

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration**

[Docket No. NHTSA-2004-17437; Notice 2]

PACCAR, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

PACCAR, Inc. (PACCAR), has determined that the trailer antilock brake system (ABS) warning lights on certain vehicles that were produced by Peterbilt Motors Company (Peterbilt), a division of PACCAR, from April 3, 2003, to November 28, 2003, do not comply with S5.1.6.2(b) of Federal Motor Vehicle Safety Standard (FMVSS) No. 121, "Air brake systems." Pursuant to 49 U.S.C. 30118(d) and 30120(h), PACCAR has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports." Notice of receipt of the petition was published with a 30 day comment period on April 20, 2004, in the **Federal Register** (69 FR 21189). NHTSA received no comments.

Approximately 4009 Peterbilt models 378, 379, 385, and 387 are affected. S5.1.6.2(b) of FMVSS No. 121 requires that "Each * * * truck tractor * * * shall * * * be equipped with an indicator lamp * * * which is activated whenever the [antilock brake system] malfunction signal circuit * * * receives a signal indicating an ABS malfunction on one or more towed vehicles(s)."

The affected vehicles have two types of fluorescent lights installed in the cab sleeper. These lights create an electromagnetic interference (EMI) with the trailer ABS malfunction signal manufactured by Power Line Carrier (PLC). The fluorescent lights, when on, can interfere with the proper operation of the PLC signal, preventing the telltale from functioning. The PLC signal and the telltale operate correctly when the fluorescent light in the sleeper is off.

PACCAR believes that the noncompliance is inconsequential to motor vehicle safety, and that no corrective action is warranted. PACCAR states that the in-cab warning lamp will not function only if the fluorescent light in the sleeper is on. PACCAR asserts that this is not likely to occur while the vehicle is being driven and if so, it would be a small percentage of the time.

PACCAR explains that not all suspect vehicles will exhibit the behavior, because due to manufacturing variances, some fluorescent lights emit more EMI

than others. PACCAR states that the PLC signal strength from the trailer is also a factor. PACCAR explains that the telltale will operate normally in most cases with a strong trailer PLC signal and only marginal EMI; however the telltale will not operate with a normal to marginal trailer PLC signal and high EMI. In addition, the indicator on the exterior of the trailer is not affected by this defect and would continue to warn the driver in the event of a trailer ABS malfunction. PACCAR also states that the foundation brakes on the trailer are not impacted.

The agency agrees with PACCAR that this noncompliance will not have an adverse effect on vehicle safety. For the in-cab warning lamp malfunction to occur, first the fluorescent light in the sleeper must be on while the vehicle is being driven, which is not likely to occur often, and second, even when this occurs, there must be also be a high EMI from the cab-sleeper fluorescent lights combined with a normal to marginal trailer signal. Even in these cases, the ABS malfunction indicator lamp on the exterior of the trailer will continue to function and is visible from the driver side mirror. In addition, the foundation brakes on the trailer are not affected. Paccar has fixed the problem.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, PACCAR's petition is granted and the petitioner is exempted from the obligation of providing notification of and a remedy for the noncompliance.

Authority: 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8.

Issued on: June 28, 2004.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 04-15161 Filed 7-2-04; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board**

[STB Finance Docket No. 34464]

Wisconsin & Southern Railroad Co.— Acquisition Exemption—Iowa, Chicago & Eastern Railroad Corporation

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10502, the Board is granting a petition for exemption from the prior approval

requirements of 49 U.S.C. 10902 for Wisconsin & Southern Railroad Co. (WSOR), a Class II carrier, to acquire from Iowa, Chicago & Eastern Railroad Corporation (IC&E) 7.33 miles of railroad in Janesville, Rock County, WI, owned by IC&E.¹ The line being acquired consists, as described by petitioner, of the following track segments: (1) Between the division of ownership at milepost 94.49 on Buyer's line to Fox Lake, IL, and the division of ownership at milepost 11.02 on Buyer's line to Monroe, WI; (2) between milepost 98.27 and milepost 46.75 on Buyer's line to Milton Jct., WI; (3) between milepost 9.96 and milepost 46.08, consisting generally of the north leg of the wye track at Janesville; and (4) the connecting track between milepost 45.23 and the connection with the leased premises at milepost 46.08.

DATES: The exemption will be effective 60 days after WSOR certifies that it has complied with Board regulations at 49 CFR 1121.4(h). Petitions to stay must be filed by July 12, 2004. Petitions to reopen must be filed by July 20, 2004.

ADDRESSES: An original and 10 copies of all pleadings referring to STB Finance Docket No. 34464 must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of all pleadings must be served on petitioner's representative, John D. Heffner, John D. Heffner, PLLC, 1920 N Street, NW., Suite 800, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 565-1609. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision. Copies of the decision may be purchased from ASAP Document Solutions by calling (301) 577-2600 (assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339) or by visiting Suite 103, 9332 Annapolis Road, Lanham, MD 20706.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: June 29, 2004.

¹ WSOR states that it already leases and operates over approximately 6.48 miles of railroad and that it would acquire .85 miles of connecting track in addition to the lines over which it currently operates.