

FHWA is working with California to address this issue, and recommends that the CHP accept the terms of this waiver while efforts are ongoing by the State to seek a legislative change.

The Illinois Department of Transportation (IDOT) strongly supports the waiver. The IDOT noted that windshield-mounted transponders are also being actively considered for automated toll collection and commercial vehicle [electronic] pre-clearance systems planned by Illinois and other States. The IDOT believes the waiver would not sacrifice truck safety, but would allow the transponders used in the programs to be positioned in vehicles so as to work more effectively.

HELP, Inc. stated that it is working with Intelligent Transportation Systems technology to provide benefits to both motor carriers and weigh station controllers. HELP emphasizes the importance of the location of the AVI transponder to insure that transmitted signals are received properly. It noted that the proposed "right center quadrant" windshield location is similar to the standard location of an inside rear-view mirror, reducing the impact of reduced or obstructed driver views. HELP is also working with the CHP to implement a weigh station bypass service called PRE-PASS™ which requires placement of the AVI transponder in that optimal location. Citing the CHP's comment to this docket, HELP notes that it is working with the CHP to draft legislation which will modify current California law to allow the AVI transponder to be mounted in this location. HELP strongly supports the proposed waiver and requests the FHWA's approval so that State governments and the motor carrier industry can proceed with implementing PRE-PASS™ and gain improvements in transportation productivity and efficiency.

The Commonwealth of Kentucky Transportation Cabinet (Kentucky), as lead State in the ADVANTAGE I-75 partnership, strongly supports the proposed waiver. Kentucky stated that over 200 trucks operated with the transponders for over a year. Staff from the Transportation Cabinet and the Kentucky Transportation Center rode in the trucks during testing, and also talked with drivers, dispatchers, maintenance personnel, and fleet managers. Kentucky became "convinced that, when properly mounted, the transponder does not in any way obstruct the driver's view of the roadway. We have not had a single report of an incident or a concern relating to a transponder obstructing a

driver's view." Kentucky goes on to state that

Safety is a vital element of the ADVANTAGE I-75 project. The project is supported by Motor Carrier Enforcement Personnel in each of the participating states and province. We would not support any practice that we believed would compromise the safety of travelers on our nation's highways. Our support of the proposed waiver is based upon our conviction that the transponder does not obstruct the driver's vision or in any other way create a safety hazard. We invite those with strong concerns to visit one of our ADVANTAGE I-75 sites and to climb into the cab of a transponder-equipped truck.

#### Conditions of the Waiver

The conditions of the waiver proposed in the October 12, 1994, notice have been modified somewhat for the reasons set forth below.

As an alternative to complying with the wiring requirements of 49 CFR 393.27 and 393.33, the petitioners may, if they choose, comply with SAE Recommended Practice (RP) J1292, Automobile, Truck, Truck-Tractor, Trailer, and Motor Coach Wiring. The guidelines contained in RP J1292 provide more comprehensive guidance and are equivalent to, and slightly more stringent than, §§ 393.27 and 393.33 of the FMCSRs. The RP covers 3 areas. It cross-references the same RPs incorporated by reference in § 393.27 (Wiring Specifications) for battery cable (SAE RP J1127) and for low-tension primary cable (SAE RP J1128). It cross-references SAE RP J163, Low-tension wiring and cable terminals and splice clips, which is indirectly referenced in § 393.33, Wiring [and] installation. The RP also requires wiring overload protective devices, fuses, or circuit breakers in this type of low-current application. While this last item is a slight change, the agency notes that the transponder's installation manual requires the power wire to be connected to the fused side of battery power, and states that a one-amp in-line fuse may be added for additional protection.

The duration and termination of the waiver discussed in Conditions III and VI have been changed so that the waiver shall remain in effect unless revoked by the FHWA. The grantees will be required to report the number of participating motor carriers and the number of transponder-equipped CMVs. Removing the time limit on the waiver will enable the grantees to continue operating their programs, provided the reports submitted indicate that the transponders are not affecting the safe operation of CMVs.

Condition VII now requires that the project reports be submitted within two

years of the effective date of the waiver. A review after two years will enable the petitioners and the FHWA to assess a significant amount of data.

Condition IV has been modified to recognize the potential for the existence of nonconforming State or local laws or regulations that may not have been brought to the FHWA's attention.

Condition V of the October proposal would have limited the number of CMVs eligible for the waiver to 30,000. This restriction has been eliminated. Although that figure was a reasonable estimate of the number of participating vehicles, it would have required the petitioners to request adjustments to the ceiling, possibly more than once, if additional motor carriers wished to join the test program. Because the agency's review of the engineering standards and research on field of view discussed above indicated that use of the transponder would be very unlikely to create an unsafe operating situation, the FHWA has decided not to impose a numerical limit on the number of vehicles included in the program. However, both ADVANTAGE I-75 and HELP will be required to submit information on accidents involving the vehicles equipped with transponders, in accordance with Condition III.

#### I. Location of the Transponder

The transponder shall be mounted at or near the top center of the windshield, outside the area swept by the CMV's windshield wipers, or, at a minimum, outside the driver's sight lines to the road and highway signs or signals.

#### II. Compliance With Wiring Requirements of the FMCSRs

The installation of the transponder shall be required to comply with either (a) 49 CFR 393.27, Wiring specification, and 49 CFR 393.33, Wiring [and] installation, or (b) with SAE Recommended Practice J1292, Automobile, Truck, Truck-Tractor, Trailer, and Motor Coach Wiring.

#### III. Duration of Waiver; Accident and Incident Monitoring

The waiver for HELP and ADVANTAGE I-75 is effective beginning April 5, 1995. The waiver shall remain in effect indefinitely, unless revoked by the FHWA.

Motor carriers participating in ADVANTAGE I-75 and HELP shall provide the FHWA with information on accidents (as defined in 49 CFR 390.5) involving the vehicles equipped with the transponders. Accident reports shall be submitted every 6 months, and shall contain the information listed below: