

vehicles may not return to idle within the time limits specified by S5.3.

GM believes that the noncompliance is inconsequential to motor vehicle safety for the following reasons:

**Vehicle Controllability:** A number of conditions must occur for the noncompliance to occur. A return spring must be severed, the stack-up of tolerances in the ETC Pedal Position Sensor must exist, the vehicle must have soaked at an ambient temperature of  $-30^{\circ}\text{C}$  to  $-40^{\circ}\text{C}$  for the Grand Prix and XLR and  $-10^{\circ}\text{C}$  to  $-40^{\circ}\text{C}$  for the SXR, and the customer must drive the vehicle prior to the vehicle interior warming up. In the extremely low likelihood of all of these conditions existing, the condition would occur upon the first application of the throttle pedal. The vehicle would continue to be controllable by steering and braking, and the ETC Pedal assembly would return to normal operation once the passenger compartment warmed up.

**Pedal Assembly is Protected:** When FMVSS No. 124 was established in 1973, the accelerator control systems of vehicles consisted of a mechanical connection between the accelerator pedal and the engine's carburetor. The throttle return springs required by FMVSS No. 124 were typically part of the carburetor, and subject to the harsh engine environment. The requirements of S5.1 were established to ensure that if one of those springs in that environment were to fail, the engine would return to idle in a timely manner.

The ETC Accelerator Pedal Module in the subject vehicles consists of the accelerator pedal at the end of the accelerator pedal lever. The lever is connected to the ETC Pedal Sensor shaft, and is returned to the idle position by two return springs. The ETC Pedal Sensor provides two redundant signals to the engine control module to indicate accelerator pedal position. The ETC Accelerator Pedal Module is located entirely within the passenger compartment of the vehicle. The return springs are in a protected area under the instrument panel, and are not subject to the harsh environment of the engine compartment.

**Condition Requires Failed Return Spring:** The condition that is described can only occur if one of the two return springs is severed or disconnected. The springs in the subject Accelerator Pedal Module, however, have extremely high reliability and are not likely to fail in the real world.

**Durability Testing:** The ETC Accelerator Pedal Module is designed for a service life of at least 100,000 miles or 10 years working life for passenger car application. The Minimum Typical Predicted Usage Profile of the Component Technical Specification states that the Accelerator Pedal mechanism may be subject to 35,000,000 dithers / 70,000,000 sensor direction changes. The GM Test Procedure TP3750, Accelerator Pedal Lab Durability Cycling Test, that is used during the development and validation of this system, subjects these parts to 2 million cycles, an equivalent usage greater than 6 lives for an automatic transmission passenger vehicle and 3 lives for a manual transmission passenger vehicle. There were no accelerator

pedal return spring failures after testing multiple samples to 10 million cycles during the durability testing that was performed on the ETC Accelerator Pedal Module for the subject vehicles.

**Condition Requires Extreme Temperatures, Pedal Assembly Warms Quickly:** The root cause of the condition is an increase in friction that may occur on some ETC Accelerator Pedal Modules due to a stack-up of tolerances, but only when the Module is subjected to extreme ambient temperatures. All tests at temperatures above those extremes resulted in full compliance with the FMVSS No. 124 time limits for all pedal assemblies tested. Therefore, the ambient temperatures required for the possibility of the noncompliance to exist are severe. Even if a vehicle with a disconnected return spring soaked under the necessary harsh conditions for a sufficient time, the potential for the noncompliance to occur would exist for only a short time, because the pedal assembly would warm up quickly with activation of the vehicle heating system.

**Warranty Data:** GM has reviewed warranty data for these 2004 vehicles, as well as complaint data. GM is unaware of any data suggesting the subject condition is a real world safety issue.

**Prior NHTSA Decision:** On August 3, 1998, NHTSA granted a petition for decision of inconsequential noncompliance to GM for 1997 Chevrolet Corvettes that failed to meet the requirements of FMVSS No. 124, with respect to the requirement to return to idle in less than 3 seconds at  $-40^{\circ}\text{C}$ .

Additional information was requested from GM. One of the factors considered in the prior petition grant (63 FR 41320, August 3, 1998) was that the accelerator control system performance of the Corvettes improved after several thousand application cycles of the accelerator pedal.

However, in the present case, GM and its pedal assembly supplier conducted several tests of samples from the subject population attempting to demonstrate this kind of improvement by cycling pedal assemblies at ambient and cold temperatures, but the throttle return performance was not significantly improved.

Six accelerator pedal assemblies were taken from GM vehicles with up to 11,553 accumulated driving miles and tested on a fixture with one return spring disconnected at  $-40^{\circ}\text{C}$  and higher temperatures. Checking times to return from 10 percent, 50 percent, and 100 percent wide-open throttle positions to idle, two of the assemblies returned to idle within three seconds. The four others had not fully returned within one minute.

The worst performer of these assemblies was installed in a vehicle for testing on a dynamometer in a cold chamber. The driver accelerated to 70 mph and removed his foot from the accelerator control pedal. Vehicle speed

reduced slowly. Tapping or pumping the accelerator pedal had little effect. Side taps applied to the pedal improved return time such that the pedal returned within 40–50 seconds. When the driver used his foot to lift up the pedal, the idle condition was achieved within five seconds.

The standard requires that a vehicle's accelerator control system, with one return spring disconnected, return to idle in cold ambient temperatures within three seconds. A driver who starts a vehicle affected by the noncompliance in these conditions and begins driving it soon thereafter could be unable to control vehicle speed and experience a loss of control.

In consideration of the foregoing, NHTSA has decided that the petitioner has not met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, GM's petition is denied.

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

Issued on: January 19, 2005.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### Report on Research Activities; Request for Comments

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** Notice and Request for Comments.

**SUMMARY:** The Norman Y. Mineta Research and Special Programs Improvement Act of 2004 (Public Law 108–426) will disestablish the Department of Transportation's Research and Special Programs Administration (RSPA). In its place, two new Federal agencies will be established—the Research and Innovative Technology Administration (RITA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA). These new organizations will be effective no later than February 28, 2005.

Section 4(g) of the Act directs the incoming RITA Administrator to prepare a report to Congress, due March 30, 2005, on the research activities and priorities of the Department of Transportation. As a part of the stakeholder review process, the

Department of Transportation is soliciting comments from Federal, state, private sector, and not-for-profit institutions on the topics outlined below.

**ADDRESSES:** Please submit all comments electronically to [RitaReport@rspa.dot.gov](mailto:RitaReport@rspa.dot.gov) or fax to (202) 366-3671. The deadline for comments is February 15, 2005.

**FOR FURTHER INFORMATION CONTACT:** Thomas Marchessault, RSPA, by telephone at (202) 366-4434 or Fax: (202) 366-3671.

**SUPPLEMENTARY INFORMATION:** RITA is a new Department of Transportation (DOT) organization dedicated to advancing the DOT's priorities for transportation innovation, research, and education. RITA will integrate the existing intermodal research and development functions of the RSPA Office of Innovation, Research, and Education and the Secretary's Office of Intermodalism.

In addition, RITA also will incorporate the Volpe National Transportation Systems Center in Cambridge, Massachusetts; the Transportation Safety Institute in Oklahoma City; and the Bureau of Transportation Statistics in its entirety.

#### Report to Congress

On November 30, 2004, President Bush signed the Norman Y. Mineta Research and Special Programs Improvement Act (Public Law 108-426). Section 4(g) of the Act directs the RITA Administrator to prepare a report on the research activities of the Department of Transportation, for delivery to the Committee on Transportation and Infrastructure, the Committee on Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate. This report is due March 30, 2005, 120 days after enactment.

The report shall include the following information:

- A summary of the mission and strategic goals of the new RITA Administration;
- A prioritized list of the research and development activities that the Department intends to pursue over the next five (5) years;
- A description of the primary purposes for conducting such R&D activities such as reducing traffic congestion, improving mobility, and promoting safety;
- An estimate of the funding levels needed to implement such R&D activities for the current fiscal year; and
- Additional information the RITA Administrator considers appropriate.

In developing the report, the RITA Administrator must also:

- Solicit input from a wide range of stakeholders;
- Take into account how the research and development activities of other Federal, state, private sector, and not-for-profit institutions contribute to the achievement of the desired purposes; and

- Address methods to avoid unnecessary duplication of efforts in achieving such purposes.

As a part of the stakeholder review process, the Department of Transportation is soliciting comments from Federal, state, private sector, and not-for-profit institutions on these topics. The Department is using a variety of venues to solicit comments by stakeholders. This **Federal Register** Notice is one method for receiving comment. In particular, the Department encourages comments on the following topics:

#### Identification of Priorities

- How do we establish DOT transportation research priorities in an environment of limited resources?
- How do we balance research on long-term, high-risk and high-impact advances versus research with immediate transportation safety and mobility returns?

#### Research Duplication

- How do we identify and avoid unnecessary duplication in transportation-related technology research?
- How do we share information and learn about opportunities to benefit from others' research?

#### The Role of Stakeholders

- What on-going communications methods or processes might be established with stakeholders outside of the DOT to receive their advice and recommendations?
- What information resources can RITA utilize or create to leverage private sector advances into the DOT missions and goals?

We encourage your ideas on these topics, and on other related topics you may identify. The development of RITA, its roles, direction, and responsibilities, will be a methodical process of growth. It may not be possible to incorporate many of the ideas we receive in our Congressional report. However, all ideas and concerns identified will be considered for integration into our planning endeavors.

Issued in Washington, DC on January 14, 2005.

**Thomas Marchessault,**  
*Acting Associate Administrator, Office of Innovation, Research and Education, Research and Special Programs Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33388 (Sub-No. 95)]<sup>1</sup>

#### **CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail Inc. and Consolidated Rail Corporation [Petition to Approve Settlement Agreement and Exempt Embraced Transactions]**

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice of Board action with regard to settlement agreement and 6 related exemptions.

**SUMMARY:** Under 49 U.S.C. 11327, the Board finds that a settlement agreement that was entered into by Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, NS) and Wheeling & Lake Erie Railway Company (W&LE), when implemented, will satisfy certain conditions imposed in *CSX Corp. et al.—Control—Conrail Inc. et al.*, 3 S.T.B. 196 (1998). Under 49 U.S.C. 10502 the Board grants the exemption authority sought by NS and W&LE pursuant to the settlement agreement.

The Settlement Agreement includes 7 elements.

Element #1 provides that W&LE will be granted overhead trackage rights,

<sup>1</sup> This notice embraces: STB Finance Docket No. 33388 (Sub-No. 96), *Wheeling & Lake Erie Railway Co.—Trackage Rights Exemption—Norfolk Southern Railway Co. Between Bellevue and Toledo, OH*; STB Finance Docket No. 33388 (Sub-No. 97), *Wheeling & Lake Erie Railway Co.—Trackage Rights Exemption—Norfolk Southern Railway Co. in Cleveland, OH*; STB Finance Docket No. 33388 (Sub-No. 98), *Norfolk Southern Railway Co.—Trackage Rights Exemption—Wheeling & Lake Erie Railway Co. Between Clairton, PA and Bellevue, OH*; STB Finance Docket No. 33388 (Sub-No. 99), *Wheeling & Lake Erie Railway Co.—Petition for Exemption—Purchase of the Toledo Pivot Bridge—Norfolk Southern Railway Co.'s Dock at Huron, OH*; and STB Finance Docket No. 32525 (Sub-No. 1), *Wheeling & Lake Erie Railway Co.—Trackage Rights Exemption—Norfolk and Western Railway.*