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July 18, 2022

Mr. Luke Loy
Office of Vehicle and Roadside Operations
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue S.E.
Washington, DC 20590–0001

RE: Docket No. FMCSA–2022–0004: Parts and Accessories Necessary for Safe Operations; Speed Limiting Devices

Dear Mr. Loy:

I. Introduction and Background

The American Public Power Association (APPA), and the National Rural Electric Cooperative Association (NRECA) appreciate the opportunity to submit comments on the Advance Notice of Supplemental Proposed Rulemaking (ANOSPR) entitled *Parts and Accessories Necessary for Safe Operation; Speed Limiting Devices*, proposed by the Federal Motor Carrier Administration (FMSCA), and published in the Federal Register on May 4, 2022. We appreciate the extension of the deadline to submit these comments.

APPA is the national service organization for the more than 2,000 not-for-profit, community-owned electric utilities in the U.S. Collectively, these utilities serve more than 48 million Americans in 49 states (all but Hawaii). APPA was created in 1940 as a non-profit, non-partisan organization. Its purpose is to advance the public policy interests of its members and their consumers, and to provide member services to ensure adequate, reliable electricity at a reasonable price with the proper protection of the environment.

APPA members also include joint action agencies (state and regional entities formed by public power utilities to provide them wholesale power supply and other services) and state, regional, and local associations that have purposes similar to APPA. Together, public power utilities deliver electricity to one of every seven electricity consumers.

NRECA is the national service organization for more than 900 not-for-profit rural electric utilities that provide electric energy to over 42 million people in 48 states. Member systems cover 56% of the United States landmass. NRECA membership is composed of 831 distribution cooperatives and 63 generation and transmission (G&T) cooperatives. Both distribution and G&T cooperatives were formed to provide reliable electric service to their owner-members at the lowest reasonable cost. NRECA members employ and train drivers who hold CDLs.

Together, APPA and NRECA members have fleets with a significant number of utility service vehicles that would be affected by this rulemaking. In addition, there are situations where utility service vehicles are responding to emergencies to restore power to hundreds, thousands, or even millions of people after a severe weather event. Therefore, APPA and NRECA members have a critical interest in any regulation which affects the operation of utility service vehicles.

II. Summary of Comments

APPA and NRECA continue to oppose the concepts in the Advance Notice of Proposed Rulemaking and the Advance Notice of Supplemental Proposed Rulemaking. Utility drivers have above average safety records, below average number of speeding violations and would be adversely impacted by the cost of future technology if required of manufacturers. In addition, speed limiters set at certain limits would create highway safety hazards. APPA and NRECA (and the Edison Electric Institute) submitted comments in 2016 when the agency was considering a speed limiting equipment requirement. We append those comments to these updated comments as Appendix A.

III. Comments

1. Utility Service Vehicle Safety Record

APPA and NRECA members are dedicated to employing drivers who have excellent safety records.

Utility drivers in general experience few to no speed limit violations. As we pointed out in our 2016 comments, of 208 rural electric cooperatives that operate 2,584 commercial motor vehicles in excess of 26,000 pounds, for the years 2014-15, only 3 speeding tickets were issued. The 2018 Bureau of Labor Statistics TABLE A-2 titled "*Fatal occupational injuries resulting from transportation incidents and homicides, all United States, 2018*"[1] indicates that for 2018, there were 5 reported roadway incidents involving motorized land vehicles for the electric utility NAICS codes. How many of these incidents involved speeding is not discernible from the data

[1] https://www.bls.gov/iif/oshwc/cfoi/cftb0323.htm

presented. (Detailed data for subsequent years is not yet available.) In our 2016 comments we cited the Bureau of Labor Statistics report showing that, of the 1,157 fatal occupational incidents in 2014 in the category of "Roadway incidents involving a motorized land vehicle," only four of these were attributable to the utility industry.[2]

2. Utility Driving Patterns

We reiterate another point made in our 2016 comments: utility driver activities do not follow the same pattern as other commercial drivers. Utility drivers do not engage in long-haul trips over the course of eight to ten hours per day. Instead, utility driving activities typically are intermittent, limited in scope and incidental to the work that is actually being performed. Typically, the daily work shifts of utility personnel involve only a small amount of driving, rarely more than one to two hours per day. Utility driving activities often occur over a short distance. These unique characteristics help to explain the industry's exemplary driving record.

Many utility vehicles are speed limited due to their size and engineering. When manufacturers write specifications for utility vehicles, they factor in horsepower, rear end gear ratio, transmission gearing and tires to ensure sufficient horsepower such that 13 to 15 tons of weight can move from a dead stop to acceptable highway merge speeds. Inability to merge with oncoming traffic creates a hazard. One manufacturer reports that it generally specifies top speeds for chassis to be 75 MPH, and that the chassis manufacturers set the chassis computer to govern the speed at 75 MPH.

The only times that utility drivers are on the road longer than described is during emergency restoration events following natural disasters such as hurricanes, ice storms, earthquakes, tornadoes, etc. In these situations, the utility drivers are attempting to get to the affected area as quickly and as safely as possible. In these situations, a speed limiting device on a utility vehicle may prolong the time it takes to restore essential electric service.

3. APPA and NRECA Members are Using Advanced Technologies to Improve Safety

APPA and NRECA member fleets continue to incorporate advanced technologies detailed in our 2016 comments to improve the safety of utility service vehicles. The examples below from our

[2] *See* Bureau of Labor Statistics, *National Census of Fatal Occupational Injuries in 2014,* (Sept. 17, 2015) at 9, *available at* http://www.bls.gov/news.release/pdf/cfoi.pdf; Bureau of Labor Statistics, *National Census of Fatal Occupational Injuries in 2014 – Table A-2,* (Sept. 17, 2015) at 12, *available at* http://www.bls.gov/iif/oshwc/cfoi/cftb0287.pdf.

2016 comments are still relevant in a discussion of the technologies used by our members and how the technology improves safety:

-**Automatic Vehicle Locations systems**. Most of these systems allow utility management to monitor speed (as well as other safety issues such as rapid acceleration, and harsh or frequent braking).

-**Tires** used for certain utility service vehicles have a maximum safe speed rating. Our members use an engine control module to limit the speed of the vehicle to the maximum speed rating of the tires.

-**GPS technology** with active speed monitoring. Alerts are sent to supervisors if excessive speeding (e.g., 10 mph above a certain set point) occurs.

-**Smart, cloud-based fleet management systems** that track and monitor vehicle fuel efficiency, idle time, GPS location, and driving speed on a real-time basis. Such systems allow management monitoring of a driver's speed and safety.

-**Advanced dashboard mounted technologies** that provide "heads up" displays and other features such as lane departure warning, forward collision warning, headway monitoring and warning, pedestrian collision warning, speed limit indication, intelligent rear camera, traffic sign detection, and other collision mitigation services.

Federal programs that encourage (but not mandate) the adoption of these technologies may improve safety as much as or more than speed limiting devices.

IV. Recommendations

APPA and NRECA members are using advanced technologies in utility service vehicles to maximize safe operations. During emergency situations, such as post-storm restoration activities, it is essential that utility service vehicles be able to provide these essential services by arriving at the affected areas as quickly ***and as safely*** as possible.

APPA and NRECA are opposed to making any final regulation retroactive for trucks with GVRM over 26,000 pounds. As discussed in the NOPR, the retrofit cost would easily be well above $1,000 per vehicle, and some of these vehicles

may be taken out of service for months. This will exacerbate an already severe issue in our industry – long lead times and even lack of availability of replacement vehicles.

V. Conclusion

APPA and NRECA oppose the concepts contained in the original Advance Notice of Proposed Rulemaking and the Advance Notice of Supplemental Proposed Rulemaking as creating onerous regulatory and financial burden with no concomitant safety benefit.

However, if FMCSA proceeds, and the final rule applies to new vehicles only, some APPA and NRECA members have indicated that a limit of 68 miles per hour would be compatible with their current operations. However, a final rule, in addition to applying to new vehicles only, should allow users to program the maximum speed limit lower to match the maximum speed rating of the tires used on the vehicle at the time of sale. In addition, a final rule, in addition to applying to new vehicles only, should allow users to program the truck maximum speed limit to match the state highway speed limit(s) even when they are above 68 miles per hour.

Thank you for the opportunity to submit these comments.

Respectfully submitted,

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Appendix A

December 7, 2016

Docket Management Facility
U.S. Department of Transportation
West Building Ground Floor
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Via http://www.regulations.gov

RE: Federal Motor Vehicle Safety Standards; Federal Motor Carrier Safety Regulations; Parts and Accessories Necessary for Safe Operation; Speed Limiting Devices. Docket No. FMCSA–2014–0083, RIN 2126-AB63 and Docket No. NHTSA 2016-0087, RIN 2127-AK92.

I. Introduction and Background

The American Public Power Association (APPA), the Edison Electric Institute (EEI) and the National Rural Electric Cooperative Association (NRECA) — collectively the Electric Utility Trade Associations (EUTA) — appreciate the opportunity to submit comments on the Notice of Proposed Rulemaking (NOPR) entitled *Federal Motor Vehicle Safety Standards; Federal Motor Carrier Safety Regulations; Parts and Accessories Necessary for Safe Operation; Speed Limiting,* proposed by the Federal Motor Carrier Administration (FMSCA) and the National Highway Traffic Safety Administration (NHTSA) (collectively, the Agencies) in Docket Numbers FMCSA-2014-0083 and NHTSA-2016-0087 at 81 *Fed. Reg.* 61942 (Sept. 7, 2016).

Pursuant to authority granted to the FMSCA under the Motor Carrier Act of 1935 and the Motor Carrier Act of 1984, the Agencies are responding to petitions filed for this rulemaking. As currently drafted, the speed limit setting for the vehicles covered in thus rule may be required to be set at 60 miles per hour, 65 miles per hour, or 68 miles per hour, to be detailed in the Final Rule. The rule may cover new vehicles manufactured on or after September 1, 2020, as well as requiring existing vehicles that were manufactured after 1990.

APPA is the national service organization for the more than 2,000 not-for-profit, community-owned electric utilities in the U.S. Collectively, these utilities serve more than 48 million Americans in 49 states (all but Hawaii). APPA was created in 1940 as a non-profit, non-partisan organization. Its purpose is to advance the public policy interests of its members and their consumers, and to provide member services to ensure adequate, reliable electricity at a reasonable price with the proper protection of the environment.

APPA members also include joint action agencies (state and regional entities formed by public power utilities to provide them wholesale power supply and other services) and state, regional, and local associations that have purposes similar to APPA. Together, public power utilities deliver electricity to one of every seven electricity consumers.

EEI is the association that represents all U.S. investor-owned electric companies. Our members provide electricity for 220 million Americans, operate in all 50 states and the District of Columbia, and directly employ more than 500,000 workers. With more than $100 billion in annual capital expenditures, the electric power industry is responsible for millions of additional jobs. Safe, reliable, affordable, and clean electricity powers the economy and enhances the lives of all Americans. EEI has 70 international electric companies as International Members, and 270 industry suppliers and related organizations as Associate Members. EEI members employ and train over 50,000 drivers across the United States that hold Commercial Drivers Licenses (CDLs).

NRECA is the national service organization for more than 900 not-for-profit rural electric utilities that provide electric energy to over 42 million people in 47 states. Member systems cover 75% of the United States landmass. NRECA membership is composed of 838 distribution cooperatives and 65 generation and transmission (G&T) cooperatives. Both distribution and G&T cooperatives were formed to provide reliable electric service to their owner-members at the lowest reasonable cost. NRECA members employ and train drivers who hold CDLs.

Together, EUTA members have fleets with a significant number of utility service vehicles that would be affected by this rulemaking. In addition, there are situations where utility service vehicles are responding to emergencies to restore power to hundreds, thousands, or even millions of people after a severe weather event. Therefore, EUTA members have a critical interest in any regulation which effects affects the operation of utility service vehicles. In this NOPR, the agencies are seeking comments in several areas, and EUTA will focus on how the proposed rule will affect utility operations.

II. Summary of Comments

The Electric Utility Trade Associations oppose the concepts in the Notice of Proposed Rulemaking. Utility drivers have above average safety records, below average number of speeding violations and would be adversely impacted by the cost of future technology if required of manufacturers, and the cost of retrofitting existing vehicles.

III. Comments

Utility Service Vehicle Safety Record

EUTA members are dedicated to employing drivers who have excellent safety records. Based on information received from members, approximately 20-40% of the vehicles that EUTA members currently own/lease or purchase would be affected by this rulemaking.

In addition, utility drivers have experienced few to no speed limit violations in at least the past two years, and in some cases, even longer. For example, of 208 rural electric cooperatives that operate 2,584 commercial motor vehicles in excess of 26,000 pounds, over the past 2 years, only 3 speeding tickets have been issued.

It is also important to note that utility driver activities do not follow the same pattern as other commercial drivers.[1] Utility drivers do not engage in long-haul trips over the course of eight to ten hours per day. Instead, utility driving activities typically are intermittent, limited in scope and incidental to the work that is actually being performed. Typically, the daily work shifts of utility personnel involve only a small amount of driving, rarely more than one to two hours per day. Utility driving activities often occur over a short distance. These unique characteristics help to explain the industry's exemplary driving record. Indeed, according to the Bureau of Labor Statistics, of the 1,157 fatal occupational incidents in 2014 in the category of "Roadway incidents involving a motorized land vehicle," only four of these were attributable to the utility industry.[2]

The only times that utility drivers are on the road longer than described is during emergency storm restoration events. In these situations, the utility drivers are attempting to get to the affected area as quickly and as safely as possible. In these situations, a speed limit device is likely to prolong the time it takes to restore essential electric service. For example, if the highway speed averages 70 miles per hour over the length of the trip, but the utility service vehicle is limited to 60 miles per hour, then the arrival time may be delayed by as long as 16.6%. The longer the distance driven by the utility service vehicle, the longer the delay in restoring electricity. Many utility vehicles are speed limited due to their size and engineering; that is to say that many of these vehicles have a hard time reaching speeds above 55 MPH.

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[1] *See* 49 U.S.C. 31131(a) (1994).

[2] *See* Bureau of Labor Statistics, *National Census of Fatal Occupational Injuries in 2014,* (Sept. 17, 2015) at 9, *available at* http://www.bls.gov/news.release/pdf/cfoi.pdf; Bureau of Labor Statistics, *National Census of Fatal Occupational Injuries in 2014 – Table A-2,* (Sept. 17, 2015) at 12, *available at* http://www.bls.gov/iif/oshwc/cfoi/cftb0287.pdf.

EUTA Members are Using Advanced Technologies to Improve Safety

Many EUTA member fleets have been incorporating advanced technologies to improve the safety of utility service vehicles for many years. Below are examples of the technologies used by EUTA members:

-Automatic Vehicle Locations systems. These systems improve the efficiency of service, allowing utilities to dispatch the closest vehicle to customer locations. An added benefit is that most of these systems allow utility management to monitor speed (as well as other safety issues such as rapid acceleration, and harsh or frequent braking).

-Tires used for certain utility service vehicles have a maximum safe speed rating. EUTA members use an engine control module to limit the speed of the vehicle to the maximum speed rating of the tires.

-GPS technology with active speed monitoring. Alerts are sent to supervisors if excessive speeding (e.g., 10 mph above a certain set point) occurs.

-Smart, cloud-based fleet management systems that track and monitor vehicle fuel efficiency, idle time, gps location, and driving speed on a real-time basis. Such systems allow management monitoring of a driver's speed and safety.

-Advanced dashboard mounted technologies that provide "heads up" displays and other features such as lane departure warning, forward collision warning, headway monitoring and warning, pedestrian collision warning, speed limit indication, intelligent rear camera, traffic sign detection, and other collision mitigation services.

Federal programs that encourage (but not mandate) the adoption of these technologies may improve safety as much as or more than speed limiting devices.

Speed Limiting Devices and State Laws

According to a February 2015 report by the National Conference of State Legislatures (NCSL) entitled "Traffic Safety Trends State Legislative Action 2014", there has been a significant trend in highway speed limits being increased.

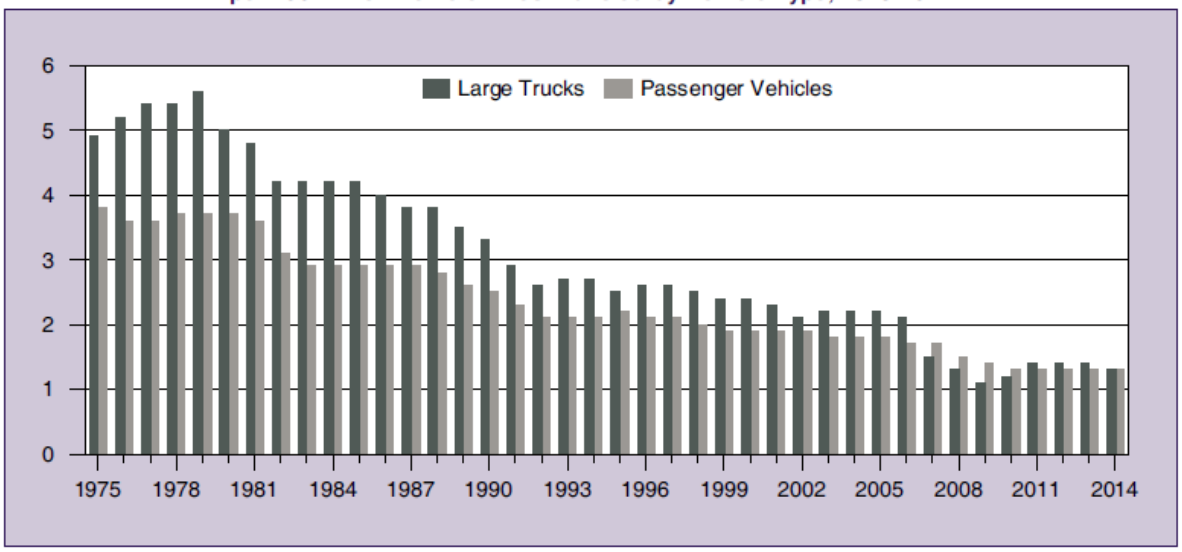
According to the NCSL report, "In 1995, Congress repealed the maximum speed limit of 55 mph, which had been established in the early 1970s, and the states have been given more power to set maximum speed limits. Since then, 38 states have set speed limits of 70 mph or higher on some portion of their roadway systems." (*emphasis added*). In some states, there are lower speed limits for trucks, but for the vast majority of those states, trucks are allowed to go 70 or 75 mph on those particular road segments, as shown in Appendix G of the NCSL report. So trucks may

be limited to a speed that is significantly lower than the allowed speed limit. This leads to the issue of differential speed limits and their impact on safety.

For example, there are studies that show that lower speed limits for trucks may increase the number of accidents (http://www.insurancejournal.com/news/national/2006/03/22/66692.htm). Other studies have not been able to show that differential speed limits reduce the number of accidents on highways (http://www.mautc.psu.edu/docs/uva-2000-08.pdf). Other articles have been written about the disadvantages of vehicles traveling at differing rates of speed (http://www.sehinc.com/news/truth-about-speed-limits-explained-engineer). Whether a vehicle has been governed to a specific speed that is lower than the flow of traffic either through a mandated speed limiting device or through a State mandated differential speed limit, the difference in flow rates of traffic are themselves a safety issue.

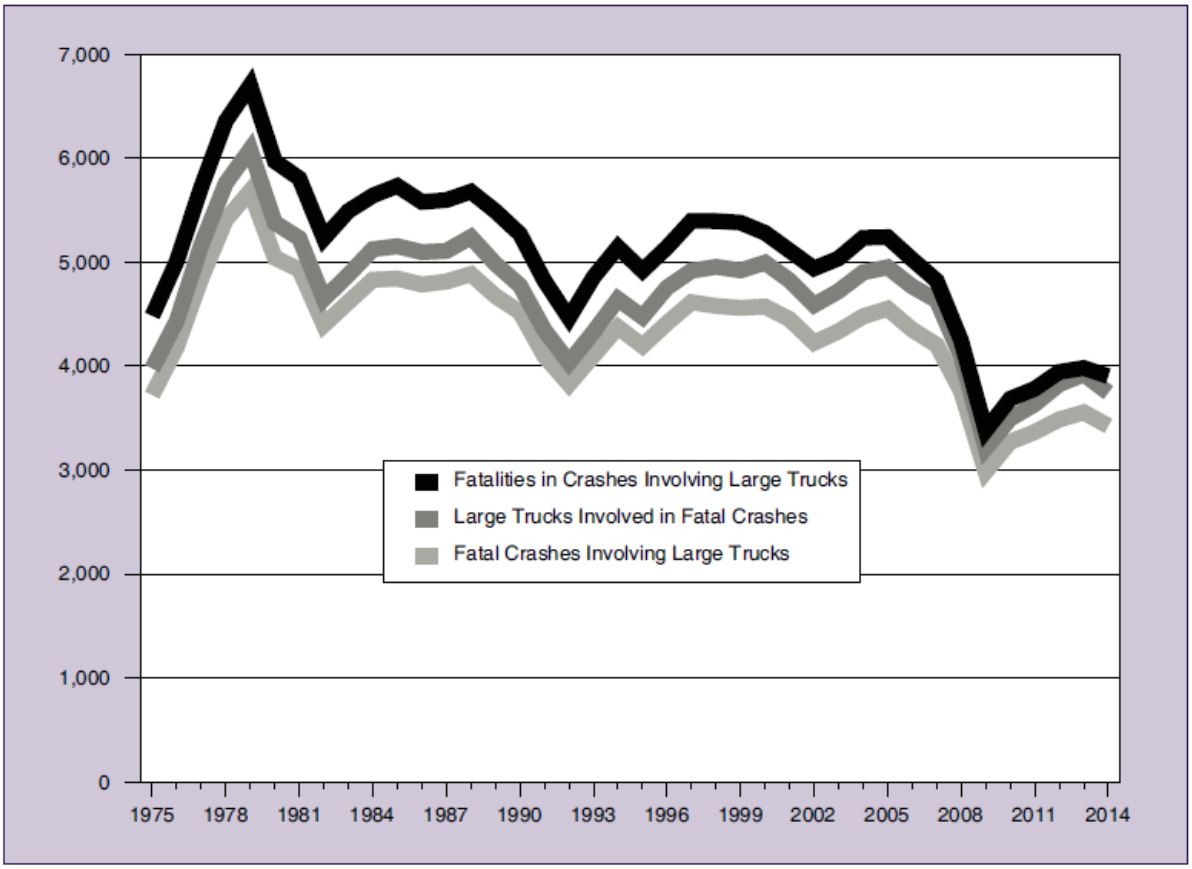
It should also be noted that even with higher speed limits, more trucks, and more passenger vehicles on the road, the data from FMCSA shows that accident and fatality rates have been trending downward since 1975. The following charts are from the FMCSA March 2016 report entitled "Large Truck and Bus Crash Facts 2014".

Trends Figure 2. Large Trucks and Passenger Vehicles Involved in Fatal Crashes per 100 Million Vehicle Miles Traveled by Vehicle Type, 1975-2014



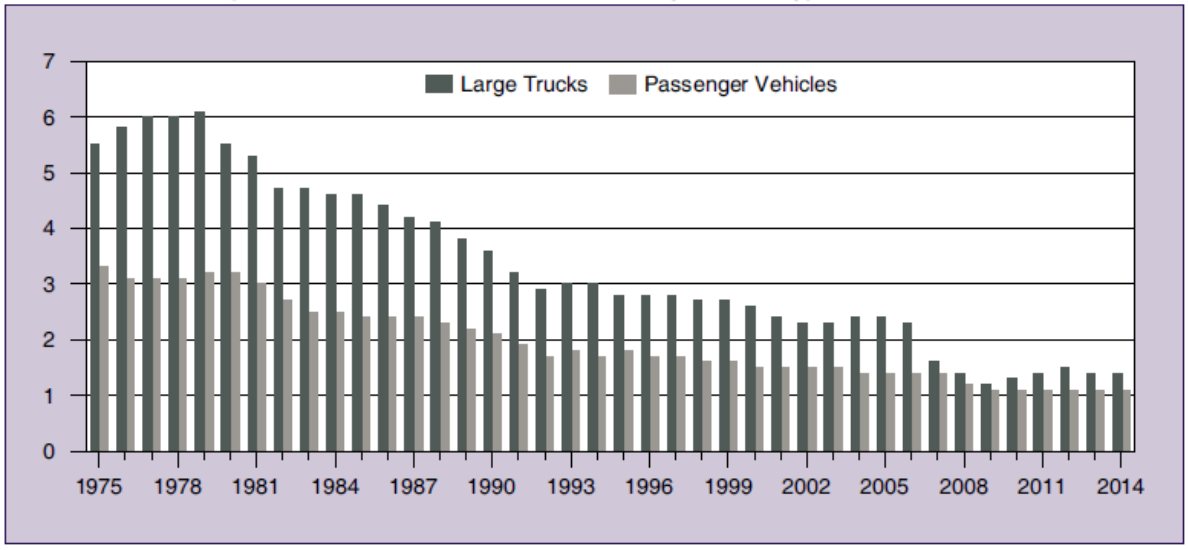
Notes: A large truck is defined as a truck with a gross vehicle weight rating (GVWR) greater than 10,000 pounds.
A passenger vehicle is defined as a car or light truck (including pickups, vans, and sport utility vehicles). The Federal Highway Administration (FHWA) implemented an enhanced methodology for estimating registered vehicles and vehicle miles traveled by vehicle type beginning with data from 2007. As a result, involvement rates may differ, and in some cases significantly, from earlier years.
Sources: Vehicle Miles Traveled: Federal Highway Administration, *Highway Statistics 2014*. Fatal Crashes and Vehicles Involved: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS).

Trends Figure 1. Fatal Crashes, Vehicles in Fatal Crashes, and Fatalities in Large Truck Crashes, 1975-2014



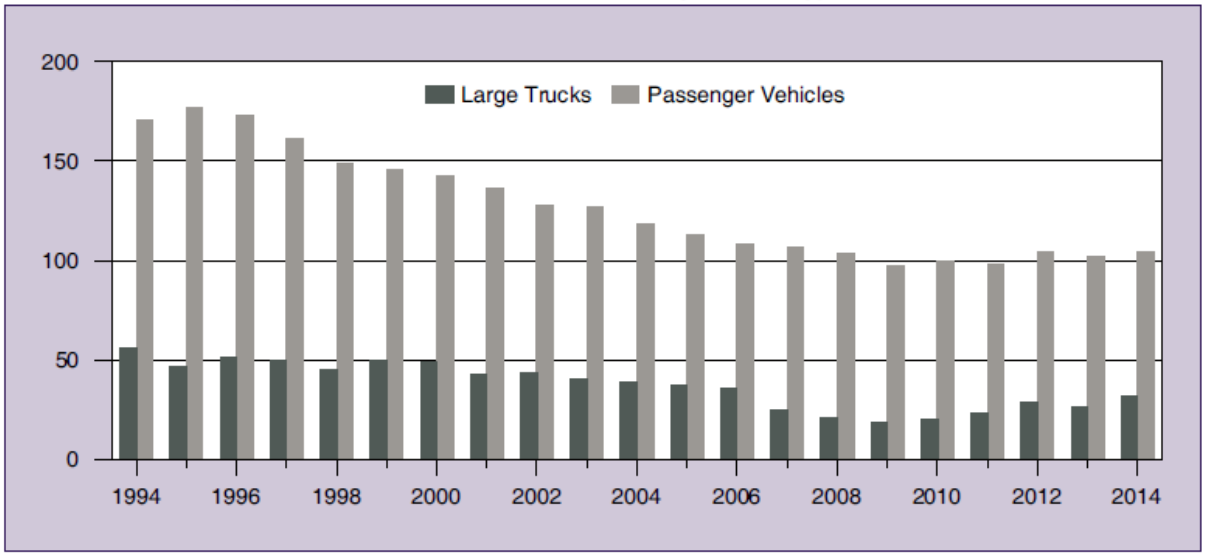
Note: A large truck is defined as a truck with a gross vehicle weight rating (GVWR) greater than 10,000 pounds.
Source: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS).

Trends Figure 3. Fatalities in Crashes Involving Large Trucks and Passenger Vehicles per 100 Million Vehicle Miles Traveled by Vehicle Type, 1975-2014



Notes: A large truck is defined as a truck with a gross vehicle weight rating (GVWR) greater than 10,000 pounds.
A passenger vehicle is defined as a car or light truck (including pickups, vans, and sport utility vehicles). The Federal Highway Administration (FHWA) implemented an enhanced methodology for estimating registered vehicles and vehicle miles traveled by vehicle type beginning with data from 2007. As a result, involvement rates may differ, and in some cases significantly, from earlier years.
Sources: Vehicle Miles Traveled: Federal Highway Administration, *Highway Statistics 2014*. Fatal Crashes, Vehicles Involved, and Fatalities: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS).

Trends Figure 4. Large Trucks and Passenger Vehicles Involved in Injury Crashes per 100 Million Vehicle Miles Traveled by Vehicle Type, 1994-2014



Notes: A large truck is defined as a truck with a gross vehicle weight rating (GVWR) greater than 10,000 pounds.
A passenger vehicle is defined as a car or light truck (including pickups, vans, and sport utility vehicles). The Federal Highway Administration (FHWA) implemented an enhanced methodology for estimating registered vehicles and vehicle miles traveled by vehicle type beginning with data from 2007. As a result, involvement rates may differ, and in some cases significantly, from earlier years. The rates depicted in this figure are based on unrounded GES data.
Sources: Vehicle Miles Traveled: Federal Highway Administration, *Highway Statistics 2014*. Injury Crashes and Vehicles Involved: National Highway Traffic Safety Administration, General Estimates System (GES).

In addition, the EUTA would like to point out one key table from the FMCSA report:

Crashes Table 3. Fatal Crashes Involving Large Trucks by Speed Limit, 2012-2014

Speed Limit	2012		2013		2014	
	Number	Percent	Number	Percent	Number	Percent
25 mph or Less	73	2.1%	88	2.5%	78	2.3%
30 - 35 mph	236	6.8%	271	7.6%	236	6.9%
40 - 45 mph	519	14.9%	493	13.9%	452	13.2%
50 - 55 mph	1,217	34.9%	1,276	35.9%	1,174	34.3%
60 - 65 mph	701	20.1%	727	20.5%	751	21.9%
70 - 75 mph	597	17.1%	585	16.5%	621	18.1%
80 - 85 mph	7	0.2%	12	0.3%	9	0.3%
No Statutory Limit	25	0.7%	33	0.9%	13	0.4%
Unknown	111	3.2%	69	1.9%	90	2.6%
Total	**3,486**	**100.0%**	**3,554**	**100.0%**	**3,424**	**100.0%**
Average Speed Limit	55.2 mph		55.0 mph		55.9 mph	

Note: A large truck is defined as a truck with a gross vehicle weight rating (GVWR) greater than 10,000 pounds.
Source: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS).

This table shows that the highest percentage of fatal crashes occurs when the posted speed limit ranges from 50-55 miles per hour. Unfortunately, there was no information in the report showing the speed of the affected single or multiple vehicles before the accidents. In each of the 3 years shown in the table, at least 50% of the fatal crashes occurred where the posted speed limits were 55 miles hour or less. Therefore, it is possible or likely that many of the vehicles involved in these crashes were going below 60 or 65 or 68 miles per hour, and a speed limit device, whether on trucks or other vehicles, would not have prevented the accidents.

Other Technologies that Improve Safety

Other tables from the 2014 FMCSA report provided the following details:

Crashes Table 11. Fatal Crashes Involving Large Trucks by Trafficway Flow, 2012-2014

Trafficway Flow	2012		2013		2014	
	Number	Percent	Number	Percent	Number	Percent
Two-Way, Not Divided	1,851	53.1%	1,826	51.4%	1,702	49.7%
Two-Way, Divided, Unprotected Median	750	21.5%	758	21.3%	721	21.1%
Two-Way, Divided, Positive Median Barrier	643	18.4%	716	20.1%	766	22.4%
Two-Way, Not Divided, With a Continuous Left-Turn Lane	131	3.8%	127	3.6%	126	3.7%
Entrance/Exit Ramp	55	1.6%	51	1.4%	51	1.5%
One-Way Trafficway	28	0.8%	34	1.0%	36	1.1%
Non-Trafficway Area	25	0.7%	31	0.9%	13	0.4%
Unknown	3	0.1%	11	0.3%	9	0.3%
Total	**3,486**	**100.0%**	**3,554**	**100.0%**	**3,424**	**100.0%**

Note: A large truck is defined as a truck with a gross vehicle weight rating (GVWR) greater than 10,000 pounds.
Source: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS).

Crashes Table 23. Fatal Crashes Involving Large Trucks by Light Conditions, 2012-2014

Light Conditions	2012		2013		2014	
	Number	Percent	Number	Percent	Number	Percent
Daylight	2,164	62.1%	2,240	63.0%	2,059	60.1%
Dark, Not Lighted	845	24.2%	849	23.9%	846	24.7%
Dark But Lighted	328	9.4%	312	8.8%	345	10.1%
Dark, Unknown Lighting	8	0.2%	9	0.3%	12	0.4%
Dawn	98	2.8%	93	2.6%	99	2.9%
Dusk	40	1.1%	46	1.3%	56	1.6%
Unknown	3	0.1%	5	0.1%	7	0.2%
Total	**3,486**	**100.0%**	**3,554**	**100.0%**	**3,424**	**100.0%**

Note: A large truck is defined as a truck with a gross vehicle weight rating (GVWR) greater than 10,000 pounds.
Source: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS).

EUTA has reviewed prior FMCSA and DOT reports going back to 1997 ("Truck Crash Profile: The National Picture 1996" September 1997 by Office of Motor Carriers Federal Highway Administration), and the trend has been constant over the past 15 plus years. There are fewer fatalities on dark, but lighted streets. Programs that encourage the installation of high-efficiency street lighting on two-way roads (especially undivided) should improve safety and reduce the number of fatal accidents. Many EUTA members provide street and area lighting services and are using advanced lighting technologies that provide maximum benefit to drivers and the local communities.

Recommendations

EUTA members are using advanced technologies in utility service vehicles to maximize safe operations. During emergency situations, such as severe storm restoration activities, it is essential that utility service vehicles are able to provide these essential services by arriving at the affected areas as quickly ***and as safely*** as possible.

EUTA is opposed to making this regulation retroactive to all trucks manufactured after 1990 with GVRM over 26,000 pounds. As discussed in the NOPR, the retrofit cost would easily be well above $1,000 per vehicle, some of which may be taken out of service within months. Even for more modern vehicles, there can be significant costs as shown in the NOPR:

"EMA's second concern related to retrofitting ECU-equipped vehicles (i.e. post 1994 to1996 vehicles) with tamperproof speed limiting devices. EMA described three approaches to retrofitting these vehicles with varying degrees of tamper protection. The estimated costs of these retrofit approaches ranged from $100 to $2,000 per vehicle, and EMA estimated that one million vehicles would have to be retrofitted. Additionally, two of the three approaches would require redesigning the software and/or hardware of each engine model and would entail additional costs ranging from $2,500,000 to $10,000,000 per engine model. EMA estimated there are 40 engine control devices from 1990 to the present that would have to be modified."

Conclusion

The Electric Utilities Trade Associations oppose the concepts contained in the Notice of Proposed Rulemaking as creating onerous regulatory and financial burden with no concomitant safety benefit.

However, if FMCSA proceeds, and the final rule applies to new vehicles only, some EUTA members have indicated that a limit of 68 miles per hour would be compatible with their current operations. However, a final rule, in addition to applying to new vehicles only, should allow users to program the maximum speed limit lower to match the maximum speed rating of the tires used on the vehicle at the time of sale. In addition, a final rule, in addition to applying to new vehicles only, should allow users to program the truck maximum speed limit to match the state highway speed limit(s) even when they are above 68 miles per hour.

Thank you for the opportunity to submit these comments.

Respectfully submitted,

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