

## SUPPLEMENTARY INFORMATION:

**I. Scoping**

A Notice of Intent to prepare an EIS was previously published in the **Federal Register** on January 18, 1989. The Scoping Process began with two public scoping meetings on February 15, 1989. An Administrative Draft EIS was prepared in 1991 but was not circulated due to lack of local funding commitments for the project.

The project was held in abeyance until March, 1993, when the PCJPB conducted four public meetings to solicit public input on key project issues, including which alternatives deserved further consideration. As a result, the PCJPB, jointly with the Metropolitan Transportation Commission (MTC), conducted a study to develop fundable extension alternatives and system upgrades that could be recommended by the PCJPB for inclusion in the MTC's financially constrained Regional Transportation Plan (RTP). The study evaluated nine alternatives and the results were reviewed in public meetings. In March, 1994, the PCJPB designated Alternative 8B (extension of CalTrain to an underground terminal at Beale and Market Streets) of that study as the Locally Preferred Alternative (LPA) for inclusion in the RTP. This alternative was subsequently included in the 1994 RTP adopted by MTC after extensive public review. The PCJPB is now resuming environmental studies for the preparation of a Draft EIS/EIR for public review and comment.

The public informational meetings will announce resumption of environmental studies. The environmental process will be outlined, and the public will be invited to become involved in this process through the Public Participation/Consensus Building Program that will be implemented for this project. The public will be invited to comment on all aspects of the project, including alignments, station design, and the environmental, social and economic impacts to be analyzed. The public will also be notified of future informational meetings and workshops as the studies progress.

**II. Description of Study Area**

The Peninsula Commute Service traverses three counties (San Francisco, San Mateo, and Santa Clara) from San Francisco to Gilroy for a distance of approximately 77 miles. However, most of the proposed project is located in the City of San Francisco, in an area generally bounded by Market Street, the Embarcadero, China Basin Channel,

Sixteenth Street, Seventh Street, Bryant Street and Second Street. The primary east-west corridors are along Brannan, Townsend and King Streets; primary north-south corridors are along Beale Street and Colin P. Kelly/Essex Streets (to the Transbay Terminal). The proposed station location is at Beale and Market Streets; however, the existing Transbay Transit Terminal location will also be evaluated in the event the LPA location proves infeasible.

**III. Alternatives**

Three alternatives with sub-options emerged from the evaluation and public involvement processes conducted previously. These alternatives will be evaluated in the DEIS/DEIR as follows:

- Alternative 1—No Build. The San Francisco station would remain at 4th and Townsend.
- Alternative 2 (The Proposed Project [LPA])—CalTrain would be extended to a station at Beale and Market Streets with the following routing and fuel options:

*Option A*—CalTrain would be routed on the surface along Townsend Street to 4th Street, underground via cut and cover under public streets from 4th Street to Market and Beale Streets. King and Brannan Streets, would be considered should Townsend Street prove infeasible. Full system electrification is included in this option.

*Option B*—Same as Option A, except existing locomotives with diesel power would be used or would be converted to liquefied natural gas.

*Option C*—Same as Option A, except that a direct mined or bored tunnel alignment would be used from approximately 3rd Street to approximately Harrison and Beale Streets under private properties in the South Beach Area.

- Alternative 3—CalTrain would be extended to a station at the existing Transbay Transit Terminal location. The PCS would be routed on the surface along Townsend Street, underground via cut and cover and/or mined tunnel to Folsom/Essex Streets and from there to a new or rehabilitated Transbay Transit Terminal. King or Brannan Streets would be considered should Townsend prove infeasible. Full system electrification is included in this alternative.

**IV. Probable Effects**

Impacts proposed for analysis include changes in the physical environment (air quality, noise, water quality, geology, visual); changes in the social environment (land use, business disruptions, and neighborhoods); changes in traffic and pedestrian

circulation; impacts on parklands and historic sites; changes in transit service and partonage; associated changes in highway congestion; capital, operating and maintenance costs; and financial implications. Impacts will be identified both for the construction period and for the long term operation of the alternatives. The proposed evaluation criteria include transportation, environmental, social, economic and financial measures as required by current Federal (NEPA) and State (CEQA) environmental laws and current Council on Environmental Quality (CEQ) and FTA guidelines. Mitigating measures will be explored for adverse impacts that are identified.

Issued on: May 12, 1995.

**Stewart F. Taylor,**

*Region IX Administrator.*

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**Maritime Administration**

[Docket S-920]

**Kadampattu Corp.; Notice of Application for Temporary Written Consent Pursuant to Section 506 of the Merchant Marine Act, 1936, as Amended, for the Temporary Transfer of the M/V STRONG/AMERICAN to the Domestic Trade**

Notice is hereby given that Allen Freight Trailer Bridge (ATFB), by letter of April 25, 1995, requested written consent pursuant to section 506 of the Merchant Marine Act, 1936, as amended (Act), to temporarily transfer during the year commencing October 31, 1995, the construction-differential subsidy (CDS) built, M/V STRONG/AMERICAN, exclusively to the domestic trade for a period not to exceed six months in any year period. The M/V STRONG/AMERICAN is an integrated tug barge unit, built in the United States with the aid of CDS, and owned by Kadampattu Corp., an affiliate of ATFB.

ATFB states that it operates a weekly RO/RO barge service between Jacksonville, Florida, and San Juan, Puerto Rico, utilizing two RO/RO barges owned by Kadampattu Corp., the JAX-SAN JUAN BRIDGE and SAN JUAN-JAX BRIDGE. Each of these barges will require regulatory drydocking and repairs prior to February 28, 1996.

ATFB explains that the M/V STRONG/AMERICAN has a capacity equivalent of 56 percent of the RO/RO barges to be drydocked. The STRONG/AMERICAN will require drydocking at considerable expense before it can be

placed in service, and without the requested waiver, such funds will not be expended. AFTB explains that the waiver sought herein would allow AFTB the necessary flexibility to complete drydocking and repairs to the RO/RO barges without disrupting the weekly service which is currently provided to the shipping public.

Any person, firm, or corporation having any interest in the application for section 506 consent and desiring to submit comments concerning Kadampanattu Corp.'s request must by 5:00 p.m. on May 30, 1995, file written comments in triplicate, to the Secretary, Maritime Administration, Room 7210, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. The Maritime Administration, as a matter of discretion, will consider any comments submitted and take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.800 Construction-Differential Subsidies (CDS))

By order of the Maritime Administrator.

Dated: May 11, 1995.

**Murray A. Bloom,**

*Acting Secretary, Maritime Administration.*

[FR Doc. 95-12093 Filed 5-16-95; 8:45 am]

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## National Highway Traffic Safety Administration

[Docket No. 95-39; Notice 1]

### Volkswagen of America, Inc.; Receipt of Application for Decision of Inconsequential Noncompliance

Volkswagen of America, Inc. (VWoA) of Auburn Hills, Michigan, has determined that some of its vehicles fail to comply with the power window requirements of 49 CFR 571.118, Federal Motor Vehicle Safety Standard (FMVSS) No. 118, "Power-Operated Window, Partition, and Roof Panel Systems," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." VWoA has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

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 judgment concerning the merits of the application.

Paragraph S4(e) in FMVSS No. 118 states that power operated windows may be closed only "during the interval

between the time the locking device which controls the activation of the vehicle's engine is turned off and the opening of either of a two-door vehicle's doors or, in the case of a vehicle with more than two doors, the opening of its front doors."

During the period of September 1, 1992 through March 5, 1995, VWoA manufactured approximately 1,200 1995 GTI vehicles and 18,795 1993-1995 Jetta III vehicles that do not comply with the power window requirements of FMVSS No. 118. The power windows in the subject vehicles can be operated when the ignition key is in the "off" position and the passenger side front door has been opened. The windows should not be able to be operated in this scenario.

VWoA supports its application for inconsequential noncompliance with the following:

The purpose of the requirement in S4(e) of FMVSS 118 specifying that the power window system not be functional if the ignition key is in the "off" position and one of the front doors have been opened, is to reduce the possibility of unsupervised children operating the power windows in the vehicle. S4(e) is based upon the assumption that before one of the front doors has been opened, an adult remains in the vehicle to supervise and protect children from the safety risks associated with the operation of the power window system. S4(e) further assumes that after one of the front vehicle doors has been opened, no adult remains in the vehicle and thereby creates a risk that children remaining in the vehicle may injure themselves by activating operational power windows without supervision. S4(e) seeks to eliminate that risk.

In the case of the affected vehicles, the power windows cease to be operable if the driver door is opened, but remain operational for a period of 10 minutes after the passenger side front door has been opened. The rationale supporting the 10 minute period is to allow the driver to close any open windows even though he may already have turned off the ignition and the passenger may have opened to door and exited the vehicle. It is a convenience feature permitted by law in Europe and offered by Volkswagen to the market in Europe as a convenience feature.

The power-operated roof panel systems cannot be operated after the ignition key has been turned off.

VWoA believes that its European configuration inadvertently built into certain vehicles delivered in the United States does not affect their safety in a discernible way. VWoA believes that as long as the driver door of the vehicle has not been opened, a person of driving age inevitably remains in the vehicle because the exiting of the driver on the passenger side front door is extremely difficult and therefore unlikely. The affected vehicles are equipped with bucket seats and a center transmission console which cause the movement of the driver to the passenger side of the vehicle without contortion to be difficult and virtually impossible. Also, it makes no sense to suggest that a driver would

exit the vehicle on the passenger side of a vehicle with bucket seats and [a] floor mounted transmission lever when he can conveniently open the driver's door for exit.

VWoA has received no customer complaints or claims relating to the ability of the windows to operate after the passenger door has been opened.

It should also be noted that the Volkswagen Owner's Manual contains an express warning against leaving children unattended in a vehicle and against misuse of the ignition key. The warning reads as follows:

#### WARNING

Do not leave children unattended in the vehicle especially with access to vehicle keys. Unsupervised use of the keys can result in starting of the engine and use of vehicle systems such as the power windows and power sunroof, which could result in serious personal injury.

As explained, the probability of unsupervised children being exposed to injury from power-operated window systems during the 10 minute interval after the ignition key has been turned off and the passenger side front door is opened and before the driver side front door is opened, is non-existent and that therefore this noncompliance is inconsequential to motor vehicle safety.

VWoA requests that this [application] be granted so that an unnecessary and costly consumer recall action [can] be avoided. VWoA expects a particularly low owner response to such a recall, if it were undertaken, because the ability to operate the power windows after the front passenger side door has been opened would likely be viewed by the owner to offer a valuable convenience feature without any apparent safety disadvantage.

Interested persons are invited to submit written data, views, and arguments on the application of VWoA, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C., 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: June 16, 1995. (15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 501.8)