

in combination with the ISO brake malfunction symbol, would contribute toward all drivers learning the meaning of the symbol.

We also note that, nearly 20 years ago, the agency stated that it agreed with the idea that “too many symbols” would not be in the interest of motor vehicle safety.⁴ However, we believe today, the issue is not so much the number of symbols or other identifiers, but the number of controls, telltales and indicators. In today’s increasingly sophisticated vehicles, the number of controls, telltales and indicators is steadily increasing. These items must be identified in some fashion.

The function of FMVSS 101 is not to limit or regulate the number of controls, telltales and indicators in vehicles; instead, its function is to ensure that when a regulated control, telltale, or indicator exists in the vehicle, proper identification is provided. Whether that identification is a word, an abbreviation, or a graphic, it is a means of representing a specific vehicle function or condition. We tentatively conclude that, in response to the increase in the number of controls in vehicles, it would be desirable to require each control to be labeled with the same symbol in every vehicle in order to minimize driver confusion and distraction. After a period of learning, symbols would be generally recognized as to the function or condition they represent.

B. Need To Modify Identification Requirements for Multi-function Controls With Remote Displays

Second, we tentatively conclude that there is a need to amend FMVSS 101 in response to the development and increased use of multi-function controls linked to a display screen remote from the control itself to convey information to drivers about the status of multiple vehicle systems and means of controlling those systems. We believe that FMVSS 101’s current requirement that the identification for controls “be placed on or adjacent to the control” restricts the design of these types of systems unnecessarily. Accordingly, we are proposing an amendment to accommodate those systems.

IV. Harmonizing With Canadian and International Standards

A. Working With Canada

Implementing its commitment to explore the international harmonization of FMVSS 101, NHTSA talked with Transport Canada (Canada’s counterpart to the U.S. Department of

Transportation) in the late 1990s about Canada’s controls and displays standard, *i.e.*, Canadian Motor Vehicle Safety Standard 101. The joint goal of NHTSA and Transport Canada in these talks was to revise their respective standards so that, subject to the overriding concern of ensuring that they continue to provide at least the same level of motor vehicle safety, they are better organized, easier to understand, and consistent with the positions of the U.S., Canada, and European standards organizations. This notice of proposed rulemaking is based in part on that collaboration.

B. Working With the World Forum for Harmonization of Vehicle Regulations of the United Nations/Economic Commission for Europe

The United States and Canada have also informally discussed earlier drafts of the proposed FMVSS 101 and the possibility of its being considered for adoption by other countries participating in the United Nations/Economic Commission for Europe World Forum for Harmonization of Vehicle Regulations (also known as Working Party 29). Working Party 29 administers two agreements dealing with the establishment and harmonization of technical motor vehicle safety regulations: a 1958 Agreement called the “Agreement concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions” and a 1998 Agreement known as the 1998 Global Agreement. The 1998 Global Agreement provides for the establishment of global technical regulations regarding the safety, emissions, energy conservation and theft prevention of wheeled vehicles, equipment and parts. The Agreement contains procedures for establishing global technical regulations by either harmonizing existing regulations or developing new ones.

On July 18, 2000, in anticipation of the 1998 Global Agreement’s entry into force, NHTSA published a request for public comments on the agency’s list of preliminary recommendations of standards or aspects of standards for consideration by the Contracting Parties to the Agreement in prioritizing the development and establishment of global technical regulations under the Agreement (65 FR 44565). In the notice, the agency said that it believed that the recommendations would serve the interest of improving motor vehicle

safety in the U.S. It also said it would help carry out the 1998 Global Agreement’s goal of continuously improving and seeking high levels of safety around the world. In turn, accomplishing that goal would promote the development of new and/or better U.S. standards, thus leveraging the available NHTSA resources for such development.

One of NHTSA’s preliminary recommendations in the notice concerned controls and displays:

Controls and displays: No ECE regulation exists on this subject. Further, the European Union (EU) directive on this subject lacks many of the location and illumination requirements of the U.S. standard (FMVSS No.101) and concentrates mainly on symbols. WP.29 is interested in developing an ECE regulation on controls and displays and has asked the U.S. and Canada to develop a draft harmonized standard that will incorporate control and display requirements currently in standards of other countries. The draft will include requirements regarding visibility, illumination and location of controls and displays, and will specify many standardized ISO symbols as mandatory or optional.

After reviewing the public comments, we published a document on January 18, 2001 (66 FR 4893) (DOT Docket No. NHTSA-00-7638; Notice 2) setting forth the recommendations the agency would make to WP.29. We submitted those recommendations at the March 2001 meeting of WP.29 in Geneva. WP.29 considered our recommendations and those of other Contracting Parties and in March 2002 adopted a work program of initial priorities under the 1998 Global Agreement, including controls and displays.

V. Notice of Proposed Rulemaking

A. Proposed New Definitions

In S4, Definitions, we propose the following new or amended definitions:

1. “Adjacent”—At present, the term “adjacent” appears in FMVSS 101’s “Identification” section at S5.2.1(a) “The identification appears on or adjacent to the control” and at S5.2.3: “The identification required or permitted by this section shall be placed on or adjacent to the display that it identifies.” The word “adjacent” is not presently defined in FMVSS 101. As will be explained more fully below, the term “adjacent” has resulted in several requests for interpretation of what “adjacent” means for controls that are identified by images that appear on a digital display screen. We propose to clarify “adjacent” with the following definition: “Adjacent, with respect to a symbol identifying a control, telltale or indicator, means: (a) the symbol is in close proximity to the control, telltale or

⁴ 49 FR 30191-92; July 27, 1984.