

is applied. Therefore, your product can incorporate a supplementary stop lamp function.

Sierra argued further that, if acceptable, it would make "economic and safety sense" to allow this signal combination to be used on vehicles with a width of 2032 mm or greater and to be lowered to "eye height." Sierra's economic argument is that installing a CHMSL separately from the identification lamps costs more. Now that the agency has allowed the combination of supplementary stop lamps and identification lamps, Sierra asserts that the CHMSL must be in the wrong location, thus forcing the installation of a separate lamp anyway. To eliminate the need for an extra lamp, Sierra wants the combination of lamps to be lowered.

In the second part of the petition, Sierra requests that the identification lamps, as well as all signal and marker lamps mounted on the rear, be required to be mounted at eye level. Sierra indicated that "numerous Public and Federally Financed Tests performed prove that the 'Centered, Eye Level' Location is where following Drivers focus most of their Conscience and/or

Subconscious Attention, and therefore is the most 'Conspicuous' and the most effective place to locate all rear Signal Vehicle Lights, except 'Clearance' Lights \* \* \* which should represent 'Extreme Width' \* \* \* while also located at Eye Level." However, Sierra provided no specific test data to support its assertions that the aforementioned research is applicable to its suggested amendment.

While putting all lamps at eye level may seem plausible, there is no evidence that this is the most effective location. Sierra did not specify what the height should be. Eye height is different for drivers of sports cars, passenger cars, light duty trucks, large trucks, and buses. Also, a significant reason for higher mounting heights for lamps that provide signals of driver intent (stop and turn lamps) is to inform following drivers, not just the most immediately rearward one, of the vehicle's intent to stop. The agency is not prepared to initiate rulemaking to require CHMSLs on heavy trucks. If identification lamps were lowered, the purpose of uniquely identifying large vehicles with the longest possible sight preview of the lamps would be compromised. As the

mounting height of identification lamps is lowered, the time that nearby drivers will have to identify the vehicle, as a heavy truck will lessen. This is contrary to the intent of the requirement.

On the other hand, the mounting height of identification lamps has been long established to be "as high as practicable." This is to make nearby drivers aware of the vehicle's size. If these lamps were lowered to eye level, approaching drivers may not be able to distinguish large commercial vehicles from passenger vehicles.

Sierra has provided no convincing rationale that Standard No. 108 should be amended in the manner in which it petitioned and, in accordance with 49 CFR part 552, after review of the petition, the agency has concluded that it should not be granted. Accordingly, it denies Sierra's petition.

(49 U.S.C. 30118(d) and 30120(h); delegations of authority at 49 CFR 1.50 and 501.8)

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**Stephen R. Kratzke,**

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