

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****Environmental Impact Statement: El Dorado County**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

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 El Dorado County, California.

FOR FURTHER INFORMATION CONTACT: Richard J. Cushing, Environmental Planning Engineer, Federal Highway Administration, 555 Zang Street (Room 259), Lakewood, Colorado 80228, telephone 303-716-2139.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with Eldorado National Forest, and the California Department of Transportation, will prepare an environmental impact statement (EIS) for a proposal to improve a portion of California Forest Highway 137, known as Wentworth Springs Road. The portion proposed for reconstruction begins at Stumpy Meadows reservoir and proceeds eastward for a distance of 23 kilometers (14.3 miles) to California Forest Highway 136, Ice House Road. The proposed improvements include reconstructing the existing road to a consistent alignment with 3.4 meter (11-foot) paved travel lanes and 0.3 meter (1-foot) paved shoulders.

Alternatives under consideration include (1) The "no build" alternative; (2) improvement of the existing roadway to appropriate American Association of State Highway and Transportation Officials' design criteria; and (3) other alternatives that may be developed during the scoping process.

Notices describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have expressed interest in this proposal. Interagency meetings and a public hearing will be held in the project area. Information on the time and place of the public hearing will be provided in the local news media. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the

proposed action should be directed to 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: February 24, 1998.

James W. Keeley,

Project Development Engineer, FHWA, Denver, CO.

[FR Doc. 98-5700 Filed 3-4-98; 8:45 am]

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

[Docket No. NHTSA-98-3558]

Fleetwood Enterprises, Inc.; Action on Application for Decision of Inconsequential Noncompliance

This document grants in part and denies in part the application by Fleetwood Enterprises, Inc. (Fleetwood) of Riverside, California for a determination that the failure of glazing to comply with the light transmittance requirements of 49 CFR 571.205, Federal Motor Vehicle Safety Standard No. 205, "Glazing Materials," is inconsequential to safety. The glazing was installed in certain motor homes manufactured by Fleetwood.

Notice of receipt of the application was published on June 16, 1997 (62 FR 32676) and an opportunity for comment was afforded.

Standard No. 205 incorporates by reference the American National Standards Institute's (ANSI) "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways" Z-26.1-1977, January 26, 1977, as supplemented by Z26.1a, July 3, 1980 (ANS Z26.1). This specifies that glazing materials used in windshields and in windows to the immediate right and left of the driver of trucks and buses shall have a luminous transmittance of not less than 70 percent of the light, at normal incidence, when measured in accordance with "Light Transmittance, Test 2" of ANSI Z-26.1-1980. (It also specifies that all windows of an automobile shall have a luminous transmittance of not less than 70 percent.)

From July 1995 through January 1997, Fleetwood manufactured approximately 1,438 1996 and 1997 model year Flair brand motor homes having front side windows with a luminous transmittance of 62 percent and approximately 188

Bounder brand motor homes and 733 Discovery brand motor homes, also of model years 1996 and 1997, having double panes of the same glazing in the front side windows. Fleetwood reported a luminous transmittance of 41 percent for the dual pane application. Beginning with vehicle production in January 1997, front side windows with a luminous transmittance of greater than 70 percent have been installed in all Fleetwood motor homes.

Fleetwood supported its application for inconsequential noncompliance with the following:

Fleetwood considered a Ford Motor Company inconsequentiality petition that references computer modeling studies and in-car evaluations conducted by Ford Motor Company that were used in their petition dated February 6, 1995 which showed a 5 point reduction in the percentage of light transmission, from 65 to 60 percent, resulted in a reduction of seeing distance of only 1 to 2 percent during night time driving, and little or no reduction in seeing distance during dusk and daytime driving. Based on these studies, the subject Flair brand motor home driver and passenger side windows with 62 percent light transmittance would be expected to result in no significant reduction in seeing distance during night time driving and virtually no reduction during dusk and daytime driving, compared to glass with a 70 percent transmittance. Reductions in seeing distances of 1 percent or less have no practical or perceivable effect on driver visibility based on observer's reports in vehicle evaluations by Ford of windshields with line-of-sight transmittance in the 60 to 65 percent range. The subject Bounder and Discovery brand motor home driver and passenger side windows with 41 percent light transmittance would be expected to result in no significant reduction in seeing distances during night time driving, and little to no reduction in seeing distance during dusk and daytime driving.

Fleetwood also considered that the stated purpose of Standard No. 205 to which the light transmittance requirements are directed is 'to ensure a necessary degree of transparency in motor vehicle windows for driver visibility.' NHTSA, in its March 1991 'Report to Congress on Tinting of Motor Vehicle Windows', concluded that the light transmittance of windows of the then new passenger cars and vans that complied with Standard No. 205 did not present an unreasonable risk of accident occurrence. The new passenger cars and vans that were considered to not present an unreasonable risk had effective line-of-sight light transmittances through the windshields as low as approximately 63 percent on passenger car windshields and 55 percent on van windshields (as determined by a 1990 agency survey, the results of which were included in the Report to Congress). Fleetwood feels that while light transmittance and driver visibility through front side windows is important to the safe operation of motor homes, it is not as important as driver visibility through motor

home windshields. Therefore, while the use of front side window glazing with luminous transmittance less than 70 percent is technically a non-compliance, we believe the condition presents no risk to motor vehicle safety.

Fleetwood's opinion that this non-compliance is not safety related is also based upon the consideration of the great amount of visibility that is inherent in the driver packaging of the subject motor homes. Factors which contribute to this visibility are:

1. The windshield glass is approximately 100 inches wide by 36 inches tall.
2. The windshield glass is installed at an incidence angle of 4 degrees back from vertical.
3. The involved side window glass on the Flair and Bounder brand motor homes is approximately 46 inches long by 31 inches tall. The involved side window glass on the Discovery brand motor home is approximately 52 inches long by 34 inches tall.
4. The involved side window glass is flat and is installed perpendicular to the ground.
5. The driver's seat H point ranges from approximately 50 to 62 inches from the ground.
6. The involved windows have a slider feature which allows them to be positioned out of line of sight (if desired), and
7. Side window visibility is primarily key in sharp turning maneuvers which are typically performed at low speeds.

No comments were received on the application.

NHTSA has reviewed Fleetwood's application and, for the reasons discussed below, concludes that the noncompliance of the Flair motor homes with a front side window light transmittance of 62 percent is inconsequential to motor vehicle safety. However, it denies the application with respect to the noncompliances of the Discovery and Bounder motor homes with a front side window light transmittance of 41 percent.

Fleetwood's argument was based in part on information from a similar inconsequentiality application from Ford Motor Company ("Ford") demonstrating that there is only a small effect upon seeing distance of a decline in light transmittance from 65 to 60 percent. Ford also cited a NHTSA report to Congress that the rake angle of certain windshields reduces the effective transmittance of light to 63 percent in some automobiles and to 55 percent in a particular minivan. (Ford's application involved 8,250 1995 Lincoln Continental passenger cars whose front door windows had a luminous transmittance of approximately 68 percent.) The application was granted (60 FR 31345) on June 14, 1995. Although a windshield might have the requisite minimum of 70 percent transmittance when tested in a vertical position, its rake angle as installed

reduces the light transmittance below 70 percent, and to 63 percent on some passenger cars, without creating a noncompliance with Standard No. 205. Given that fact, NHTSA has concluded that a value of 62 percent transmittance of the side windows on Flair motor homes is inconsequential to safety.

However, the agency cannot make the same finding with respect to the Discovery and Bounder motor homes where double pane glass has reduced the light transmittance to a reported 41 percent. Fleetwood characterized the role of front side windows as "primarily key in sharp turning maneuvers which are typically performed at low speeds" and to expect no significant reduction in night time seeing distances with windows having a light transmittance of 41 percent (Fleetwood derives the 41 percent transmittance value from a double pane application of the 62 percent transmittance windows. However, the agency believes that it is closer to 38.4 percent).

NHTSA cannot accept Fleetwood's assertion that the noncomplying glazing material in the Discovery and Bounder motor homes is inconsequential. The previously mentioned report to Congress discusses a research study which included glazing of 40 percent transmittance (Rompe and Engel, "The Influence of Windshields with Lower Light Transmission in Driver's Vision During Night Driving," SAE Technical Paper 870062). The study found 25 to 35 percent reductions in the ability of subjects to detect low contrast targets in simulated twilight driving when 40 percent transmittance glazing was substituted for 76 percent transmittance glazing. NHTSA also believes that side window visibility has a much greater safety role than in simply supplementing the large windshield of a motor home in low speed turning. Clear side window visibility is necessary in times of darkness for the driver to use the outside rear view mirrors and to have direct side vision at intersections and in lane change maneuvers.

Accordingly, for the reasons discussed above, it is hereby found that the applicant has met its burden of persuasion that the noncompliance of Flair motor homes with the requirements of 49 CFR 571.205 for light transmittance in front side window glazing is inconsequential to safety. However, it is also hereby found that the applicant has not met this burden of persuasion with respect to the noncompliance of Discovery and Bounder motor homes with the requirements of 49 CFR 571.205 for light transmittance in front side window glazing, and its application is denied.

(49 U.S.C. 30108, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: March 2, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98-5743 Filed 3-4-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33548]

A T & L Railroad Company, Inc.— Trackage Rights Exemption—Union Pacific Railroad Company

Union Pacific Railroad Company (UP) has agreed to grant overhead trackage rights to A T & L Railroad Company, Inc. (ATL) over 31.65 miles of rail line in the State of Oklahoma between Oklahoma City, milepost 483.35, and El Reno, milepost 515.0 (line).¹ The trackage rights include the right to interchange freight with all existing and future railroads at Oklahoma City and El Reno, and industry access at Oklahoma City through reciprocal switching on the same basis as available to UP and other railroads.

The transaction was scheduled to be consummated on or after February 26, 1998.

The purpose of the trackage rights is to extend ATL's existing service and to give ATL access to additional carriers and shippers.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33548, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Eric M. Hockey, Esq., Gollatz, Griffin & Ewing,

¹ The line is owned by the State of Oklahoma and is leased and operated by UP.