

Prevost states that if the exemption is granted, it “will be able to install the LDW camera system in a location which will offer the best opportunity to optimize the data and evaluate the benefits of such a system.”

Comments

FMCSA published a notice of the application in the **Federal Register** on December 18, 2013, and asked for public comment (78 FR 76702).

The Agency received one comment, from Greyhound Lines, Inc. (Greyhound). Greyhound stated that it “has a substantial number of motorcoaches manufactured by Prevost in its fleet and has been an industry leader in adding innovative safety equipment to its motorcoaches.” Greyhound strongly supports the granting of the exemption, stating that it “believes that the lane departure warning (LDW) system that Prevost plans to install on its motorcoaches can be a useful tool for enhancing motorcoach safety if properly installed,” and agreed with Volvo/Prevost’s assertion that “the camera must be installed in the wiper swept area of [the] windshield for the system to perform correctly because it must have a clear forward facing view of the road.” Greyhound agreed that installation of the LDW camera within the bottom 7 inches of the wiper swept area “will maximize its effectiveness as a safety tool while not impeding the driver’s sight lines.”

FMCSA Decision

The FMCSA has evaluated the Volvo/Prevost exemption application. The Agency believes that granting the temporary exemption to allow the placement of LDW systems lower in the windshield than is currently permitted by the Agency’s regulations will provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because (1) based on the technical information available, there is no indication that the LDW systems would obstruct drivers’ views of the roadway, highway signs and surrounding traffic; (2) generally, buses have an elevated seating position that greatly improves the forward visual field of the driver, and any impairment of available sight lines would be minimal; and (3) the location within the bottom seven inches of the area swept by the windshield wiper and out of the driver’s normal sightline will be reasonable and enforceable at roadside. In addition, the Agency believes that the use of LDW systems by fleets is likely to improve the overall level of safety to the motoring public.

This action is consistent with previous Agency actions permitting the placement of LDW systems on CMVs within the swept area of the windshield wipers. In November 2011, FMCSA granted temporary exemptions to Conway, Takata, and Iteris enabling the mounting of LDW system sensors not more than 2 inches below the upper edge of the area swept by the windshield wipers and outside the driver’s sight lines to the road and highway signs and signals. The Agency recently renewed these exemptions for a second 2-year period, as FMCSA is not aware of any evidence showing that the installation of the devices has resulted in any degradation in safety. Further, while the original exemption granted relief to motor carriers using only the Takata and Iteris LDW systems, the Agency determined that it was appropriate to extend the scope of the exemption to motor carriers using any LDW system, given that FMCSA is unaware of any reduction in the level of safety associated with the use of those systems.

However, the provisions of that exemption cannot apply to the Volvo/Prevost application, as the requested mounting location for the Volvo/Prevost LDW system is at the lower portion of the windshield, within the bottom 7 inches of the wiper swept area, as opposed to the mounting location permitted by the other exemption, which is not more than 2 inches below the upper edge of the area swept by the windshield wipers. Notwithstanding the different mounting location, and for the reasons discussed above, FMCSA believes that allowing the placement of LDW systems in the lower portion of the windshield, within the swept area of the wipers, will provide a level of safety that is equivalent to, or greater than the level of safety achieved without the exemption. FMCSA continues to believe that the potential safety gains from the use of LDW systems to improve driver performance will improve the overall level of safety to the motoring public.

Terms and Conditions for the Exemption

The Agency hereby grants the exemption for a two-year period, beginning March 13, 2015 and ending March 13, 2017. During the temporary exemption period, motor carriers operating motorcoaches manufactured by Volvo/Prevost must ensure that the LDW systems are mounted not more than 7 inches above the lower edge of the area swept by the windshield wipers, and outside the driver’s sight lines to the road and highway signs and signals. The exemption will be valid for

two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers operating motorcoaches manufactured by Volvo/Prevost fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Interested parties possessing information that would demonstrate that motor carriers operating motorcoaches manufactured by Volvo/Prevost are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a person operating under the exemption.

Issued on: March 2, 2015.

T. F. Scott Darling, III,
Acting Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on South Mountain Freeway (Loop 202), Interstate 10 (Papago Freeway) to Interstate 10 (Maricopa Freeway) in Phoenix, AZ

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of Availability of the Record of Decision (ROD) for the South Mountain Freeway project; and Notice of limitation on claims for judicial review of actions by FHWA and other Federal Agencies.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA) and FHWA procedures, this notice announces the availability of the ROD regarding the South Mountain Freeway project in Phoenix, AZ. The Arizona Division Administrator signed the ROD on March 5, 2015.

In addition, this notice announces actions taken by FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to the design and construction of the Selected Alternative for the South Mountain Freeway project. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before August 10, 2015. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Hansen, Team Leader Planning, Environment, Air Quality, and Realty Team, Federal Highway Administration, 4000 N. Central Avenue, Suite 1500, Phoenix, Arizona 85012-3500; telephone: (602) 379-3646, fax: (602) 382-8998, email: Alan.Hansen@dot.gov. The FHWA Arizona Division Office's normal business hours are 7:30 a.m. to 4 p.m. (Mountain Standard Time).

You may also contact: Ms. Rebecca Yedlin, Environmental Coordinator, Federal Highway Administration, 4000 N. Central Avenue, Suite 1500, Phoenix, Arizona 85012-3500; telephone: (602) 379-3646, fax: (602) 382-8998, email: Rebecca.Yedlin@dot.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following project in the State of Arizona: South Mountain Freeway (Loop 202), Interstate 10 (Papago Freeway) to Interstate 10 (Maricopa Freeway). The FHWA has decided to identify the Preferred Alternative analyzed in the *South Mountain Freeway (Loop 202) Final Environmental Impact Statement and Section 4(f) Evaluation* (FEIS) as the Selected Alternative for the South Mountain Freeway project in Phoenix, Arizona, and to proceed with its construction. The Selected Alternative discussed in the ROD for the project is the environmentally preferable alternative. The Selected Alternative will meet the project needs as well as or better than the other alternatives, and was determined to be the only prudent and feasible alternative in the eastern project area during the Section 4(f) evaluation. The Selected Alternative will have similar environmental effects on natural resources, cultural resources,

hazardous materials, and noise; will displace fewer residences; will have the lowest impact on total tax revenues of local governments; will have lower construction costs; will cause less construction disruption overall to Interstate 10 (Papago Freeway); will mitigate impacts and provide measures to minimize harm; represents all possible planning to minimize harm to resources receiving protection under Section 4(f); is favored by the majority of local governments; and will allow regulatory permitting requirements to be met.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Draft Environmental Impact Statement approved April 16, 2013, FEIS for the project, approved on September 18, 2014, in the FHWA ROD issued on March 5, 2015, and in other documents in the FHWA administrative record. Project decision documents are also available online at: azdot.gov/southmountainfreeway.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. *Air:* Clean Air Act [42 U.S.C. 7401-7671(q)].
3. *Land:* Section 4(f) of the US Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].
4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)], Migratory Bird Treaty Act [16 U.S.C. 703-712].
5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013].
6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].
7. *Wetlands and Water Resources:* Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601-4604]; Safe

Drinking Water Act (SDWA) [42 U.S.C. 300(f)-300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401-406]; Wild and Scenic Rivers Act [16 U.S.C. 1271-1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Flood Disaster Protection Act [42 U.S.C. 4001-4128].

8. *Water:* Clean Water Act 33 U.S.C. 1251-1387.

9. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(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.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: March 9, 2015.

Karla S. Petty,
Arizona Division Administrator, Phoenix, Arizona.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2015-0015]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated February 16, 2015, Sonoma-Marín Area Rail Transit District (SMART) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 236, Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance and Repair of Signal and Train Control Systems, Devices, and Appliances. FRA assigned the petition Docket Number FRA-2015-0015.

Specifically, SMART seeks temporary relief from the requirements of 49 CFR 236.0, *Applicability, minimum*