Manager, Federal Highway Administration, P.O. Box 3929 (Room 255), Baton Rouge, Louisiana, 70821, Telephone: (225) 389–0465, Facsimile: (225) 389–0758.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Louisiana Department of Transportation and Development (LDOTD), will prepare an Environmental Impact Statement (EIS) on a proposal to construct a new highway facility on current or new alignment. The proposed project, known locally as the LA 1 Improvements from Golden Meadow to Port Fourchon, is generally located in the present LA 1 corridor from Golden Meadow, Louisiana to Port Fourchon, Louisiana. The roadway includes several alternates based on the number of navigable bridges needed for various alignments. The approximate length of the project is 29 kilometers (18 miles).

The proposed improvements would improve the capacity, reliability, and safety of the existing LA 1 and increase regional access to Port Fourchon for persons, businesses and industry in the region. It is a part of the National Highway System and would improve access to the vitally important deep-water port of Port Fourchon on the coast of Louisiana.

The northern terminus of the proposed project will be the southern end of route LA 3235 and the southern terminus will be Port Fourchon.

Alternatives to be considered are:

(1) The ''Do-nothing'' Alternative, where the current and existing LA 1 is repaired and maintained in its present location, capacity, and character.

(2) The ''Build'' Alternative, considering several different alignments, roadway type and control of access.

An agency scoping meeting will be held at a time and place to be determined at a later date. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, state, and local agencies and to private organizations, including conservation groups and groups of individuals who have expressed interest in the project in the past. At least one public informational meeting will be held in the project area that will be affected. In addition, a Public Hearing will be held. Public notice will be given of the time and place of the public informational meeting(s) and the Public Hearing. 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 this proposed action are addressed, and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(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 April 28, 1999.

William A. Sussmann,

Division Administrator, FHWA, Baton Rouge, Louisiana.

[FR Doc 99–11227 Filed 5–4–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–5200; Notice 2]

Capacity of Texas, Inc.; Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 105

For the reasons expressed in this notice, we are granting the application by Capacity of Texas, Inc., of Longview, Texas (''Capacity''), for a temporary exemption from the anti-lock requirements of Motor Vehicle Safety Standard No. 105 *Hydraulic and Electric Brake Systems* that became effective March 1, 1999. Capacity applied for an exemption on the basis that ''compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.'' 49 CFR 555.6(a).

We published a notice of receipt of the application on March 10, 1999, and afforded an opportunity for comment (64 FR 11979). We received one comment on the application, from the National Truck Equipment Association (NTEA), which supported it.

The discussion that follows recapitulates Capacity's arguments and is based on information contained in the company's application.

Why Capacity Needs a Temporary Exemption

S5.5 of Standard No. 105 requires any motor vehicle with a gross vehicle weight rating (GVWR) greater than 10,000 pounds, except for a vehicle that has a speed attainable in 2 miles of not more than 33 mph, to be equipped with an antilock brake system if it is manufactured on and after March 1, 1999. Capacity manufactures bus chassis that it provides to World Trans, Inc., of Hutchinson, Kansas, for completion. However, with respect to the buses that will be covered by the exemption, if granted, Capacity has informed us that, pursuant to the option granted the manufacturer of an incomplete vehicle by 49 CFR 568.7(a), it is assuming the responsibilities of the final-stage manufacturer (World Trans). As such, Capacity will certify that the completed buses comply with all applicable Federal motor vehicle safety standards, and provide notification and remedy if required.

Why Compliance Would Cause Capacity Substantial Economic Hardship

Capacity produces a limited quantity (100 or less yearly) bus chassis for World Trans, and, as discussed more fully below, has been unable to find a vendor who is willing to provide antilock controllers. Therefore, if Capacity is not granted an exemption, it will have to withdraw the chassis from production, and World Trans's bus production will be diminished. This will cause both Capacity and World Trans to lose income in each of the three years for which an exemption has been requested. Capacity's projected net income for its fiscal year ending October 31, 1998, was $2,631,018. Its projected net income for the year ending October 31, 1999, is $2,286,617 if an exemption is granted, and $1,945,087 if it is not. Thus, net income would be reduced by $341,530 in the absence of an exemption covering production from March 1–October 31, 1999.

How Capacity Has Tried To Comply With the Standard in Good Faith

Capacity contacted four different brake component suppliers. Its search for an anti-lock controller began with Lucas/Varity (formerly Kelsey-Hayes) because of its longtime association with Ford Motor Company and the fact that the bus chassis uses a common Dana drive axle with many Ford light duty trucks. But the company was told that no development could be approached until Capacity could guarantee a purchase order in the range of 10,000 controllers.

Capacity next approached Eaton-Bosch, and found that it is currently producing hydraulic anti-lock brake systems for vehicles up to 12,000 lbs GVWR. Although the company is developing a system for vehicles up to 20,000 lbs GVWR, the system won't be finalized until 2001.

The third vendor that Capacity approached was ITT Automotive-Teves,

which expects to have a system ready for installation on vehicles up to 20,000 lbs GVWR by the fourth quarter of 1999. The company told Capacity that it will take a minimum of one winter test season to assure that the controller can be adapted to a vehicle. Thus, Capacity does not foresee that it can use this system and comply before the Fall of 2000.

Finally, Capacity consulted Rockwell/Meritor-Wabco System. This company has a controller that ''can be fine tuned on a vehicle to meet different dynamic characteristics.'' However, ''even if this system proves out, it appears that a year's testing will be required to adapt it to our bus chassis.''

Why Exempting Capacity Would Be Consistent With the Public Interest and Objectives of Motor Vehicle Safety

Capacity argued that an exemption would be in the public interest and consistent with traffic safety objectives because

many of these vehicles end up serving small cities and rural transit districts. These customers have limited budgets so the availability of an economical low floor bus allows them to prove fee service in areas where large buses are too costly to operate. The low floor feature of this vehicle allows the finished bus to readily serve the handicapped community.

In addition, ''these buses operate in shuttle and light transit operations where high speed stops aren't commonly experienced.'' Capacity believes that rushing an anti-lock system into production might present a risk to safety.

Our Findings and Decision

At the moment, Capacity's net income is larger than many low-volume manufacturers who apply for temporary exemptions. However, in the absence of an exemption, Capacity will not be able to generate revenues by providing ''100 or less yearly'' bus chassis for its customer, World Trans until such time as it is able to produce a conforming bus. This raises the possibility that World Trans would look elsewhere for bus chassis and that Capacity would permanently lose World Trans as a customer. In the absence of an exemption, it is logical to assume that Capacity would attempt to reduce its expenses by a reduction in its work force. As discussed earlier, the brake component suppliers contacted by Capacity have been unable to help the company comply by March 1, 1999, the effective date of the anti-lock requirement. Lucas/Varity does not appear interested in producing an anti-lock controller in small quantities. Eaton-Bosch does not anticipate having a suitable controller until 2001. ITT Automotive Teves does not appear able to provide a reliable controller before late in 2000. Rockwell/Meritor-Wabco System may have a suitable controller, but if so, ''a year's testing will be required to adapt it to [the Capacity] bus chassis.'' It appears that two of the three suppliers may have a usable anti-lock controller that could be installed were a two-year exemption provided.

A two-year exemption would also be consistent with our views that exemptions must be sparingly given to buses because they are motor vehicles which may carry hundreds of passengers daily. Some of Capacity's buses, it appears, will operate in environments where high speed stops are not commonly experienced. Although we do not know how many passengers these buses are designed to carry, they appear to be smaller than big-city transit buses even though their GVWR is greater than 10,000 pounds.

It is in the public interest to facilitate the availability of relatively inexpensive buses whose size and price are appropriate for the small city and rural district transit markets in which they are sold and operated. In its comment in support of the application, NTEA stated that denial of the exemption request would also hurt the communities that need ''these specialized vehicles.'' NTEA also commented that ''the features of this bus also allow it to serve the handicapped community.''

For these reasons, we find that compliance with S5.5 of Motor Vehicle Safety Standard No. 105 would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard. We further find that a temporary exemption would be consistent with the public interest and the objectives of motor vehicle safety.

Accordingly, Capacity of Texas, Inc., is hereby granted NHTSA Temporary Exemption No. 99–5 from S5.5 of 49 CFR 571.105 Standard No. 105 Hydraulic and Electric Brake Systems, expiring April 1, 2001.

Authority: 49 U.S.C. 30113; delegation of authority at 49 CFR 1.50.

Issued on: April 30, 1999.

Ricardo Martinez,

Administrator.

[FR Doc. 99–11302 Filed 5–4–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 99–5210 Notice 1]

Ford Motor Co.; Receipt of Application for Determination of Inconsequential Non-Compliance

Ford Motor Company (''Ford''), of Dearborn, Michigan has applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301 ''Motor Vehicle Safety'' for a noncompliance with 49 CFR 571.205, Federal Motor Vehicle Safety Standard (FMVSS) No. 205, ''Glazing Materials,'' on the basis that the noncompliance is inconsequential to motor vehicle safety. Ford has filed a report of noncompliance pursuant to 49 CFR part 573 ''Defects and Noncompliance Reports.''

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgement concerning the merits of the application.

Description of the Noncompliance

Certain Ford Contour, Mercury Mystique, Ford Econoline, Ford Ranger and Mazda B series (manufactured by Ford) vehicles were equipped with windshields which were not marked with the symbol ''AS1'' per the requirements of S6 of Federal Motor Vehicle Safety Standard (FMVSS) 205, which incorporates the requirements of section 6 of ANSI Z26.1 (American National Standard Institute, Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways—1977). The noncompliant windshields meet all performance requirements of FMVSS 205 and ANSI Z26.1.

Number of Vehicles

Three hundred eighty-two thousand nine hundred (382,900) vehicles manufactured between June 11, 1997 and September 25, 1998, are believed to contain the noncompliance. Approximately 8,400 of these were Mazda B Series vehicles.

Supporting Information as Submitted by Ford

The windshields, while produced without the AS1 mark, contain all other markings required by FMVSS 205 and ANSI Z26.1 including the manufacturer's trademark, DOT number, and model number. The model number identifies the glazing material as laminated safety glass, AS1. In addition,