

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard; Chrysler**

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the Chrysler, LLC, (Chrysler) petition for exemption of the Jeep Wrangler vehicle line in accordance with 49 CFR part 543, *Exemption from the Theft Prevention Standard*. This petition is granted because the agency has determined that the anti-theft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541).

DATES: The exemption granted by this notice is effective beginning with the 2009 model year (MY).

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard, International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue, SE., Washington, DC 20590. Ms. Ballard's phone number is (202) 366-0846. Her fax number is (202) 493-2990.

SUPPLEMENTARY INFORMATION: In a petition dated August 30, 2007, Chrysler requested an exemption from the parts-marking requirements of the theft prevention standard (49 CFR part 541) for the Jeep Wrangler vehicle line, beginning with MY 2009. The petition requested an exemption from parts-marking requirements pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard*, based on the installation of an anti-theft device as standard equipment for the entire vehicle line.

Under § 543.5(a), a manufacturer may petition NHTSA to grant exemptions for one line of its vehicle lines per year. Chrysler has petitioned the agency to grant an exemption for its Wrangler vehicle line beginning with MY 2009. In its petition, Chrysler provided a detailed description and diagram of the identity, design, and location of the components of the anti-theft device for the new vehicle line. Chrysler will install its anti-theft device as standard equipment on the MY 2009 Jeep Wrangler vehicle line. The anti-theft device to be installed on the MY 2009 Jeep Wrangler, the Sentry Key Immobilizer System (SKIS) incorporates an ignition immobilizer

system and an unauthorized vehicle start telltale light.

Chrysler stated that the (SKIS) prevents the engine from running for more than 2 seconds unless a valid electronically encoded key is in the ignition switch. The immobilizer feature is activated when the key is removed from the ignition switch whether the vehicle doors are open or closed. Once activated, only a valid key inserted into the ignition switch will disable immobilization and allow the vehicle to start and continue to run. The SKIS has a visual telltale located in the vehicle ElectroMechanical Instrument Cluster (EMIC). The components performing the immobilizer function in the SKIS are the Sentry Key Remote Entry Module (SKREEM), the Powertrain Control Module (PCM), and the Sentry Key. The ElectroMechanical Instrument Cluster (EMIC) controls the telltale function only.

Chrysler also stated that the SKREEM is the primary component of the SKIS and is also the receiver for the Remote Keyless Entry system and the Tire Pressure Monitor system. When the ignition switch is turned to the "ON" position, the SKREEM transmits a radio frequency (RF) signal to the transponder in the ignition key. If the response received identifies the key as valid, the SKREEM sends a valid key message to PCM over the PCI data bus, and the PCM allows the engine to continue to run. To avoid any perceived delay when starting the vehicle with a valid key and to prevent unburned fuel from entering the exhaust, the engine is permitted to run for no more than 2 seconds if an invalid key is used. If the response identifies the key as invalid, or if no response is received from the key transponder, the SKREEM sends an invalid key message to the PCM. The PCM will disable engine operation (after the initial 2-second run) based upon the status of the SKREEM messages. Chrysler stated that only six consecutive invalid vehicle start attempts are allowed and all other invalid attempts would be locked out by preventing the fuel injectors from firing and disabling the starter. Only communication with a valid key will permit the engine to start and run.

The telltale feature operates as a security indicator in the EMIC. The telltale alerts the owner that an unauthorized vehicle start attempt has been made. Upon an unauthorized start attempt, the telltale will flash on and off when the ignition switch is turned to the "ON" position. Besides acting as a security indicator, the telltale acts as a diagnostic indicator. If the SKREEM detects a system malfunction and/or the

SKIS has become inoperative, the security indicator will stay on solid. If the SKREEM detects an invalid key or if a key transponder-related fault exists, the security indicator will flash.

Each ignition key used in the SKIS has an integral transponder chip included on the circuit board beneath the cover of the integral Remote Keyless Entry (RKE) transmitter. In addition to having to be cut to match the mechanical coding of the ignition lock cylinder and programmed for operation of the RKE system, each new Sentry Key has a unique transponder identification code that is permanently programmed into it by the manufacturer, and which must be programmed into the SKREEM to be recognized by the SKIS as a valid key. Once a Sentry Key has been programmed to a particular vehicle, it cannot be used on any other vehicle.

Chrysler stated that the proposed anti-theft device does not provide any visible or audible indication of unauthorized entry. Chrysler also stated that the (SKIS) is designed to provide passive protection against unauthorized vehicle use and that the theft data has indicated a decline in theft rates for vehicle lines that have been equipped with anti-theft devices similar to that which it proposes to install on the Wrangler vehicle line. The agency has concluded that the lack of a visual or audio alarm has not prevented these anti-theft devices from being effective protection against theft.

In addressing the specific content requirements of 543.6, Chrysler provided information on the reliability and durability of the device, Chrysler conducted tests based on its own specified standards and stated its belief that the device meets the stringent performance standards prescribed. Specifically, Chrysler stated that its device must demonstrate a minimum of 95 percent reliability with 90 percent confidence. In addition to the design and production validation test criteria, Chrysler stated that the SKIS also undergoes a daily short term durability test. In this test, three randomly chosen systems are tested for durability, once per shift at Chrysler's production facility. Chrysler also stated that 100% of its systems undergo a series of three functional tests prior to being shipped from the supplier to the vehicle assembly plant for installation in its vehicles.

Chrysler stated that its actual theft experience with Jeep Wrangler vehicles, not currently installed with an immobilizer system as standard equipment, indicates that these vehicles have a theft rate significantly lower than the 1990/1991 median theft rate of

3.5826. Chrysler stated that NHTSA's theft rates for the Jeep Wrangler vehicles for model years 2000, 2001, 2002, 2003 and 2004 are 1.9208, 2.4561, 1.9980, 1.4609 and 1.4406 respectively. Chrysler stated that vehicles subject to the parts marking requirements that subsequently are equipped with ignition immobilizer systems as standard equipment indicate that even lower theft rates can be expected from a vehicle equipped with standard ignition immobilizer systems.

Chrysler offered the Jeep Grand Cherokee vehicles as an example of vehicles subject to part 541 parts marking requirements that subsequently are equipped with ignition immobilizer systems as standard equipment. NHTSA's theft rates for the Jeep Grand Cherokee vehicles for model years prior to 1999 (1995 through 1998) when an immobilizer was not offered as standard equipment is 5.3574, which is significantly higher than the 1990/1991 median theft rate. Chrysler indicated that, since the introduction of immobilizer systems as standard equipment on the Jeep Grand Cherokee vehicles, the average theft rate for the MY 1999 through 2004 is 2.6713, which is significantly lower than the 1990/1991 median theft rate of 3.5826. The Jeep Grand Cherokee vehicles were granted an exemption from the parts marking requirements beginning with MY 2004 vehicles.

On the basis of this comparison, Chrysler has concluded that the proposed antitheft device is no less effective than those devices installed on lines for which NHTSA has already granted full exemption from the parts-marking requirements.

Based on the information Chrysler has provided about its device, the agency concludes that the antitheft device for the Jeep Wrangler vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). The agency concludes that the device will provide four of the five types of performance listed in § 543.6(a)(3): Promoting activation; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

As required by 49 U.S.C. 33106 and 49 CFR 543.6(a)(4) and (5), the agency finds that Chrysler has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information Chrysler provided about its antitheft device.

For the foregoing reasons, the agency hereby grants in full Chrysler's petition for an exemption for the MY 2009 Jeep Wrangler vehicle line from the parts-marking requirements of 49 CFR part 541. The agency notes that 49 CFR part 541, Appendix A-1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR 543.7(f) contains publication requirements incident to the disposition of all part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If Chrysler decides not to use the exemption for this line, it must formally notify the agency. If such a decision is made, the line must be fully marked as required by 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Chrysler wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the anti-theft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions "to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption."

The agency wishes to minimize the administrative burden that part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: October 31, 2007.

Stephen R. Kratzke,
Associate Administrator for Rulemaking.
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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-204 (Sub-No. 2X)]

Cape Fear Railways, Inc.— Abandonment Exemption—in Cumberland County, NC

Cape Fear Railways, Inc. (CF), has filed a notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon a 4.9-mile rail line, referred to as the Skibo-Fort Bragg line, from Skibo to the southern border of the Fort Bragg line, also known as the Skibo A&R line, in Cumberland County, NC. The line traverses United States Postal Service Zip Code 28301.

CF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic to be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on December 6, 2007, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.