

Under 49 U.S.C. Chapter 301, *Motor Vehicle Safety*, NHTSA has the authority to develop standards to reduce the incidence of crashes, and deaths and injuries resulting from crashes. FMVSS No.114, *Theft Protection*, specifies requirements to reduce the incidence of crashes that result from unauthorized use of a motor vehicle. The standard accomplishes this by requiring that vehicles be equipped with a system to warn the driver/operator when his/her keys are left in the ignition and the door is opened. This warning serves as a reminder to the owner operator to remove his or her keys, consequently protecting the vehicle from unauthorized use. In contrast, the goal of the petitioner's system is to identify stolen vehicles for purposes of recovery.

FMVSS No. 108, *Lamps, Reflective Devices and Associated Equipment*, specifies requirements to reduce the incidence of crashes through the use of exterior vehicle lighting devices. The standard accomplishes this by setting performance and installation requirements for such devices and motor vehicles so that the vehicles are conspicuous, that the roadway is illuminated, and that important information about drivers' intentions are signaled to other drivers.

For the Bromer system to be effective, the stop and/or taillamps would need to be on all the time. Under current Federal lighting requirements, taillamps need to be on only when headlamps are on. Per state laws this is mostly during the nighttime. Thus, the only time the VIN information would be transmitted through taillamps would be at night. The total percentage of vehicle travel at night is low. As the petitioner stated, there would likely be no visual perception of the data being transmitted but there is the possibility of slight intensity reduction. To this extent, the taillamp would still be required to comply with the specified intensity requirements for taillamps.

Stop lamps using the Bromer system could transmit only the VIN information when these lamps were actuated during braking, further reducing the total time that any VIN signal would be transmitted. Thus, in order for the system to be effective, the taillamps and/or stop lamps would need to be on all the time. The stop lamps could not be permitted to do this for obvious safety reasons. Additionally, operation of the stop lamps without braking is not permitted by FMVSS No. 108.

There is the possibility of developing a new FMVSS. As it is, the Bromer system could help in recovering a vehicle during the period between when it is reported stolen and logged into the

system, and when the system is disabled. Possibly, if the Bromer system is not disabled, it could identify the vehicle as stolen if it were to be resold. The likelihood of vehicle recovery could be very high if the Bromer system were not disabled immediately or shortly after being initially stolen. Conversely, the effectiveness of the Bromer system could be low if a thief immediately disabled the device at the time of theft or within a few minutes of when the vehicle could be stopped. At that point, the vehicle would become like any other vehicle, having no emitted signal and invisible to a police cruiser's receiver.

Relative to the system operating through Federally required signal lighting, the Bromer system would require all motor vehicles to use LED technology for stop and/or taillamps. Most vehicles would have to be equipped with LEDs at some expense (\$10 to \$30 per vehicle at a minimum). There would also be an additional cost for the installation of the vehicle transmitter circuitry. Because few vehicles use LEDs, mandating their use would certainly increase the cost of most vehicles.

An additional consideration is that such a system, if Federally mandated for installation on motor vehicles, would have to be accompanied by a receiver installed in every police vehicle throughout the United States if the system's goals were to be fully realized. If NHTSA were to mandate this, it would be many years until the entire fleet of citizen vehicles and police vehicles were equipped and compatible. Also, a system for national distribution of computer programs to law enforcement jurisdictions and the national and immediate distribution of stolen vehicle VINs would have to be implemented. This could impose substantial costs to states. In sum, we believe that the cost to manufacturers, vehicle owners and states outweigh any possible benefits that the Bromer system might have in reducing motor vehicle theft and increasing vehicle recovery.

A final concern is that each vehicle transmitting this unique information would instantly provide the police and any other person having access to a system receiver, the whereabouts of the vehicle and its owner or operator. Transmitting this type of information may constitute an unwarranted invasion of personal privacy to the persons who would be identified (5 U.S.C. 552(b)(6)).

This completes the agency's technical review, and, on the basis of the foregoing, the agency has decided to deny Mr. Bromer's petition.

Authority: 49 U.S.C. 33102–33104 and 33106; delegation of authority at 49 CFR 1.50.

Issued on: August 1, 2002.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34226]

R.J. Corman Equipment Company, LLC—Acquisition Exemption—Line of CSX Transportation, Inc.

R.J. Corman Equipment Company, LLC (RJCE), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire approximately 2.16 miles of track in Wayne County, OH, from CSX Transportation, Inc. The line, known as the Wooster Industrial Track, extends between approximately milepost 16.81 and milepost 18.97.

This transaction is related to a simultaneously filed verified notice of exemption in STB Finance Docket No. 34227, *R.J. Corman Railroad Company/Cleveland Line-Lease and Operation Exemption—Line of R.J. Corman Equipment Company, LLC*, wherein R.J. Corman Railroad Company/Cleveland Line will lease and operate the line being acquired by RJCE.

The parties reported that they intended to consummate the transaction on or soon after July 18, 2002, the effective date of the exemption (7 days after the exemption was filed).

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings referring to STB Finance Docket No. 34226, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, 1800 Massachusetts Avenue, NW., Suite 200, Washington, DC 20036–1221.

Board decisions and notices are available on our Web site at www.stb.dot.gov.

Decided: July 25, 2002.

By the Board, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.
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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board [STB Finance Docket No. 34227]

R.J. Corman Railroad Company/ Cleveland Line—Lease and Operation Exemption—Line of R.J. Corman Equipment Company, LLC

R.J. Corman Railroad Company/
Cleveland Line (RJCL), a Class III rail
carrier, has filed a verified notice of
exemption under 49 CFR 1150.41 to
lease and operate approximately 2.16
miles of track in Wayne County, OH,
known as the Wooster Industrial Track,
extending between approximately
milepost 16.81 and milepost 18.97. This
transaction is related to a
simultaneously filed verified notice of
exemption in STB Finance Docket No.
34226, *R.J. Corman Equipment*

*Company, LLC—Acquisition
Exemption—Line of CSX
Transportation, Inc.*, wherein R.J.
Corman Equipment Company, LLC will
acquire the Wooster Industrial Track
from CSX Transportation, Inc. (CSXT).

As part of this transaction, RJCL will
acquire by assignment from CSXT
incidental overhead trackage rights over
rail lines of the Norfolk Southern
Railway Company between East Gravel,
OH (approximately milepost 1.74), and
Massillon, OH (approximately milepost
0.0), and between Massillon
(approximately milepost 110.7) and
Wooster, OH (approximately milepost
138.0), a distance of approximately
29.04 miles in Wayne and Stark
Counties, OH. RJCL states that the
trackage rights will enable it to connect
with the segment of rail line that it owns
between Massillon and Warwick, OH.

RJCL certifies that its projected annual
revenues will not exceed those that
would qualify it as a Class III rail carrier
and that its annual revenues are not
projected to exceed \$5 million.

The parties reported that they
intended to consummate the transaction
on or soon after July 18, 2002, the

effective date of the exemption (7 days
after the exemption was filed).

If the verified notice contains false or
misleading information, the exemption
is void *ab initio*. Petitions to revoke the
exemption under 49 U.S.C. 10502(d)
may be filed at any time. The filing of
a petition to revoke will not
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An original and 10 copies of all
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Docket No. 34227, must be filed with
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K Street, NW., Washington, DC 20423-
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Sheys, 1800 Massachusetts Avenue,
NW., Suite 200, Washington, DC 20036-
1221.

Board decisions and notices are
available on our Web site at
www.stb.dot.gov.

Decided: July 25, 2002.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

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