

determinations to State licensing agencies and produce a draft notice of proposed rulemaking for consideration by the agency.

The negotiation process will proceed according to a schedule of specific dates that the Committee devises at the first meeting. The FHWA will publish notices of future meetings in the Federal Register. The FHWA has provided direct notice of this meeting to all Committee members and urges all members to attend and participate in this first and important meeting.

Authority: 5 U.S.C. §§ 561-570; 5 U.S.C. App. 2 §§ 1-15.

Issued on: July 19, 1996.

Stephen E. Barber,  
*Acting Associate Administrator for Motor Carriers.*

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## National Highway Traffic Safety Administration

### 49 CFR Part 571

#### Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Denial of petition for rulemaking.

**SUMMARY:** This document denies the petition by Mr. John Chevedden for the issuance of a mandatory Federal regulation that would require all new cars, light trucks and sport utility vehicles to be equipped with reflectors or reflective tape on the open driver side door or door jamb. An analysis of the petition revealed no information to support the petitioner's contention that there is a safety problem with the current situation and that his proposed solution will address the problem and improve safety in a cost-effective way.

**FOR FURTHER INFORMATION CONTACT:** Kenneth O. Hardie, Safety Performance Standards, NHTSA, 400 Seventh Street, SW, Washington, D.C. 20590. Mr. Hardie's telephone number is (202) 366-6987.

**SUPPLEMENTARY INFORMATION:** By letter dated March 29, 1996, Mr. John Chevedden of Redondo Beach, California, petitioned NHTSA to issue a new rule that would mandate the equipping of all new cars, light trucks and sport utility vehicles with reflectors or reflective tape on the open driver side door or door jamb. The petitioner stated that this will avoid collisions with drivers and their car doors as they exit

the vehicle at night near traffic because the door will be reflective to oncoming traffic when the driver door is opened.

#### Analysis of Petition:

To establish a new vehicle safety requirement, the agency must present data or analysis showing that there is a significant safety problem and that the problem would likely be reduced by adopting that requirement. The petitioner did not provide any information showing that a safety problem presently exists. He did not submit any information showing the frequency with which drivers or driver's doors are struck by passing traffic. Further, he did not provide information showing the extent to which such incidents are the result of insufficient conspicuity of the door or the result of the suddenness with which the driver opens his or her door into the path of an oncoming vehicle. Finally, he did not provide any information showing whether the incidents were more likely to involve a solitary parked vehicle or a parked vehicle whose rear end was obscured by another parked vehicle. The agency also lacks any such information.

In the absence of this information, the agency cannot assess whether the problem is of sufficient magnitude to warrant rulemaking. It also can only very roughly assess whether the suggested requirement has the potential for reducing the problem.

NHTSA has already established requirements that make parked vehicles, particularly solitary parked vehicles, more conspicuous to following traffic. FMVSS 108 requires that vehicles be equipped with rear taillamps, stoplamps, high mounted center stoplamps, license plate lamps, and parking lamps. These lamps add to a vehicle's conspicuity when its lights are turned on. The agency recognizes that to the extent that drivers exit from their vehicles at night only after turning off the vehicle lights, these lamps will not be of any assistance in making the stopped vehicle conspicuous.

However, FMVSS 108 also contains a requirement that enhances the conspicuity of vehicles whose lights are turned off. The Standard requires that the rear of all cars, and multipurpose passenger vehicles and trucks less than 80 inches overall width, be equipped with two red reflex reflectors, on each side of the vehicle centerline. These reflectors are required to be as far apart as possible. The intent of requiring these reflectors is to make these vehicles more visible, especially at times of reduced lighting, so that oncoming drivers will ensure that there is sufficient separation

to allow them to pass the vehicles safely. Further, although not required by FMVSS 108, vehicles have an interior light that is activated when the door is opened, even if the external vehicle lights are turned off.

While NHTSA is interested in any suggestion that might reduce deaths, injuries or crashes, the agency must ensure that all new requirements are likely to enhance safety, are reasonable, practicable and cost-effective and that the safety problem is significant enough to warrant Federal intervention. Since there is no information available to assess either the alleged safety problem or the potential of the suggested requirement for solving the problem, NHTSA must decide if it should spend limited agency resources to perform the research and conduct the studies necessary to assess these matters. There could be many other measures whose contribution to the safety of motor vehicles could be more easily and certainly established.

In accordance with 49 CFR Part 552, this completes the agency's technical review of the petition. The agency has concluded that there is no reasonable possibility that the amendment requested by the petitioner would be issued at the conclusion of a rulemaking proceeding. After considering all relevant factors, including the need to allocate and prioritize limited agency resources to best accomplish the agency's safety mission, the agency has decided to deny the petition.

Authority: 49 U.S.C. 30103, 30111, 30162; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: July 17, 1996.

Barry Felrice.

*Associate Administrator for Safety Performance Standards.*

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### 49 CFR Part 571

#### Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Denial of petition for rulemaking.

**SUMMARY:** This document denies Mr. John Chevedden's petition for rulemaking to require that all manual transmission cars, trucks, and sport utility vehicles be manufactured with the "Hill-Holder" innovation which is found as standard equipment on the Subaru Legacy. Mr. Chevedden claims