

hearing is hereby set for 9:00 a.m. on Wednesday, May 3, 2000, at the Federal Railroad Administration, 7th floor, conference room 2, 1120 Vermont Ave., NW, Washington, DC 20590. Interested parties are invited to present oral statements at the hearing. The hearing will be an informal one and will be conducted in accordance with FRA's Rules of Practice (49 CFR 211.25) by a representative designated by FRA. The hearing will be a non-adversarial proceeding; therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make a brief rebuttal will be given the opportunity to do so in the same order in which initial statements were made. Additional procedures, as necessary for the conduct of the hearing, will be announced at the hearing.

Written comments should identify Docket No. FRA-2000-7274 and must be submitted to the Docket Clerk, DOT Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW, Washington, DC 20590. Communications received by May 3, 2000, will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning this proceeding are available for examination during regular business hours (9:00 a.m.-5:00 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at <http://dms.dot.gov>.

FRA makes clear that the hearing scheduled for May 3, 2000 is not a hearing on the merits of SDTI's grandfathering petition, identified as Docket No. FRA-2000-7137.

Issued in Washington, DC, on April 25, 2000.

S. Mark Lindsey,

Acting Deputy Administrator, Federal Railroad Administration.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2000-7137]

Petition for Grandfathering of Non-Compliant Equipment; San Diego Trolley, Inc.

In accordance with 49 CFR 238.203(f), notice is hereby given that San Diego Trolley, Inc. (SDTI) has petitioned the Federal Railroad Administration (FRA) for grandfathering of non-compliant railroad passenger equipment for use on SDTI's light rail transit system.

Section 238.203 of title 49 of the Code of Federal Regulations addresses static end strength requirements for passenger rail equipment. Paragraph (a)(1) provides that all passenger equipment (subject to limited exceptions) shall resist a minimum static end load of 800,000 pounds applied on the line of draft without permanent deformation of the body structure. Paragraph (d)(2) provides that "[a]ny passenger equipment placed in service on a rail line or lines before November 8, 1999 that does not comply with the requirements of paragraph (a)(1) may continue to be operated on that particular line or (those particular lines) if the operator of the equipment files a petition seeking grandfathering approval under paragraph (d)(3) before November 8, 1999. Such usage may continue while the petition is being processed, but in no event later than May 8, 2000, unless the petition is approved."

SDTI requests that all conventional light rail vehicles operating on the Blue Line and Orange Line be grandfathered to permit usage pursuant to 49 CFR 238.203(d). The applicant states that the Blue Line operates in the cities of San Diego, National City, Chula Vista, and an unincorporated area of San Diego County and extends for 25.2 miles. The Orange Line operates through the City of San Diego, Lemon Grove, La Mesa, El Cajon and Santee and extends for 21.6 miles.

Interested parties are invited to participate in this proceeding by submitting written views, data or comments. FRA does not anticipate scheduling a public hearing in connection with this proceeding, however, if any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning this proceeding should be identified with Docket Number FRA-2000-7137 and must be submitted to the Docket Clerk, DOT Central Docket Management

Facility, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590-0001. Communications received within 30 days of publication of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered to the extent possible. SDTI's petition and all written communications concerning this proceeding are available for examination during regular business hours (9:00 a.m. to 5:00 p.m.) at the DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 Seventh, SW, Washington, DC 20590-0001. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Elsewhere in today's **Federal Register**, FRA is publishing notice of the receipt of a petition from SDTI for a waiver of compliance from the May 8, 2000 date specified in 49 CFR 238.203(d)(2) for cessation of the temporary usage of non-compliant railroad passenger equipment that is the subject of a grandfathering petition filed with FRA, absent FRA approval of the petition by that date. SDTI's petition also seeks a waiver of compliance from the date by which a grandfathering petition is required to be filed with FRA. This waiver petition proceeding is identified as Docket No. FRA-2000-7274. FRA will hold a public hearing on Docket No. FRA-2000-7274 on May 3, 2000, as detailed in the separate **Federal Register** notice.

Issued in Washington, DC on April 25, 2000.

S. Mark Lindsey,

Acting Deputy Administrator, Federal Railroad Administration.

[FR Doc. 00-10705 Filed 4-27-00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition, DP00-002

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

ACTION: Denial of petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a petition submitted to NHTSA under 49 U.S.C. 30162, requesting that the agency commence a proceeding to determine the existence of a defect related to motor

vehicle safety. The petition is hereinafter identified as DP00-002.

FOR FURTHER INFORMATION CONTACT: Dr. George Chiang, Office of Defects Investigation (ODI), NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-5206.

SUPPLEMENTARY INFORMATION: Mr. Edward C. Kerr of Martens & Associates, Ltd. in Buffalo Grove, IL, submitted a petition to NHTSA by letter dated January 18, 2000, requesting that a new investigation be initiated or Engineering Analysis EA99-027 be extended in its scope to determine whether to issue an order concerning the notification and remedy of a defect in model year 1991 and later DaimlerChrysler corporation (former Chrysler Corporation) vehicles equipped with an ignition switch assembly characterized by having a lighted plastic ring around the key cylinder assembly (subject vehicles). The petitioner alleges that the subject vehicles' ignition switch assembly allows particles/debris to fall inside, which could interfere with the switch contact operation. This may cause electrical anomalies resulting in overheating and fire. The fires, the petitioner alleges, can occur without warning in both moving and parked vehicles.

ODI requested and obtained from DaimlerChrysler Corporation a listing of the subject vehicle models and populations. ODI also conducted a search of consumer complaints reported

to NHTSA alleging that a thermal event (fire, smoke, melt, burn, overheat, etc.) occurred in the steering column and/or ignition switch areas of the subject vehicles. Further, ODI calculated the exposure complaint rate, *i.e.*, the number of complaints per 100,000 vehicles per year, for each model and model year of the subject vehicles, and found that: (1) For a given subject vehicle model year, the exposure complaint rates vary significantly across all the subject vehicle models, (2) for a given subject vehicle model, the exposure complaint rates vary significantly across the subject vehicle model years, and (3) the exposure complaint rate was zero (no complaint reported) for many model/model year subject vehicles. Therefore, contrary to the petitioner's claim, the subject vehicles do not appear to have a common ignition switch related problem which would cause a fire. (See Attachments 1 through 3).

In Attachment 3, it is noted that the model year 1995 Dodge spirit has the highest exposure complaint rate. However, the rate represents only three complaints received over a span of three years. Also, there have been no complaints received in nearly 2 years. Further, no similar complaints have been received on the model year 1995 Plymouth Acclaim which is built on the same body platform as the model year 1995 Dodge Spirit. Due to the small number of complaints and lack of recent

complaints, no investigation has been opened on these vehicles concerning thermal events in the steering column and/or ignition switch areas.

It is also noted that the model year 1994 and 1995 Dodge Ram Pickups have a higher number of complaints (compared with other DaimlerChrysler vehicles shown in Attachment 2) and have the second and third highest exposure complaint rates. These vehicles currently are the subject of an ODI investigation, EA99-027. At this time, that investigation is focused on allegations that the ignition switch wiring harness overheats when operating the blower motor, resulting in smoke, melting of the surrounding plastic, or fire. A copy of this petition has been included in that investigation file.

In view of the foregoing, it is unlikely that NHTSA would issue an order for the notification and remedy of the alleged safety-related defect as defined by the petition in the subject vehicles at the conclusion of the investigation requested in the petition. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Kenneth N. Weinstein,
Associate Administrator for Safety Assurance.

ATTACHMENT 1.—POPULATIONS OF MODEL YEAR 1991 AND LATER MODEL CHRYSLER PRODUCT LINE VEHICLES EQUIPPED WITH AN IGNITION SWITCH ASSEMBLY CHARACTERIZED BY HAVING A LIGHTED PLASTIC RING AROUND THE KEY CYLINDER ASSEMBLY

Vehicle make	Vehicle line	MY 91	MY 92	MY 93	MY 94	MY 95	MY 96	MY 97	MY 98	MY 99	MY 2000
Chrysler	Acclaim	95,314	99,420	70,914	71,590	23,768					
Dodge	Spirit	114,905	66,905	76,509	68,382	24,566					
Chrysler	Lebaron	57,596	54,486	59,282	63,122	35,859					
Dodge	Dynasty	112,460	85,239	58,404							
Chrysler	New Yorker	14,354	17,237	20,855							
Chrysler	Imperial	51,185	41,486	33,587							
Dodge	Daytona	17,523	10,941	9,070							
Plymouth	Sundance	57,298	65,554	74,612	65,477						
Dodge	Shadow	82,633	79,409	102,428	89,460						
Dodge	Viper		238	915	2,409	1,430	1,815	1,556	1,072	1,048	484
Plymouth	Prowler							404.00	n/a	3,690	1,374
Plymouth	Neon					n/a	n/a	n/a	n/a	n/a	n/a
Dodge	Neon					n/a	n/a	n/a	n/a	n/a	n/a
Plymouth	Breeze						46,725	70,710	n/a	n/a	n/a
Dodge	Stratus					47,978	100,010	97,745	n/a	n/a	n/a
Chrysler	Cirrus					62,014	43,743	28,112	n/a	n/a	n/a
Chrysler	Sebring Convertible							56,030	50,869	46,772	29,466
Dodge	Intrepid			70,160	130,603	152,579	146,826	152,314	n/a	n/a	n/a
Eagle	Vision			28,749	22,119	25,157	12,849	5,897	n/a	n/a	n/a
Chrysler	Concorde LHS, NY, 300M.			49,530	171,090	102,707	89,730	88,132	n/a	n/a	n/a
Plymouth	Voyager	145,684	189,013	211,156	224,558	166,401	183,899	150,163	156,508	150,194	72,364
Dodge	Caravan	184,878	235,958	272,489	283,956	217,736	348,978	292,046	296,787	309,492	183,958
Chrysler	Town and Country	2,244	13,205	26,059	37,884	12,897	107,400	79,444	76,694	68,330	61,399

ATTACHMENT 1.—POPULATIONS OF MODEL YEAR 1991 AND LATER MODEL CHRYSLER PRODUCT LINE VEHICLES EQUIPPED WITH AN IGNITION SWITCH ASSEMBLY CHARACTERIZED BY HAVING A LIGHTED PLASTIC RING AROUND THE KEY CYLINDER ASSEMBLY—Continued

Vehicle make	Vehicle line	MY 91	MY 92	MY 93	MY 94	MY 95	MY 96	MY 97	MY 98	MY 99	MY 2000
Dodge	Ram Wagon	56,901	69,239	31,736	129,230	75,108	85,887	98,829	n/a	n/a	n/a
Dodge	Dakota	73,162	125,714	131,611	102,750	117,991	98,200	128,785	152,496	134,192	n/a
Dodge	Ram Pickup	88,769	74,944	76,241	188,097	267,241	362,880	375,061	410,815	406,057	n/a
Dodge	Durango								123,099	204,194	n/a
Jeep	Commanche	n/a	n/a								
Jeep	Wrangler	n/a	n/a	n/a	n/a	n/a	n/a	127,295	91,392	85,794	54,246
Jeep	Cherokee	n/a	n/a	n/a	n/a	n/a	187,345	n/a	n/a	n/a	n/a
Jeep	Grand Cherokee			224,359	227,602	265,848	284,641	262,133	251,758	288,757	173,042
	Total	1,154,906	1,228,988	1,628,666	1,878,329	1,599,280	2,100,928	2,014,654	1,611,490	1,698,520	576,333
	Grand total										15,492,094

'n/a'—model/model year vehicle not equipped with an ignition switch characterized by having a lighted plastic ring around the key cylinder assembly.
 Empty cell block—model/model year vehicle not produced.

ATTACHMENT 2.—NUMBER OF CONSUMER COMPLAINTS RECEIVED BY NHTSA AS OF MARCH 2, 2000, ALLEGING A THERMAL EVENT OCCURRED IN THE STEERING COLUMN AND/OR IGNITION SWITCH AREAS

Vehicle make	Vehicle line	MY 91	MY 92	MY 93	MY 94	MY 95	MY 96	MY 97	MY 98	MY 99	MY 2000
Plymouth	Acclaim	3	4	1	0	0					
Dodge	Spirit	3	3	5	1	3					
Chrysler	Lebaron	0	3	0	1	0					
Dodge	Dynasty	1	0	0							
Chrysler	New Yorker	0	0	0							
Chrysler	Imperial	0	0	0							
Dodge	Daytona	0	0	0							
Plymouth	Sundance	0	2	1	0						
Dodge	Shadow	0	0	0	0						
Dodge	Viper		0	0	0	0	0	0	0	0	0
Plymouth	Prowler							0	n/a	0	0
Plymouth	Neon					n/a	n/a	n/a	n/a	n/a	n/a
Dodge	Neon					n/a	n/a	n/a	n/a	n/a	n/a
Plymouth	Breeze						0	0	n/a	n/a	n/a
Dodge	Stratus					0	0	0	n/a	n/a	n/a
Chrysler	Cirrus					2	0	0	n/a	n/a	n/a
Chrysler	Sebring							0	0	0	0
	Convertible										
Dodge	Intrepid			0	0	0	0	0	n/a	n/a	n/a
Eagle	Vision			0	0	0	0	0	n/a	n/a	n/a
Chrysler	Concorde, LHS, NY, 300M.	0	0	1	2	0	0	0	n/a	n/a	n/a
Plymouth	Voyager	1	1	0	0	0	1	0	0	0	0
Dodge	Caravan	0	0	0	0	0	0	0	0	0	0
Chrysler	Town and Country	0	0	0	0	0	0	0	0	0	0
Dodge	Ram Wagon	3	3	0	0	0	1	0	n/a	n/a	n/a
Dodge	Dakota	0	2	0	1	0	0	0	0	0	n/a
Dodge	Ram Pickup	1	2	0	20	18	1	0	0	0	n/a
Dodge	Durango								0	0	n/a
Jeep	Commanche	n/a	n/a								
Jeep	Wrangler	n/a	n/a	n/a	n/a	n/a	n/a	0	0	0	0
Jeep	Cherokee	n/a	n/a	n/a	n/a	n/a	2	n/a	n/a	n/a	n/a
Jeep	Grand Cherokee			1	0	0	0	0	0	0	0

'n/a'—model/model year vehicle not equipped with an ignition switch characterized by having a lighted plastic ring around the key cylinder assembly.
 Empty cell block—model/model year vehicle not produced.

ATTACHMENT 3.—EXPOSURE COMPLIANT RATE (THE NUMBER OF COMPLAINTS PER 100K VEHICLES PER YEAR) OF AN ALLEGED THERMAL EVENT OCCURRED IN THE STEERING COLUMN AND/OR IGNITION SWITCH AREAS

Vehicle make	Vehicle line	MY 91	MY 92	MY 93	MY 94	MY 95	MY 96	MY 97	MY 98	MY 99	MY 2000
Plymouth	Acclaim	.034	.048	.019	0.00	0.00					
Dodge	Spirit	0.28	0.54	0.89	0.23	2.29					
Chrysler	Lebaron	0.00	0.66	0.00	0.25	0.00					
Dodge	Dynasty	0.09	0.00	0.00							
Chrysler	New Yorker	0.00	0.00	0.00							
Chrysler	Imperial	0.00	0.00	0.00							
Dodge	Daytona	0.00	0.00	0.00							

ATTACHMENT 3.—EXPOSURE COMPLIANT RATE (THE NUMBER OF COMPLAINTS PER 100K VEHICLES PER YEAR) OF AN ALLEGED THERMAL EVENT OCCURRED IN THE STEERING COLUMN AND/OR IGNITION SWITCH AREAS—Continued

Vehicle make	Vehicle line	MY 91	MY 92	MY 93	MY 94	MY 95	MY 96	MY 97	MY 98	MY 99	MY 2000
Plymouth	Sundance	0.00	0.37	0.18	0.00						
Dodge	Shadow	0.00	0.00	0.00	0.00						
Dodge	Viper		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Plymouth	Prowler							0.00	n/a	0.00	0.00
Plymouth	Neon					n/a	n/a	n/a	n/a	n/a	n/a
Dodge	Neon					n/a	n/a	n/a	n/a	n/a	n/a
Plymouth	Breeze						0.00	0.00	n/a	n/a	n/a
Dodge	Stratus					0.00	0.00	0.00	n/a	n/a	n/a
Chrysler	Cirrus					0.60	0.00	0.00	n/a	n/a	n/a
Chrysler	Sebring							0.00	0.00	0.00	0.00
	Convertible										
Dodge	Intrepid			0.00	0.00	0.00	0.00	0.00	n/a	n/a	n/a
Eagle	Vision			0.00	0.00	0.00	0.00	0.00	n/a	n/a	n/a
Chrysler	Concorde, LHS, NY, 300M.	0.00	0.00	0.28	0.18	0.00	0.00	0.00	n/a	n/a	n/a
Plymouth	Voyager	0.07	0.06	0.00	0.00	0.00	0.12	0.00	0.00	0.00	0.00
Dodge	Caravan	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Chrysler	Town and Country	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Dodge	Ram Wagon	0.56	0.52	0.00	0.00	0.00	0.27	0.00	n/a	n/a	n/a
Dodge	Dakota	0.00	0.19	0.00	0.15	0.00	0.00	0.00	0.00	0.00	n/a
Dodge	Ram Pickup	0.12	0.32	0.00	1.68	1.26	0.06	0.00	0.00	0.00	n/a
Dodge	Durango								0.00	0.00	n/a
Jeep	Commanche	n/a	n/a								
Jeep	Wrangler	n/a	n/a	n/a	n/a	n/a	n/a	0.00	0.00	0.00	0.00
Jeep	Cherokee	n/a	n/a	n/a	n/a	n/a	0.25	n/a	n/a	n/a	n/a
Jeep	Grand Cherokee			0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00

'n/a'—model/model year vehicle not equipped with an ignition switch characterized by having a lighted plastic ring around the key cylinder assembly. Empty cell block—model/model year vehicle not produced.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition, DP99-004

AGENCY: National Highway Traffic Safety Administration (NHTSA); DOT.

ACTION: Denial of petition for a defect investigation.

SUMMARY: This notice describes the reasons for denying a petition (DP99-004) submitted to NHTSA under 49 U.S.C. 30162, requesting that the agency "institute a new investigation into the cause or causes of sudden acceleration."

FOR FURTHER INFORMATION CONTACT: Bob Young, Office of Defects Investigation (ODI), NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Telephone: 202-366-4806.

SUPPLEMENTARY INFORMATION: On July 19, 1999, attorney Sandy S. McMath, 711 West Third Street; Little Rock, AK 72201; petitioned the NHTSA requesting that it "reopen its investigation into the phenomenon known as "sudden acceleration."

The petitioner contends the agency's comprehensive study to identify and evaluate factors which could potentially cause or contribute to the occurrence of Sudden Acceleration Incidents (SAI), conducted from October, 1987 through December, 1988, should be reopened because:

(1) To date, NHTSA has neglected to consider the mechanisms that can cause sudden acceleration by bypassing the control logic of the cruise control system and thus can induce sudden acceleration in a stationary vehicle;

(2) NHTSA has apparently failed to consider the data collected by Ford Motor Company in its investigation of 2,800 incidents of sudden acceleration during 1989-1992; and

(3) NHTSA has not addressed the fact that there is no true failsafe mechanism to overcome sudden acceleration.

NHTSA has reviewed the petitioner's information as it relates to the referenced study. The results of this review and our analysis of the petition's merit is set forth in the DP99-004 Petition Analysis Report, published in its entirety as an appendix to this notice.

For the reasons presented in the petition analysis report, there is no reasonable possibility that an order concerning the notification and remedy of a safety-related defect would be

issued as a result of reopening the study. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Kenneth N. Weinstein, Associate Administrator for Safety Assurance.

Appendix

Petition ANALYSIS—DP99-004

1.0 Introduction

On July 19, 1999 Mr. Sandy S. McMath (petitioner) petitioned the National Highway Traffic Safety Administration (NHTSA) requesting that it "reopen its investigation [i.e., Study] into the phenomenon known as 'sudden acceleration [SA].'" Mr. McMath is a Little Rock, Arkansas lawyer representing the parents of two boys injured (one fatally) in an alleged sudden acceleration incident (SAI) occurring in Mountain Home, Arkansas on June 7, 1995. This incident is currently the subject of civil litigation.¹

The petitioner contends the agency's comprehensive study, conducted to identify and evaluate factors which could potentially cause or contribute to the occurrence of SAI's, should be reopened because:

¹ Chapman v. Fett et al., Civ-97-144, C.C. of Baxter County, Arkansas. No trial date has been set yet.