

to encourage involvement by, and solicit comments from, minority and low-income populations in the project study area will continue to be made. The EIS will be made available for review by federal and state resource agencies and the public. Public information meetings, all of which are announced in advance, were held August 21 and 23, 2012; December 5–6, 2012; May 21–22, 2013; and July 30–31, 2013. In addition, a public hearing will be held after the completion of the Draft EIS.

Inquiries related to the I-94 East-West Corridor Study can be sent to [DOTI94EastWest@dot.wi.gov](mailto:DOTI94EastWest@dot.wi.gov). A public Web site has been established for the project and will be maintained throughout the study for public comment and information at <http://www.sefreesways.org>. 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 and questions concerning the proposed action and the EIS should be directed to the FHWA address provided above.

Projects receiving Federal funds must comply with Title VI of the Civil Rights Act and Executive Order 12898 Federal Actions to Address Environmental Justice in Minority and Low-Income Populations. Federal law prohibits discrimination on the basis of race, color, age, sex, or country of national origin in the implementation of this project. It is also Federal policy to identify and address any disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law.

(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.)

Issued on: August 22, 2013.

**Bethaney Bacher-Gresock**,  
Major Projects Environmental Manager,  
Federal Highway Administration, Madison  
Wisconsin.

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Early Scoping Notification for the Alternatives Analysis of the GA 400 Transit Initiative in Fulton County, Georgia

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

**ACTION:** Notice of early scoping meeting.

**SUMMARY:** The Federal Transit Administration (FTA) and the Metropolitan Atlanta Rapid Transit Authority (MARTA) issue this early scoping notice to advise other agencies and the public that they intend to explore potential alternatives for providing high-capacity transit in the GA 400 corridor in north Fulton County, GA from Dunwoody to Alpharetta that would improve transit linkages and coverage to communities within this corridor and would enhance mobility and accessibility to and within the corridor by providing a more robust transit network that offers an alternative to automobile travel. This notice invites the public and agency officials to help support the ongoing alternatives analysis and system planning effort by commenting on the project's purpose and need, the project study area, the alternatives being considered, the transportation problems that are being addressed by the alternatives analysis study, public participation and outreach methods, the relevant transportation and community impacts and benefits being considered, known environmental issues raised by public and agency coordination to date, and the projected capital and operating costs of this project.

The early scoping process is intended to support the alternatives analysis and a future National Environmental Policy Act (NEPA) scoping process and will help streamline the future development of an environmental impact statement (EIS), if warranted. In addition, it supports FTA planning requirements associated with the New Starts ("Section 5309") funding program for certain kinds of major capital investments. While recent legislation has led to changes in the New Starts process, MARTA will comply with all relevant FTA requirements relating to planning and project development to help analyze and screen alternatives in preparation for the NEPA process.

Public meetings are described immediately below. A more detailed discussion of the project and this early scoping process is included in sections that follow.

**DATES:** An early scoping meeting where the public and interested agencies can learn more about and comment on the scope of the alternatives analysis will be held on September 26, 2013, at 6:30 p.m. to 8:30 p.m. The location of this meeting is indicated under **ADDRESSES** below.

At the early scoping meeting, MARTA will provide information on the alternatives analysis progress along with opportunities for written comments. Written or electronic scoping comments are requested by October 28, 2013, and can be sent or emailed to the MARTA project manager at the address below. Comments may also be offered at the early scoping meeting.

**ADDRESSES:** Written or electronic comments should be sent to Ms. Janide Sidifal, Project Manager, MARTA, 2424 Piedmont Road NE., Atlanta GA 30324-3330 or by email to [connect400@itsmarta.com](mailto:connect400@itsmarta.com). If submitting an electronic comment, please type "Connect 400 Early Scoping Comment for MARTA" in the subject line of the email. MARTA maintains a Facebook page for the Connect 400 project and will notify Facebook followers, in conjunction with publication of this notice, to submit comments to the aforementioned email address as well. The address for the early scoping meeting is as follows:

Alpharetta City Hall, 2 Main Street,  
Alpharetta, GA 30009.

The meeting location is accessible to persons with disabilities. If translation, signing services, or other special accommodations are needed, please contact the Project Manager, Ms. Janide Sidifal at [jsidifal@itsmarta.com](mailto:jsidifal@itsmarta.com) or 404-848-5828; or the Senior Director of Transit System Planning, Mr. Don Williams at [drwilliams@itsmarta.com](mailto:drwilliams@itsmarta.com) or 404-848-4422 at least one week before the scoping meeting.

**FOR FURTHER INFORMATION CONTACT:** Mr. Keith Melton, Community Planner, FTA Region IV, 230 Peachtree Street NW., Suite 800, Atlanta, GA 30303 or email: [keith.melton@dot.gov](mailto:keith.melton@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Early Scoping

Early scoping is an optional early step in the NEPA process that precedes NEPA scoping, which normally begins when the FTA and the grant applicant publish a notice of intent to prepare an EIS. FTA encourages the use of early scoping for major planning activities and studies that may receive other FTA funding as a way to start the NEPA process during earlier project planning phases. Early scoping is intended to generate public and agency review and

comments on the scope of a planning effort within a defined transportation corridor, which helps the agency to determine which particular alignment variations, should receive more focused study and development to streamline the NEPA process. Early scoping can serve not only to streamline the NEPA process, but also to firmly link transportation planning and NEPA; making sure that the public and interested agencies are given the opportunity to review and provide comments on the results of planning activities and studies that can then be used to inform the NEPA process. Early scoping for the GA 400 Transit Initiative is being conducted in support of NEPA requirements and in accordance with the Council on Environmental Quality's (CEQ) and FTA's regulations and guidance for implementing NEPA (40 CFR 1501.2 through 1501.8 and through 23 CFR 771.111), which encourage federal agencies to initiate NEPA early in their planning processes. Early scoping allows the scoping process to begin as soon as there is enough information to describe the proposal so that the public and relevant agencies can participate effectively. This is particularly useful in situations when a proposed action involves a broadly defined corridor with an array of transit investment alternatives. This early scoping notice invites public and agency involvement with the ongoing supplementary planning activities and studies for the GA 400 Transit Initiative, including review of the (a) Purpose and need, (b) the proposed alternatives, and (c) the potential environmental, transportation, and community impacts and benefits to consider during the NEPA process.

### **The GA 400 Transit Initiative and the Regional Transit System**

The GA 400 Corridor Alternatives Analysis (AA) was initiated by MARTA in late 2011 to identify potential and feasible transit modal alternatives in the GA 400 corridor to address travel demands. The GA 400 corridor is the transportation spine of northern Fulton County, one of the fastest growing sub-regions in the metro-Atlanta region. The GA 400 Corridor AA addresses the travel market in a study area generally extending north along GA 400 from I-285 in Dunwoody to the Fulton/Forsyth County line north of Alpharetta, a distance of approximately 15 miles. The corridor is home to many employment centers, including Perimeter Center in the southern portion of the corridor, one of the largest employment centers for the region. Transit service to and within the study area is provided primarily by

MARTA heavy rail and bus. The Georgia Regional Transportation Authority (GRTA) also operates two bus routes that connect the southern portion of the GA 400 corridor with express bus service at peak hours from the north and southeast from outside the GA 400 corridor. Rail service extends from Downtown Atlanta to the major retail and employment centers, including the Medical Center and Perimeter Center in Dunwoody and Sandy Springs in the southern portion of the corridor. MARTA Bus service primarily functions as feeder service to MARTA heavy rail stations from areas to the north, including Roswell, Alpharetta and Milton. A number of the bus routes and the MARTA heavy rail stations service park-and-ride facilities.

### **Purpose and Need for the Proposed Project**

MARTA invites comments on the following preliminary statement of the project's purpose and need.

The purpose of the project is to provide reliable, convenient, efficient, and sustainable transit service in the GA 400 corridor by:

- Providing high capacity transit (bus and/or rail) through the GA 400 corridor study area;
- Improving transit linkages and coverage to communities within the study area; and
- Enhancing mobility and accessibility to and within the study area by providing a more robust transit network that offers an alternative to automobile travel.

The need for this project arises from the following:

- Travel demand—Increased travel demand and traffic congestion;
- Transit mobility—There is inadequate transit connectivity within the northern Fulton study area and between the study area and DeKalb, Gwinnett, and Cobb Counties and central Atlanta. In addition, east-west transit connectivity is inadequate. The limited routes across the Chattahoochee River reflect the inadequate transit connectivity;
- Transit travel times—Transit travel times are not competitive with auto travel times due to the lack of express service; this is true for north-south trips within the study area and for trips with origins and destinations outside the study area. Transit and auto travel times cannot be compared for east-west trips as there is no east-west transit service;
- Economic development—Traffic congestion caused by insufficient transportation system capacity affects both personal travel and goods

movement, which constrains economic development opportunities; and

- Air quality—The continued growth of vehicular travel will negatively affect air quality in the study area and the region.

### **Potential Alternatives**

MARTA is exploring alternative transit mode, alignment, and design options for high capacity transit service in the GA 400 corridor using a three-step evaluation process. The three-step evaluation process includes a Fatal Flaw Analysis, Screen 1 and Screen 2 and is generally characterized by the application of an increasingly detailed and comprehensive set of performance measures to a decreasing number of alternatives. Each step in the evaluation process focuses the analysis on progressively fewer alternatives with higher levels of scrutiny. In addition, the Build Alternatives are compared not only to each other but also to the No-Build Alternative, which provides the benchmark for establishing the travel benefits, environmental impacts of the alternatives and the cost-effectiveness of the alternatives. The GA 400 Corridor Transit Initiative is currently in Screen 2. After consideration of the findings of the first and second steps in the evaluation process, MARTA has identified an alignment that would provide approximately 11.9 miles of transit service along the GA 400 corridor within existing right-of-way from the existing North Springs MARTA station to Windward Parkway. This alignment is referred to as the GA 400-1A Build Alternative. Bus rapid transit (BRT), heavy rail transit (HRT), and light rail transit (LRT) are the three transit modes or technologies being considered for this corridor. The three modes each have the same general alignment, following GA 400 from North Springs MARTA station to Windward Parkway. The LRT and the BRT alternatives have six stations from south to north: Northridge, Holcomb Bridge, Mansell Road, North Point Mall, Old Milton and Windward Parkway. The HRT alternative is similar, but it does not include a station at Old Milton. The outcome of Screen 2 will be the recommendation of the preferred alternative. MARTA may also consider other alternatives that arise during the early scoping comment period.

### **FTA Procedures**

At the end of the alternatives analysis process, FTA and MARTA anticipate identifying a preferred mode and corridor for further evaluation during the NEPA process. The classification of the NEPA documentation will be determined by the FTA at the end of the

alternatives analysis. If the preferred mode and alignment involve the potential for significant environmental impacts an EIS may be required. If an EIS is required, a Notice of Intent to Prepare an EIS will be published in the **Federal Register** by FTA and the public and interested agencies will have the opportunity to participate in a review and comment period on the scope of the EIS.

Issued on: August 23, 2013.

**Yvette G. Taylor,**

*Regional Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2012-0002; Notice 2]

#### Dorel Juvenile Group, Denial of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Denial of petition.

**SUMMARY:** Dorel Juvenile Group, Inc. (DJG) has determined that certain child restraint systems manufactured between July 20, 2010 and May 18, 2011 do not fully comply with paragraph S5.5.2(l) of Federal Motor Vehicle Safety Standard (FMVSS) No. 213, *Child Restraint Systems* (49 CFR 571.213). DJG has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*, dated July 19, 2011.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), DJG 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 comment period, on January 19, 2012 in the **Federal Register** (77 FR 2776). NHTSA received one comment from Consumers Union (CU).

To view the petition, the comment, 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-2012-0002."

**CONTACT INFORMATION:** For further information on this decision, contact Mr. Zachary R. Fraser, Office of Vehicle Safety Compliance, the National

Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5754, facsimile (202) 366-7002.

*Equipment Involved:* Affected are approximately 89,527 of the following models of DJG child restraint systems that were manufactured between July 20, 2010 and May 18, 2011:

22187ANL Alpha Omega Elite  
22187REM Alpha Omega Elite  
22187REMA Alpha Omega Elite  
22187SAR Alpha Omega Elite  
22187SARA Alpha Omega Elite  
22465FSM Alpha Omega Elite  
22790CGT Deluxe 3 in 1  
CC033BMT Alpha Omega Elite  
CC043ANK Alpha Omega Elite  
CC043ANL Alpha Omega Elite  
CC043AQS Alpha Omega Elite  
CC046AAI Deluxe 3 in 1  
CC046AAU Deluxe 3 in 1  
CC046CTA Deluxe 3 in 1  
CC046SNW Deluxe 3 in 1  
CC046WPR Deluxe 3 in 1  
CC050AJH Complete Air LX  
CC050ANY Complete Air LX  
CC050ANZ Complete Air LX  
CC050AOQ Complete Air LX  
CC051AIR Complete Air SE

*Summary of DJG'S Analyses:* DJG described the noncompliance as follows:

The child restraint systems at issue utilize a permanently attached base which is equipped with color coordinated Ease of Use labels including base labels depicting the rear-facing mode instructions. Certain restraints were equipped with base labels positioned on the incorrect side of the base. Although nearly all the information is correct, the small indicator arrows do not line up with the rear-facing vehicle and LATCH belt path for the rear-facing mode. As noted in the Noncompliance Information Report, this voluntarily supplied information caused the installation diagram required by FMVSS No. 213 S5.5.2(l) to be inaccurate.

A noncompliance exists when the base labels are installed incorrectly and the indicator arrows do not point to the rear-facing vehicle belt/LATCH routing path. In this case, the arrows are actually pointing to the area below the forward-facing vehicle belt/LATCH path routing but could be construed as pointing to the forward-facing routing path.

DJG states that the subject child restraints contain the label information required by S5.5.2(l). DJG asserts that the voluntarily supplied information consisting of pointing arrows caused the installation diagrams required by FMVSS No. 213 S5.5.2(l) to be inaccurate when the labels containing

the diagrams were installed on the incorrect side of the child restraint's base. NHTSA agrees with DJG that the subject child restraints contain the proper labels with the required installation diagrams. However, DJG voluntarily provided additional information on the labels intended to assist installation by adding pointing arrows to the belt path appropriate for that configuration.

NHTSA believes that the diagrams provided by DJG are compliant with S5.5.2(l) but the pointing arrows are misplaced due to the incorrect installation of the labels creating confusing and misleading information that is noncompliant with S5.5 of FMVSS No. 213. The incorrect direction of the pointing arrows leads to possible confusion that the belts should be routed through the forward-facing routing path rather than through the correct routing path.

DJG contends that the likelihood is low that a consumer would interpret the arrows as indicating the proper rear-facing path routing through the forward-facing path routing. It asserts that the proper rear-facing vehicle belt/LATCH routing path is shown clearly in the five diagrams on the two base labels.

DJG also argues that instructions included with the subject child restraint systems also correctly depict the rear-facing vehicle belt/LATCH routing path numerous times.

DJG noted that it has received only one user complaint related to this issue. DJG also included the results of a survey conducted to illustrate any effects the noncompliance may have on seat installation.

DJG contends that the technical noncompliance issue reported in the June 23, 2011, Noncompliance Information Report does not constitute a safety related issue because there is no evidence that improper installation is actually taking place in the field (as evidenced by the lack of significant complaints from consumers, advocates, health care specialists or anyone else). DJG also states that the preponderance of correct rear-facing installation diagrams and instructions appears to outweigh the potential for improper installation as a result of the ambiguous arrows on the rear-facing installation labels on the base. DJG also indicated that there appears to be a low probability that improper installation is even possible in the vast majority of vehicles surveyed, which represent a cross section of vehicles in the field.

In summation, DJG asserts that the described noncompliance of its child restraints is inconsequential to motor vehicle safety, and that its petition to