

paragraphs S5.1.1.1 and S5.1.1.2 of Standard No. 108 excuse truck tractors from the full complement of rear lighting equipment required of trucks.

Presently, mounting of conspicuity material or reflectors on mud flaps is prohibited by section S5.3.1. This requires lighting equipment to be "securely mounted on a rigid part of the vehicle other than glazing that is not designed to be removed except for repair". In the past, NHTSA has deemed mudflaps not to be a "rigid part of the vehicle." However, the prohibition is subject to exceptions "in succeeding paragraphs of S5.3.1 and S7", and NHTSA proposes adding as exceptions tape or reflectors on mudflaps added in compliance with S5.7.

#### Estimate of Benefits

The benefits estimated for the trailer conspicuity regulation offer a reasonable basis for estimating the benefits of a similar regulation for truck tractors. The agency concluded that the likely result of adding conspicuity treatment to trailers was the prevention of 25 percent of rear collisions, and a significant reduction in the severity of the remaining collisions. Although the required rear lighting for truck tractors is less than is required for a trailer, NHTSA believes that the added degree of conspicuity of a tractor that would be provided by retroreflective sheeting is not less than the relative improvement in conspicuity of a trailer provided by its treatment. Thus, it is reasonable to assume a similar rate of crash prevention.

NHTSA estimated that the property damage savings of preventing a crash into the rear end of a trailer, in 1992 dollars, as \$10,869, and, for damage mitigation, as \$2,075 (in 1994 dollars, \$11,434 and \$2,183 respectively). The agency believes that, when the entire truck tractor population is equipped with conspicuity treatment, on an annual basis 276 collisions can be prevented, resulting in a savings of \$3,156,000, and that 829 collisions can be mitigated, resulting in a savings of \$1,800,000, or total property damage benefits of \$4,966,000. If no benefits were presumed for any vehicle older than 15 years, the remaining property damage benefits would be \$4,755,000. The present value of these future benefits of a model year fleet would range from \$4,313,000 to \$3,115,000 under discount rate assumptions of 2 percent to 10 percent.

However, the primary purposes of a tractor conspicuity regulation would be to save lives and reduce the severity of injuries. If fatalities involving rear collisions of truck tractors can be

reduced by 15 to 25 percent, there would be 4 to 8 fewer deaths attributable to this type of accident. The agency also believes that there would be 107 to 178 fewer injuries when full coverage of the tractor population is achieved.

#### Estimate of Costs

In estimating costs, NHTSA has used a price for retroreflective material of \$0.675 a linear foot, although market pressures may have reduced the cost to \$0.60 for high volume users. Approximately 8 linear feet of material (7.8 feet actually) would be required to comply. NHTSA is also estimating a labor rate of \$22.50 an hour, and an installation time of 10 minutes for the material.

On this basis, NHTSA estimates a manufacturer's cost of \$9.15 to apply conspicuity treatment to the tractor body, and a consumer cost of \$13.82, applying a consumer cost factor of 1.51. If the manufacturer chooses to apply the treatment to mud flaps, two mounting plates would be required, at an additional cost to the manufacturer of \$1.11 each, or \$2.22, a total cost to the consumer of \$3.35. Thus, the cost to the manufacturer would range between \$9.15 and \$11.37, and to the consumer, between \$12.31 and \$17.17. Using this latter figure, and estimating an annual production of 150,000 for truck tractors, the agency estimated that the total annual cost impact of this regulation would not exceed \$2,575,500. The present value of future property damage reduction benefits from this regulation in property damage alone are expected to be at least \$3,115,000 with a discount rate of 10 percent and more if a lower discount rate prevails. The prevention of deaths and injuries would be achieved with no additional cost.

#### Request for Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies

from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

#### Effective Date

NHTSA estimates that a final rule would become effective around January 1, 1997, but intends that the actual date will be the first day of the first month beginning following 120 days after publication of the final rule in the **Federal Register**. Because compliance with the final rule can be achieved by simple application of retroreflective sheeting, which does not require any structural modifications or changes in tooling, and because of the importance of reducing deaths, injuries, and property damage at the earliest feasible time, the agency tentatively finds for good cause shown that an effective date for the amendments to Standard No. 108 that is earlier than 180 days after their issuance would be in the public interest.

#### Rulemaking Analyses and Notices

##### *Executive Order 12866 and DOT Regulatory Policies and Procedures*

This action has not been reviewed under Executive Order 12866. It has been determined that the rulemaking action is not significant under Department of Transportation regulatory policies and procedures. Implementation of the rule would not