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ADMINISTRATION

FWHA Docket No. MC-96-5  
Room 4232, HCC-10, Office of Chief Counsel  
Federal Highway Administration  
400 Seventh Street, SW  
Washington, DC 20590

RE: NPRM; Parts and Accessories Necessary  
for Safe Operation: Television Receivers  
and Data Display Units; 61 FR 14733

Federal Express Corporation (FedEx) offers a wide range of express services for the time-definite transportation of documents, packages, and freight throughout the world, using an extensive fleet of aircraft and vehicles and leading-edge information technologies. New technologies that improve FedEx services, while maintaining or improving safety, interest FedEx. So, FedEx supports the Federal Highway Administration's (FHWA) Notice of Proposed Rulemaking to rescind 49 CFR 393.88, Television Receivers.

While FedEx acknowledges and addresses the inherent safety risks of allowing drivers to view video display monitors while driving, FedEx is concerned that a rescission of this federal regulation could be replaced with a patchwork of state regulation. Such an action could defeat or restrict the affect both FHWA and FedEx seek.

FedEx recommends that the FHWA propose a new regulation that allows for technology's progress, prevents unintended prohibition or restriction of such technologies, and emphasizes safety as the priority when using a video display monitor. FedEx points to the language contained in 49 CFR 393.3, Additional Equipment and Accessories:

"Nothing contained in this subchapter shall be construed to prohibit the use of additional equipment and accessories, not inconsistent with or prohibited by this subchapter, provided such equipment and accessories do not decrease the safety of operation of the motor vehicles on which they are used."

A version of the open but cautious tone and message of this regulation would preserve the opportunity technology's progress offers from video display systems, while establishing, as the priority, the safe operation of commercial motor vehicles when designing, developing, and using in-cab video display systems.

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FedEx recommends the following language as a possible method to set the priority and prohibit any unintended restrictions.

393.88 Video Display Monitors

"Nothing contained in this section or subchapter shall be construed to prohibit the use of an in-cab video display monitor, provided such a monitor and its operation does not decrease the safety of operation of the commercial motor vehicle on which it is used and it is configured and used for the sole purpose of facilitating improvements in the safety and efficiency of commercial motor vehicle operations."

FedEx appreciates FHWA's concern of case-by-case regulatory guidance on different configurations of in-cab video display systems. FedEx also agrees with FHWA that equipment manufacturers, motor carriers, and CMV drivers are capable of working together to design and develop in-cab information systems using the most cost-effective technology and resources to facilitate improvements in the safety and efficiency of CMV operations. While the effectiveness of this approach would be greatly enhanced by FHWA's proposed rulemaking, the effectiveness could be diminished or eliminated if FHWA goes silent on the matter.

FedEx thanks the FHWA for the opportunity to comment on this Notice of Proposed Rulemaking.

Very truly yours,

FEDERAL EXPRESS CORPORATION



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