

diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

*John F. Robinson*

Mr. Robinson, 51, has had ITDM since 2006. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Robinson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Robinson meets the vision requirements of 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from South Carolina.

*Cody R. Sheehan*

Mr. Sheehan, 21, has had ITDM since 2001. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Sheehan understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sheehan meets the vision requirements of 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Massachusetts.

*Michael D. Suchecki*

Mr. Suchecki, 38, has had ITDM since 2005. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Suchecki understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Suchecki meets the vision requirements of 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2012 and certified that he does not have

diabetic retinopathy. He holds a Class B CDL from Illinois.

*Mark A. Welch, Jr.*

Mr. Welch, 33, has had ITDM since 1992. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Welch understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Welch meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

#### Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).<sup>1</sup> The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will

<sup>1</sup> Section 4129(a) refers to the 2003 notice as a "final rule." However, the 2003 notice did not issue a "final rule" but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

Issued on: October 2, 2012.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Early Scoping Notification for the Alternatives Analysis of the Federal Way Transit Extension From SeaTac to Federal Way, WA

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notification of early scoping meetings.

**SUMMARY:** The Federal Transit Administration (FTA) and the Central Puget Sound Regional Transit Authority (Sound Transit) issue this early scoping notice to advise other agencies and the public that they intend to explore potential alternatives for improving public transit service between the cities of SeaTac and Federal Way in King County, Washington to improve connections to the regional transit system and major activity centers.

The early scoping notice is intended to invite public comments on the scope of the alternatives analysis study, including the project's purpose and need, transportation problems to be addressed, the range of alternatives, the transportation and community impacts and benefits to be considered, the capital and operating costs, and other factors that the public and agencies believe should be considered in analyzing the alternatives. If preparation of an environmental impact statement (EIS) is warranted following the completion of the alternatives analysis,

a notice of intent to prepare an EIS will be published.

The early scoping process is intended to support the alternatives analysis and a future National Environmental Policy Act (NEPA) scoping process, as appropriate. 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 may lead to changes in the New Starts process, Sound Transit will comply with relevant FTA requirements relating to planning and project development to help it analyze and screen alternatives in preparation for the NEPA process.

Public meeting times and locations are described immediately below. Following that is a more detailed discussion of the project and the early scoping process.

**DATES:** Two public scoping meetings and one tribal/agency scoping meeting will be held at the following times and locations:

1. November 8, 2012, 4:00 p.m. to 7:00 p.m., Highline Community College, Building 2, 2400 S. 240th Street, Des Moines, WA 98198.
2. November 13, 2012, 4:00 p.m. to 7:00 p.m., Harry S. Truman High School, Gymnasium, 31455 28th Avenue, Federal Way, WA 98003.
3. (Agency and Tribal Meeting), November 7, 2012, 2:00 p.m. to 3:00 p.m.

The agency and tribal meeting will be conducted in a webinar format, accessible via the internet and by teleconference. Invitations to the on-line agency scoping meeting and the public scoping meetings will be sent to the appropriate federal, tribal, state, and local governmental units. Invitations will include details on how to participate in the on-line meeting.

Supplemental information about the project is provided below. Also, Sound Transit will provide information on the alternatives analysis at the public meetings, along with opportunities for spoken or written comments. Additional information is available on Sound Transit's Web site at: <http://www.soundtransit.org/FWextension>. Written scoping comments are requested by November 19, 2012 and can be sent or emailed to the address below, submitted at the public meetings, or provided at the Web site address above.

**ADDRESSES:** Federal Way Transit Extension (c/o Kent Hale, Senior Environmental Planner), Sound Transit, 401 S. Jackson Street, Seattle, WA

98104-2826, or by email to [FWTE@soundtransit.org](mailto:FWTE@soundtransit.org).

**FOR FURTHER INFORMATION CONTACT:** J. Steve Saxton, Transportation Program Specialist, FTA Region 10, email: [fta.tro10mail@dot.gov](mailto:fta.tro10mail@dot.gov).

**SUPPLEMENTARY INFORMATION:**

*Early Scoping.* Early scoping is intended to generate public comments on the scope of a planning effort called "alternatives analysis." The alternatives analysis lets an agency evaluate the costs, benefits, and impacts of a range of transportation alternatives designed to address mobility problems and other locally identified objectives in a defined transportation corridor, and helps the agency determine which particular investment strategy should receive more focused study and development. Early scoping for the Federal Way Transit Extension is being conducted in support of NEPA requirements and in accordance with the Council on Environmental Quality's and FTA's regulations and guidance for implementing NEPA (40 CFR 1501.2 through 8 and 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 alignment alternatives under consideration. This early scoping notice invites the public to comment on the scope of the planning alternatives analysis, including (a) the purpose and need for the project, (b) the range of alternatives to study, and (c) the environmental, transportation and community impacts and benefits to consider.

*The Federal Way Transit Extension and the Regional Transit System.* The Federal Way Transit Extension corridor is approximately 7.6 miles long and extends from the future S. 200th Street Link light rail station in SeaTac to the Federal Way Transit Center. It parallels State Route 99 (SR 99) and Interstate 5 (I-5) and generally follows a topographic ridge between Puget Sound and the Green River Valley where the city limits of SeaTac, Des Moines, Kent, and Federal Way meet.

*Sound Move,* the first phase of regional transit investments, was approved and funded by voters in 1996. Sound Transit is now completing its implementation. It includes light rail, commuter rail and regional express bus infrastructure and service, including the

Central Link light rail system. In 2009, Sound Transit began light rail operations between downtown Seattle and Sea-Tac Airport, and an extension to the University of Washington is under construction and scheduled to open in 2016.

In 2004, Sound Transit began planning for the next phase of investment to follow *Sound Move*. This work included updating Sound Transit's Long-Range Plan and associated environmental review. After several years of Sound Transit system planning work, voters in 2008 authorized funding to extend light rail south to Federal Way as part of the Sound Transit 2 (ST2) Plan. Link light rail south from Sea-Tac Airport to S. 200th Street is now under construction and is scheduled to open in 2016. The ST2 Plan also extends light rail from downtown Seattle east to Bellevue and Redmond, and from the University of Washington north to Northgate and Lynnwood.

*The Purpose of and Need for the Federal Way Transit Extension.* The purposes of the project are to:

- Provide a reliable and efficient two-way, peak and off-peak transit service of sufficient capacity to meet the projected demand between the communities and activity centers between the cities of SeaTac and Federal Way and the other urban centers in the Central Puget Sound area;
- Provide a mobility alternative to travel on congested roadways and improve connections to the Central Puget Sound regional multimodal transportation system;
- Support South King County communities and the region's adopted vision for land use, transportation and economic development, a vision that promotes the well-being of people and communities, ensures economic vitality and preserves a healthy environment;
- Support the long-range vision, goals, and objectives for transit service established by Sound Transit's Regional Transit Long-Range Plan for high quality regional transit service between Seattle and Tacoma.

The project is needed to:

- Meet the growing needs of the corridor and of the region's future residents and workers by increasing mobility, access, and transportation capacity connecting regional growth and activity centers in the study area and the rest of the region, as called for in the region's adopted plans, including the PSRC's VISION 2040 and Transportation 2040, as well as related county and city comprehensive plans;
- Address the problems of increasing and unreliable travel times for transit users in the study area, who are now

dependent on the corridor's highly congested roadway and HOV systems;

- Provide an alternative to automobile trips on I-5 and SR 99, the two primary highways serving the corridor, which provide unreliable travel times throughout the day;
- Help implement Sound Transit's Regional Transit Long-Range Plan and allow the future extension of HCT south to Tacoma;
- Expand and enhance transit options serving transit-dependent residents and low-income and minority populations concentrated in the study area;
- Provide the transit infrastructure needed to support SeaTac and Federal Way, two designated regional growth centers that provide housing, employment, public services, and multimodal transportation connections;
- Help the state and region reduce transportation-related energy consumption and greenhouse gas emissions, consistent with goals established in RCW 47.01.440, and Chapter 70.235 RCW.

*Potential Alternatives.* Previous planning work for the ST2 Plan examined conceptual light rail alignments between SeaTac and Federal Way along portions of SR 99 and I-5 to help develop cost estimates and establish ridership potential for transit improvements in the project corridor. General station locations near Highline Community College, Redondo/Star Lake park-and-ride lots, and the Federal Way Transit Center were identified. Sound Transit invites comments on the alternative transit alignments, and station locations to be studied, and on the proposed evaluation framework and criteria to be used to compare alternatives.

As part of this alternatives analysis, Sound Transit will explore alternative alignment, station, and design configurations that could meet the project's purpose and need. Alternatives could include alternatives on SR 99 or I-5, or other alternatives that arise during the early scoping comment period. The alternatives will reflect a range of high- and low-cost capital improvements, including a "no-build" alternative which can serve as a "baseline" for measuring the merits of higher level investments. Sound Transit will identify measures for evaluating the relative merits of alternatives, and technical methodologies for generating the information used to support such measures. These measures typically include disciplines such as travel forecasting, capital and operations and maintenance costs, and corridor-level environmental and land use analyses.

At the end of the alternatives analysis process, Sound Transit and the FTA anticipate narrowing the range of alternatives for further evaluation in a NEPA document. If the resulting range of alternatives involves the potential for significant environmental impacts requiring an environmental impact statement (EIS), FTA and Sound Transit will publish a Notice of Intent to Prepare an EIS in the **Federal Register**, and invite public and agency comment on the scope of the EIS at that time.

Issued on: October 10, 2012.

**Richard Krochalis,**

*Regional Administrator.*

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**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2012-0074; Notice 1]

#### BMW of North America, LLC, a Subsidiary of BMW AG, Receipt of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Receipt of petition.

**SUMMARY:** BMW North America, LLC,<sup>1</sup> a subsidiary of BMW AG. (collectively referred to as BMW)<sup>2</sup> has determined that certain model year 2012 BMW X3 SAV multi-purpose passenger vehicles manufactured between April 1, 2011 and March 14, 2012, do not fully comply with paragraph S4.3.3 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 March 28, 2012, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), BMW submitted a petition 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.

This notice of receipt of BMW's petition is published under 49 U.S.C.

<sup>1</sup> BMW 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.

30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

*Vehicles Involved:* Affected are approximately 1,409 model year 2012 BMW X3 SAV multipurpose passenger vehicles manufactured between April 1, 2011 through March 14, 2012.

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, these provisions only apply to the subject 1,409<sup>3</sup> vehicles that BMW no longer controlled at the time it determined that the noncompliance existed.

*Noncompliance:* BMW's explained that the noncompliance is that the certification label required by 49 CFR part 567 does not list rim information for the tires installed on the vehicles as original equipment as required by paragraph S4.3.3 of FMVSS No. 110.

*Rule Text:* Paragraph S4.3.3 of FMVSS No. 110 requires in pertinent part:

S4.3.3 *Additional labeling information for vehicles other than passenger cars.* Each vehicle shall show the size designation and, if applicable, the type designation of rims (not necessarily those on the vehicle) appropriate for the tire appropriate for use on that vehicle, including the tire installed as original equipment on the certification label required by part 567.4 or part 567.5 of this chapter. This information shall be in the English language, lettered in block capitals and numerals not less than 2.4 millimeters high and in the following format:

GVWR: 2,441 kilograms (5381 pounds).  
GAWR: Front—1,299 kilograms (2,864 pounds) with P265/70R16 tires, 16 x 8.0 rims at 248 kPa (36 psi) cold single.  
GAWR: Rear—1,299 kilograms (2,864 pounds) with P265/70R16 tires, 16 x 8.0 rims, at 248 kPa (36 psi) cold single.

#### Summary of BMW's Analysis and Arguments

BMW states that while the certification label required by 49 CFR

<sup>3</sup> BMW's petition, which was filed under 49 CFR part 556, requests an agency decision to exempt BMW as a vehicle manufacturer from the notification and recall responsibilities of 49 CFR part 573 for the 1,409 affected vehicles. However, a decision on this petition will not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after BMW notified them that the subject noncompliance existed.