

### 5.2 Cruise Control Mechanical Vacuum Dump Valve (MVDV) Operation

As described earlier in Section 4.3.1, as soon as the brakes were applied, a functional MVDV would have immediately depleted servo vacuum and allowed the engine to return to idle in the event a cruise control electrical malfunction occurred. There is no evidence that the MVDV has ever malfunctioned during the subject vehicle's life. ODI examined the MVDV and its mounting bracket and found both to be undamaged and adjustment of the MVDV was found to be within Ford's recommended specification.

Mr. Sero has alleged that certain drivers are unable to exert enough force on the brake pedal to activate the MVDV.<sup>85</sup> This assertion is plainly wrong. For example, the subject Town Car's MVDV opens (vents) whenever the brake pedal is depressed 3/4 inch, which occurs at about 3.5 lb. of force with the power brakes functioning and 12 lb. without. To put those pedal forces in perspective, ninety-nine percent of the adult population in the United States is able to exert at least 60 lb. of force on the brake pedal.

### 5.3 Cruise Control Type

Mr. Sero's theory is based on his observation that "voltage is supplied to the servo the moment the ignition is turned on" and "under this condition, all that is necessary to induce wide open [sic] throttle is a completion of a circuit to the servo."<sup>86</sup> However, a failure consistent with the petitioner's multiple servo solenoid ground fault theory could not have contributed to the June 7, 1995 SAI in Mountain Home, Arkansas because the MY 1988 Town Car was equipped with an "integrated" cruise control system. As described in Section 4.1.3 of this document, in certain Ford vehicles beginning with MY 1986, the control-logic function has been integrated into the electronic engine control (EEC) module. Unlike Ford's "stand-alone system," the integrated system does not allow full power to reach the servo solenoids unless appropriately signaled by the EEC even in the unlikely event that multiple servo solenoid ground faults occur—assuming the system's installation is consistent with Ford's design.

### 6.0 Conclusions

The petitioner, some plaintiff consultants, and a few in the news media have alleged that "new" information, developed since NHTSA's Study was conducted, justifies its reopening to ascertain the cause or causes of sudden acceleration. They view the Study's findings as flawed because it allegedly did not consider the possibility or consequences of cruise control failure modes involving inadvertent solenoid activation. However, the Study did consider these issues. Moreover, the petitioner's theory is contingent upon the occurrence of simultaneous, undetectable mechanical and electrical system failures. Absent these failures, no inadvertent servo solenoid activation could occur which would result in an unintended increase in engine

power. The mere fact that some vehicles have been built with cruise control systems that may allow inadvertent servo solenoid activation does not sustain a conclusion that such an activation could lead to a SAI. Voluminous data indicates it does not. Indeed, the fact that the petitioner (and others) have never produced credible evidence that simultaneous, undetectable electrical and mechanical cruise control system failures have resulted in a single SAI—let alone frequently enough to justify a safety recall—supports the Study's original finding that "the occurrence of such simultaneous, undetectable failures is virtually impossible."

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. MC-F-20966]

**Global Passenger Services, L.L.C., et al.—Control—Davis Bus Lines, Inc., et al.**

AGENCY: Surface Transportation Board.

<sup>85</sup> Jarvis v. Ford, Daubert Hearing Tr. 85. "You can't release it [the MVDV] because you can't move the [brake] pedal enough."

<sup>86</sup> McMath letter, 1.

**ACTION:** Notice tentatively approving finance transaction.

**SUMMARY:** Global Passenger Services, L.L.C. (Global), Student Transportation of America, Inc. (STA), and Travelways, Inc. (Travelways) (collectively, applicants), noncarriers, filed an application under 49 U.S.C. 14303 for Global to acquire indirect control and STA to acquire direct control of one motor passenger carrier, Davis Bus Lines, Inc. (Davis), and for Global to acquire indirect control and Travelways to acquire direct control of two motor passenger carriers, VIP Tours & Charters Sightseeing Corporation (VIP) and Coach America Corporation (CAC). Persons wishing to oppose the application must follow the rules at 49 CFR 1182.5 and 1182.8. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

**DATES:** Comments must be filed by June 12, 2000. Applicants may file a reply by June 27, 2000. If no comments are filed by June 12, 2000, this notice is effective on that date.

**ADDRESSES:** Send an original and 10 copies of any comments referring to STB Docket No. MC-F-20966 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, send one copy of comments to applicants' representative: Mark J. Andrews, Barnes & Thornburg, 1401 Eye Street, N.W., Suite 500, Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** Global, a Delaware limited liability company, indirectly controls 16 motor passenger carriers and holds majority stock interest in STA and Travelways.<sup>1</sup> The direct control of the 16 motor passenger carriers is divided between STA and Travelways, both Delaware corporations. STA controls the Global affiliates that provide primarily school bus service and Travelways controls the affiliates that provide primarily leisure transportation and intercity airport shuttle services, which is not involved here. Davis<sup>2</sup> will be added to the STA-

controlled affiliates and VIP<sup>3</sup> and CAC<sup>4</sup> will be added to the Travelways-controlled affiliates. According to applicants, the acquisition of control of these three additional motor passenger carriers will permit a modest expansion of Global's service and client base in two markets that it already serves—school bus transportation in Pennsylvania and leisure transportation in southern California—without reducing competition in either market.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction we find consistent with the public interest, taking into consideration at least: (1) The effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

Applicants have submitted the information required by 49 CFR 1182.2, including information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b). Specifically, applicants have shown that the proposed transaction will have a positive effect on the adequacy of transportation to the public and will result in no increase in fixed charges and no changes in employment. See 49 CFR 1182.2(a)(7). Additional information, including a copy of the application, may be obtained from applicants' representative.

On the basis of the application, we find that the proposed transaction is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

points in the United States. It conducts limited charter and tour services which are incidental to its school transportation operation based in Pennsylvania, and which extend only to points in immediately adjacent States.

<sup>3</sup> VIP is a Delaware corporation holding federally issued operating authority in MC-277612 to provide charter and special operations and contract carrier services between points in the United States. The actual operations of VIP and its predecessor company involve primarily vacation charters and organized tours beginning and ending in southern California and extending to points in California and immediately adjacent States.

<sup>4</sup> CAC is a Delaware corporation holding federally issued operating authority in MC-330527 to provide charter and special operations between points in the United States. The operations of CAC and its predecessor company historically have resembled those of VIP.

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This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

*It is ordered:*

1. The proposed acquisition of control is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed vacated.

3. This decision will be effective on June 12, 2000, unless timely opposing comments are filed.

4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration—HMCE-20, 400 Virginia Avenue, S.W., Suite 600, Washington, DC 20024; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, S.W., Washington, DC 20590.

Decided: April 20, 2000.

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.

**Vernon A. Williams,**

*Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-501 (Sub-No. 3X)]

### Central of Tennessee Railway and Navigation Company, Incorporated—Discontinuance of Service Exemption—In Bastrop, Burnet, Lee, Llano, Travis and Williamson Counties, TX

On March 24, 2000<sup>1</sup>, Central of Tennessee Railway and Navigation Company, Incorporated, d.b.a. The Longhorn Railway Company (Longhorn), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903

<sup>1</sup> Petitioner's initial filing on March 24, 2000, lacked necessary zip code and station information. A complete petition was not obtained until April 24, 2000. Accordingly, we have treated that date as the actual filing date and the dates for issuance of a final decision and for the filing of any offers of financial assistance in this matter have been extended, respectively to August 12 and August 22, 2000.

<sup>1</sup> See *Global Passenger Services, L.L.C., et al.—Control—Gongaware Tours, Inc., et al.*, STB Docket No. MC-F-20954 (STB served Sept. 16, 1999, corrected decision served Sept. 20, 1999); and *Global Passenger Services, L.L.C.—Control—Bortner Bus Company, et al.*, STB Docket No. MC-F-20924 (STB served July 17, 1998).

<sup>2</sup> Davis is a Pennsylvania corporation holding federally issued operating authority in MC-233595 to provide charter and special operations between