during the DEIS comment period.

For commenting purposes under NEPA, written comments on the scope of the SDEIS should be directed to Ms. Nani Jacobson, Project Manager, Southwest Light Rail Transit Project Office, 6465 Wayzata Boulevard, Suite 500, St. Louis Park, MN 55426, Telephone: 612–373–3808; Email: [nani.jacobson@metrotransit.org](mailto:nani.jacobson@metrotransit.org). Comments on the scope may be submitted within 20 days of publication of the preparation notice in the state publication, the EQB Monitor. Notice in the EQB Monitor is anticipated to be published on July 22, 2013, with the 20 day period for submitting written

comments ending on August 12, 2013. In accordance with MEPA, comments received within this period, and responses to the comments, will be included in the SDEIS.

**FOR FURTHER INFORMATION CONTACT:** For general information on FTA's NEPA review, please contact Maya Sarna, Department of Transportation, 1200 New Jersey Avenue SE, East Building, Washington DC 20590, Telephone: (202) 366–5811.

**SUPPLEMENTARY INFORMATION:** The SWLRT Project will operate from downtown Minneapolis through the southwestern suburban cities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, passing in close proximity to the city of Edina. The proposed alignment is primarily at-grade and will include 17 new stations and approximately 15.8-miles of double track. The line will connect major activity centers in the region including downtown Minneapolis, Methodist Hospital in St. Louis Park, the Opus/Golden Triangle employment area in Minnetonka and Eden Prairie, and, the Eden Prairie Center Mall. Ridership in 2030 is projected at 29,660 weekday passengers. The project will connect with the Green Line (Central Corridor LRT), which will provide a one-seat ride to destinations such as the University of Minnesota, the State Capitol, and downtown St. Paul. The proposed SWLRT will be part of an integrated system of transitways, including connections to the METRO Blue Line, the Northstar Commuter Rail line, a variety of major bus routes along the alignment, and proposed future transitway and rail lines.

The SDEIS will supplement the evaluation of impacts included in the Project's DEIS where there have been adjustments to the design of proposed LRT and freight rail alignments, stations, park-and-ride lots, and an OMF site that would likely result in impacts not documented in the Project's DEIS. FTA and the Council anticipate that the SDEIS scope will include, but not be limited to, the following areas: Eden Prairie LRT alignment and stations; LRT OMF site; freight rail alignments (i.e., Relocation and Co-location); and other areas where FTA and the Council determine that there is a need to be supplemented with additional information which was not included in the Project's October 2012 DEIS.

Notice regarding the intent to prepare the SDEIS will be sent to the appropriate Federal, State, and local agencies. Following publication and review of the SDEIS, a FEIS will be prepared and circulated.

The Paperwork Reduction Act seeks, in part, to minimize the cost to the taxpayer of the creation, collection, maintenance, use, dissemination, and disposition of information. Consistent with this goal and with principles of economy and efficiency in government, it is FTA policy to limit insofar as possible distribution of complete printed sets of NEPA documents. Accordingly, unless a specific request for a complete printed set of the NEPA document is received before the document is printed, FTA and its grant applicants will distribute only electronic copies of the NEPA document. A complete printed set of the environmental document will be available for review at the Metropolitan Council's offices and elsewhere as will be noted in the Notice of Availability; and electronic copy of the complete environmental document will be available on the Metropolitan Council's Southwest Light Rail Transit Project Web site (<http://www.swlrt.org>).

Issued on: July 11, 2013.

**Marisol Simon,**

*Regional Administrator, FTA Region V.*

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**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

**[Docket No. NHTSA–2012–0075; Notice 2]**

**BMW of North America, LLC, a Subsidiary of BMW AG, Grant of Petition for Decision of Inconsequential Noncompliance**

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

**ACTION:** Grant of petition.

**SUMMARY:** BMW of North America, LLC<sup>1</sup> a subsidiary of BMW AG.<sup>2</sup> has determined that certain model year (MY) 2012 BMW X6M SAV multipurpose passenger vehicles (MPV) manufactured between April 1, 2011 and March 23, 2012, do not fully comply with paragraph S4.3 (b) of Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less*. BMW has filed an appropriate report dated April 4, 2012,

<sup>1</sup> BMW of North America, LLC is a U.S. company that manufactures and imports motor vehicles.

<sup>2</sup> BMW AG is a German company that manufactures motor vehicles.

pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR part 556, BMW has petitioned for an exemption from the notification and remedy requirements of 49 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 June 25, 2012 in the **Federal Register** (77 FR 37956). 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>. Then follow the online search instructions to locate docket number "NHTSA-2012-0075."

**Contact Information:** For further information on this decision contact Ms. Amina Fisher, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-1018, facsimile (202) 366-5930.

**Vehicles Involved:** Affected are approximately 364 MY 2012 BMW X6M SAV MPVs manufactured between April 1, 2011 and March 23, 2012.

**Rule Text:** Section S4.3(b) of FMVSS No. 110 specifically states:

S4.3 (b) Placard. Each vehicle, except for a trailer or incomplete vehicle, shall show the information specified in S4.3(a) through (g), and may show, at the manufacturer's option, the information specified in S4.3(h) and (i), on a placard permanently affixed to the driver's side B-pillar. \* \* \*

b) Designated seated capacity (expressed in terms of total number of occupants and number of occupants for each front and rear seat location); \* \* \*

**Summary of BMW'S Analyses:** BMW explains that the noncompliance is that the tire placard on the affected vehicles incorrectly identifies the rear designated seating capacity as "2" when in fact it should be "3," and the total designated seating capacity as "4" when in fact it should be "5."

BMW states that while the tire placard incorrectly identifies the vehicle seating capacity, this noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. It would become clear to a vehicle owner that the rear seat of the affected vehicles contains three sets of seat belts, and provides adequate space for three people to occupy the rear seat and that the vehicle in fact does accommodate five passengers not four as labeled.

2. The tire pressure value on the tire placard is correct. In fact, the

recommended tire inflation pressure for both the five passenger and the four passenger vehicles is the same. Therefore, there is no risk of under-inflation.

3. The vehicle capacity weight listed on the tire placard is correct, and is the same for X6M model vehicles built for four or five occupants. Therefore, there is no risk of overloading.

4. The vehicle's Monroney label contains a listing of all options that have been equipped on the affected vehicles. The option regarding the rear seat for three occupants is noted on the Monroney label; therefore, an owner would have been notified at time of purchase of the vehicle that the rear seat is equipped to accommodate three occupants.

5. The vehicle Owner's Manual contains information pertaining to the vehicle's tires, tire pressure, and the vehicle capacity weight. Therefore, if owners check the Owner's Manual, correct information is available for their use.

6. BMW also offers Roadside Assistance™ and BMW Assist™ which are available 24 hours/day with representatives that are available to provide drivers with all of the available tire sizes and specifications for the affected vehicles.

7. BMW has received no customer complaints and are unaware of any accidents or injuries regarding this noncompliance of the affected vehicles.

BMW has additionally informed NHTSA that it has corrected future production and that all other required markings are present and correct.

BMW also expressed its belief that NHTSA has previously granted similar petitions.

In summation, BMW believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

**NHTSA Decision:** NHTSA has reviewed and accepts BMW's analyses that the noncompliance is inconsequential to motor vehicle safety. BMW has provided sufficient documentation that other than the labeling error, the vehicles comply with all other safety performance requirements of FMVSS No. 110. Since the correct information is provided in other locations, BMW has met its burden of persuasion. Accordingly, BMW's petition is hereby granted, and BMW is exempted from the obligation of

providing notification of, and a remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the 364 vehicles that BMW no longer controlled at the time it determined that a noncompliance existed. However, the granting of this petition does not relieve distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after BMW notified them that the subject noncompliance existed.

**Authority:** (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Issued on: July 9, 2013.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2012-0147; Notice 1]

### American Honda Motor Co., Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Receipt of petition.

**SUMMARY:** American Honda Motor Co., Inc. (Honda)<sup>1</sup> has determined that the tire pressure monitoring system (TPMS) low tire pressure warning for certain model year (MY) 2011 and 2012 Acura TSX passenger cars equipped with accessory 18-inch diameter wheels sold at Honda dealerships do not comply with paragraph S4.2(a) of Federal Motor Vehicle Safety Standard (FMVSS) No. 138 *Tire Pressure Monitoring Systems*. Honda has filed an appropriate report dated September 27, 2012, pursuant to 49 CFR Part 573, *Defect and*

<sup>1</sup> American Honda Motor Co., Inc. is manufacturer of motor vehicles and is registered under the laws of the state of California.