

to which its earlier comments were considered in preparing the draft statement.

4. The clearinghouses may also be used, by mutual agreement, for securing reviews of the draft environmental impact statement. However, the Federal agency may wish to deal directly with appropriate State or local agencies in the review of impact statements because the clearinghouses may be unwilling or unable to handle this phase of the process. In some cases, the Governor may have designated a specific agency, other than the clearinghouse, for securing reviews of impact statements. In any case, the clearinghouses should be sent copies of the impact statement.

5. To aid clearinghouses in coordinating State and local comments, draft statements should include copies of State and local agency comments made earlier under the A-95 process and should indicate on the summary sheet those other agencies from which comments have been requested, as specified in Attachment 1.

PART 523—VEHICLE CLASSIFICATION

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AUTHORITY: 49 U.S.C. 32901, delegation of authority at 49 CFR 1.95

§ 523.1 Scope.

This part establishes categories of vehicles that are subject to title V of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 2001 *et seq.*

(Sec. 301, Pub. L. 94-163, 80 Stat. 901 (15 U.S.C. 2001))

[42 FR 38362, July 28, 1977]

§ 523.2 Definitions.

Approach angle means the smallest angle, in a plane side view of an automobile, formed by the level surface on which the automobile is standing and a line tangent to the front tire static loaded radius arc and touching the underside of the automobile forward of the front tire.

Axle clearance means the vertical distance from the level surface on which an automobile is standing to the lowest

point on the axle differential of the automobile.

Base tire (for passenger automobiles, light trucks, and medium duty passenger vehicles) means the tire size specified as standard equipment by the manufacturer on each unique combination of a vehicle's footprint and model type. Standard equipment is defined in 40 CFR 86.1803-01.

Basic vehicle frontal area is used as defined in 40 CFR 86.1803.

Breakover angle means the supplement of the largest angle, in a plan side view of an automobile, that can be formed by two lines tangent to the front and rear static loaded radii arcs and intersecting at a point on the underside of the automobile.

Cab-complete vehicle means a vehicle that is first sold as an incomplete vehicle that substantially includes the vehicle cab section as defined in 40 CFR 1037.801. For example, vehicles known commercially as chassis-cabs, cab-chassis, box-deletes, bed-deletes, and cut-away vans are considered cab-complete vehicles. A cab includes a steering column and a passenger compartment. Note that a vehicle lacking some components of the cab is a cab-complete vehicle if it substantially includes the cab.

Cargo-carrying volume means the luggage capacity or cargo volume index, as appropriate, and as those terms are defined in 40 CFR 600.315-08, in the case of automobiles to which either of these terms apply. With respect to automobiles to which neither of these terms apply, "cargo-carrying volume" means the total volume in cubic feet, rounded to the nearest 0.1 cubic feet, of either an automobile's enclosed non-seating space that is intended primarily for carrying cargo and is not accessible from the passenger compartment, or the space intended primarily for carrying cargo bounded in the front by a vertical plane that is perpendicular to the longitudinal centerline of the automobile and passes through the rearmost point on the rearmost seat and elsewhere by the automobile's interior surfaces.

Class 2b vehicles are vehicles with a gross vehicle weight rating (GVWR) ranging from 8,501 to 10,000 pounds (lbs).

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Class 3 through Class 8 vehicles are vehicles with a GVWR of 10,001 lbs or more, as defined in 49 CFR 565.15.

Commercial medium- and heavy-duty on-highway vehicle means an on-highway vehicle with a GVWR of 10,000 lbs or more, as defined in 49 U.S.C. 32901(a)(7).

Complete vehicle means a vehicle, other than in §523.7, that requires no further manufacturing operations to perform its intended function and is a functioning vehicle that has the primary load carrying device or container (or equivalent equipment) attached or that is designed to pull a trailer. Examples of equivalent equipment would include fifth wheel trailer hitches, fire-fighting equipment, and utility booms.

Curb weight is defined the same as *vehicle curb weight* in 40 CFR 86.1803–01.

Departure angle means the smallest angle, in a plane side view of an automobile, formed by the level surface on which the automobile is standing and a line tangent to the rear tire static loaded radius arc and touching the underside of the automobile rearward of the rear tire.

Final stage manufacturer has the meaning given in 49 CFR 567.3.

Footprint is defined as the product of track width (measured in inches, calculated as the average of front and rear track widths, and rounded to the nearest tenth of an inch) times wheelbase (measured in inches and rounded to the nearest tenth of an inch), divided by 144 and then rounded to the nearest tenth of a square foot. For purposes of this definition, “track width” is the lateral distance between the centerlines of the base tires at ground, including the camber angle. For purposes of this definition, “wheelbase” is the longitudinal distance between front and rear wheel centerlines.

Full-size pickup truck has the meaning given in 40 CFR 86.1803–01.

Gross combination weight rating (GCWR) means the value specified by the manufacturer as the maximum allowable loaded weight of a combination vehicle (e.g., tractor plus trailer).

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle (e.g., vocational vehicle).

Heavy-duty engine means any engine used for (or which the engine manufacturer could reasonably expect to be used for) motive power in a heavy-duty vehicle. For purposes of this definition in this part, the term “engine” includes internal combustion engines and other devices that convert chemical fuel into motive power. For example, a fuel cell and motor used in a heavy-duty vehicle is a heavy-duty engine.

Heavy-duty off-road vehicle means a heavy-duty vocational vehicle or vocational tractor that is intended for off-road use meeting either of the following criteria:

(1) Vehicles with tires installed having a maximum speed rating at or below 55 mph.

(2) Vehicles primarily designed to perform work off-road (such as in oil fields, forests, or construction sites), and meeting at least one of the criteria of paragraph (2)(i) of this definition and at least one of the criteria of paragraph (2)(ii) of this definition.

(i) Vehicles must have affixed components designed to work in an off-road environment (for example, hazardous material equipment or drilling equipment) or be designed to operate at low speeds making them unsuitable for normal highway operation.

(ii) Vehicles must:

(A) Have an axle that has a gross axle weight rating (GAWR), as defined in 49 CFR §571.3, of 29,000 pounds or more;

(B) Have a speed attainable in 2 miles of not more than 33 mph; or

(C) Have a speed attainable in 2 miles of not more than 45 mph, an unloaded vehicle weight that is not less than 95 percent of its GVWR, and no capacity to carry occupants other than the driver and operating crew.

Heavy-duty vehicle means a vehicle as defined in §523.6.

Incomplete vehicle means a vehicle, other than in §523.7, which does not have the primary load carrying device or container attached when it is first sold as a vehicle or any vehicle that does not meet the definition of a complete vehicle. This may include vehicles sold to secondary vehicle manufacturers. Incomplete vehicles include cab-complete vehicles.

Innovative technology means technology certified as such under 40 CFR 1037.610.

Light truck means a non-passenger automobile as defined in § 523.5.

Medium duty passenger vehicle means a vehicle which would satisfy the criteria in § 523.5 (relating to light trucks) but for its gross vehicle weight rating or its curb weight, which is rated at more than 8,500 lbs GVWR or has a vehicle curb weight of more than 6,000 lbs or has a basic vehicle frontal area in excess of 45 square feet, and which is designed primarily to transport passengers, but does not include a vehicle that:

- (1) Is an "incomplete vehicle" as defined in this subpart; or
- (2) Has a seating capacity of more than 12 persons; or
- (3) Is designed for more than 9 persons in seating rearward of the driver's seat; or
- (4) Is equipped with an open cargo area (for example, a pick-up truck box or bed) of 72.0 inches in interior length or more. A covered box not readily accessible from the passenger compartment will be considered an open cargo area for purposes of this definition.

Mild hybrid vehicle has the meaning given in 40 CFR 86.1803-01.

Motor home has the meaning given in 49 CFR 571.3.

Motor vehicle has the meaning given in 40 CFR 85.1703.

Passenger-carrying volume means the sum of the front seat volume and, if any, rear seat volume, as defined in 40 CFR 600.315-08, in the case of automobiles to which that term applies. With respect to automobiles to which that term does not apply, "passenger-carrying volume" means the sum in cubic feet, rounded to the nearest 0.1 cubic feet, of the volume of a vehicle's front seat and seats to the rear of the front seat, as applicable, calculated as follows with the head room, shoulder room, and leg room dimensions determined in accordance with the procedures outlined in Society of Automotive Engineers Recommended Practice J1100a, Motor Vehicle Dimensions (Report of Human Factors Engineering Committee, Society of Automotive Engineers, approved September 1973 and last revised September 1975).

(1) For front seat volume, divide 1,728 into the product of the following SAE dimensions, measured in inches to the nearest 0.1 inches, and round the quotient to the nearest 0.001 cubic feet.

- (i) H61—Effective head room—front.
- (ii) W3—Shoulder room—front.
- (iii) L34—Maximum effective leg room—accelerator.

(2) For the volume of seats to the rear of the front seat, divide 1,728 into the product of the following SAE dimensions, measured in inches to the nearest 0.1 inches, and rounded the quotient to the nearest 0.001 cubic feet.

- (i) H63—Effective head room—second.
- (ii) W4—Shoulder room—second.
- (iii) L51—Minimum effective leg room—second.

Pickup truck means a non-passenger automobile which has a passenger compartment and an open cargo area (bed).

Recreational vehicle or RV means a motor vehicle equipped with living space and amenities found in a motor home.

Running clearance means the distance from the surface on which an automobile is standing to the lowest point on the automobile, excluding unsprung weight.

Static loaded radius arc means a portion of a circle whose center is the center of a standard tire-rim combination of an automobile and whose radius is the distance from that center to the level surface on which the automobile is standing, measured with the automobile at curb weight, the wheel parallel to the vehicle's longitudinal centerline, and the tire inflated to the manufacturer's recommended pressure.

Strong hybrid vehicle has the meaning given in 40 CFR 86.1803-01.

Temporary living quarters means a space in the interior of an automobile in which people may temporarily live and which includes sleeping surfaces, such as beds, and household conveniences, such as a sink, stove, refrigerator, or toilet.

Van means a vehicle with a body that fully encloses the driver and a cargo carrying or work performing compartment. The distance from the leading edge of the windshield to the foremost body section of vans is typically shorter than that of pickup trucks and sport utility vehicles.

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Vocational tractor means a tractor that is classified as a vocational vehicle according to 40 CFR 1037.630.

Vocational vehicle means a vehicle that is equipped for a particular industry, trade or occupation such as construction, heavy hauling, mining, logging, oil fields, refuse and includes vehicles such as school buses, motorcoaches and RVs.

Work truck means a vehicle that is rated at more than 8,500 pounds and less than or equal to 10,000 pounds gross vehicle weight, and is not a medium-duty passenger vehicle as defined in 40 CFR 86.1803 effective as of December 20, 2007.

[77 FR 63187, Oct. 15, 2012, as amended at 78 FR 36401, June 17, 2013]

§ 523.3 Automobile.

(a) An automobile is any 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at less than 10,000 pounds gross vehicle weight, except:

(1) A vehicle operated only on a rail line;

(2) A vehicle manufactured in different stages by 2 or more manufacturers, if no intermediate or final-stage manufacturer of that vehicle manufactures more than 10,000 multi-stage vehicles per year; or

(3) A work truck.

(b) The following vehicles rated at more than 6,000 pounds and less than 10,000 pounds gross vehicle weight are determined to be automobiles:

(1) Vehicles which would satisfy the criteria in § 523.4 (relating to passenger automobiles) but for their gross vehicle weight rating.

(2) Vehicles which would satisfy the criteria in § 523.5 (relating to light trucks) but for their gross vehicle weight rating, and which

(i) Have a basic vehicle frontal area of 45 square feet or less,

(ii) Have a curb weight of 6,000 pounds or less,

(iii) Have a gross vehicle weight rating of 8,500 pounds or less, and

(iv) Are manufactured during the 1980 model year or thereafter.

(3) Vehicles that are defined as medium duty passenger vehicles, and

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which are manufactured during the 2011 model year or thereafter.

(Sec. 9, Pub. L. 89–670, 80 Stat. 981 (49 U.S.C. 1657); sec. 301, Pub. L. 94–163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976)

[42 FR 38362, July 28, 1977, as amended at 43 FR 12013, Mar. 23, 1978; 44 FR 4493, Jan. 2, 1979; 71 FR 17676, Apr. 6, 2006; 74 FR 14449, Mar. 30, 2009]

§ 523.4 Passenger automobile.

A passenger automobile is any automobile (other than an automobile capable of off-highway operation) manufactured primarily for use in the transportation of not more than 10 individuals.

(Sec. 301, Pub. L. 94–163, 80 Stat. 901 (15 U.S.C. 2001))

[42 FR 38362, July 28, 1977]

§ 523.5 Non-passenger automobile.

A non-passenger automobile means an automobile that is not a passenger automobile or a work truck and includes vehicles described in paragraphs (a) and (b) of this section:

(a) An automobile designed to perform at least one of the following functions:

(1) Transport more than 10 persons;

(2) Provide temporary living quarters;

(3) Transport property on an open bed;

(4) Provide, as sold to the first retail purchaser, greater cargo-carrying than passenger-carrying volume, such as in a cargo van; if a vehicle is sold with a second-row seat, its cargo-carrying volume is determined with that seat installed, regardless of whether the manufacturer has described that seat as optional; or

(5) Permit expanded use of the automobile for cargo-carrying purposes or other nonpassenger-carrying purposes through:

(i) For non-passenger automobiles manufactured prior to model year 2012, the removal of seats by means installed for that purpose by the automobile's manufacturer or with simple tools, such as screwdrivers and wrenches, so as to create a flat, floor level, surface extending from the forwardmost point

of installation of those seats to the rear of the automobile's interior; or

(ii) For non-passenger automobiles manufactured in model year 2008 and beyond, for vehicles equipped with at least 3 rows of designated seating positions as standard equipment, permit expanded use of the automobile for cargo-carrying purposes or other non-passenger-carrying purposes through the removal or stowing of foldable or pivoting seats so as to create a flat, leveled cargo surface extending from the forwardmost point of installation of those seats to the rear of the automobile's interior.

(b) An automobile capable of off-highway operation, as indicated by the fact that it:

(1)(i) Has 4-wheel drive; or
 (ii) Is rated at more than 6,000 pounds gross vehicle weight; and

(2) Has at least four of the following characteristics calculated when the automobile is at curb weight, on a level surface, with the front wheels parallel to the automobile's longitudinal centerline, and the tires inflated to the manufacturer's recommended pressure—

- (i) Approach angle of not less than 28 degrees.
- (ii) Breakover angle of not less than 14 degrees.
- (iii) Departure angle of not less than 20 degrees.
- (iv) Running clearance of not less than 20 centimeters.
- (v) Front and rear axle clearances of not less than 18 centimeters each.

(Sec. 9, Pub. L. 89-670, 80 Stat. 981 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976.)

[74 FR 14449, Mar. 30, 2009]

§ 523.6 Heavy-duty vehicle.

(a) A heavy-duty vehicle is any commercial medium- and heavy-duty on highway vehicle or a work truck, as defined in 49 U.S.C. 32901(a)(7) and (19). For the purpose of this part, heavy-duty vehicles are divided into three regulatory categories as follows:

- (1) Heavy-duty pickup trucks and vans;
- (2) Heavy-duty vocational vehicles; and

(3) Truck tractors with a GVWR above 26,000 pounds.

(b) The heavy-duty vehicle classification does not include:

(1) Vehicles defined as medium duty passenger vehicles.

(2) Vehicles excluded from the definition of "heavy-duty vehicle" because of vehicle weight or weight rating (such as light duty vehicles as defined in § 523.5).

(3) Vehicles excluded from the definition of motor vehicle in 40 CFR 85.1703.

[76 FR 57491, Sept. 15, 2011]

§ 523.7 Heavy-duty pickup trucks and vans.

Heavy-duty pickup trucks and vans are pickup trucks and vans with a gross vehicle weight rating between 8,501 pounds and 14,000 pounds (Class 2b through 3 vehicles) manufactured as complete vehicles by a single or final stage manufacturer or manufactured as incomplete vehicles as designated by a manufacturer. A manufacturer may also optionally designate as a heavy-duty pickup truck or van any cab-complete or complete vehicle having a GVWR over 14,000 pounds and below 26,001 pounds equipped with a spark ignition engine or any spark ignition engine certified and sold as a loose engine manufactured for use in a heavy-duty pickup truck or van. See references in 49 CFR 535.5(a), 40 CFR 1037.104 and 40 CFR 1037.150. Complete and incomplete vehicles between 8,501 pounds and 14,000 pounds have the meaning for complete and incomplete heavy-duty vehicles given in 40 CFR 86.1803.

[78 FR 36401, June 17, 2013]

§ 523.8 Heavy-duty vocational vehicle.

Heavy-duty vocational vehicles are vehicles with a gross vehicle weight rating (GVWR) above 8,500 pounds excluding:

- (a) Heavy-duty pickup trucks and vans defined in § 523.7;
- (b) Medium duty passenger vehicles; and
- (c) Truck tractors, except vocational tractors, with a GVWR above 26,000 pounds;

[76 FR 57491, Sept. 15, 2011]

§ 523.9

§ 523.9 Truck tractors.

Truck tractors for the purpose of this part are considered as any truck tractor as defined in 49 CFR part 571 having a GVWR above 26,000 pounds.

[76 FR 57492, Sept. 15, 2011]

PART 525—EXEMPTIONS FROM AVERAGE FUEL ECONOMY STANDARDS

Sec.

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- 525.4 Definitions.
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- 525.10 Renewal of exemption.
- 525.11 Termination of exemption; amendment of alternative average fuel economy standard.
- 525.12 Public inspection of information.

AUTHORITY: 15 U.S.C. 2002; 49 CFR 1.50.

SOURCE: 42 FR 38376, July 28, 1977, unless otherwise noted.

§ 525.1 Scope.

This part establishes procedures under section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 2002) for the submission and disposition of petitions filed by low volume manufacturers of passenger automobiles to exempt them from the average fuel economy standards for passenger automobiles and to establish alternative average fuel economy standards for those manufacturers.

§ 525.2 Purpose.

The purpose of this part is to provide content and format requirements for low volume manufacturers of passenger automobiles which desire to petition the Administrator for exemption from applicable average fuel economy standards and for establishment of appropriate alternative average fuel economy standards and to give interested persons an opportunity to present data, views and arguments on those petitions.

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§ 525.3 Applicability.

This part applies to passenger automobile manufacturers.

§ 525.4 Definitions.

(a) *Statutory terms.* (1) The terms *fuel*, *manufacture*, *manufacturer*, and *model year*, are used as defined in section 501 of the Act.

(2) The terms *average fuel economy*, *fuel economy*, and *model type* are used as defined in 40 CFR 600.002–77.

(3) The term *automobile* means a vehicle determined by the Administrator under 49 CFR part 523 to be an automobile.

(4) The term *passenger automobile* means an automobile determined by the Administrator under 49 CFR part 523 to be a passenger automobile.

(5) The term *customs territory of the United States* is used as defined in 19 U.S.C. 1202.

(b) *Other terms.* (1) The term *base level* and *vehicle configuration* are used as defined in 40 CFR 600.002–77.

(2) The term *vehicle curb weight* is used as defined in 40 CFR 85.002.

(3) The term *interior volume index* is used as defined in 40 CFR 600.315–77.

(4) The term *frontal area* is used as defined in 40 CFR 86.129–79.

(5) The term *basic engine* is used as defined in 40 CFR 600.002–77(a)(21).

(6) The term *designated seating position* is defined in 49 CFR 571.3.

(7) As used in this part, unless otherwise required by the context:

Act means the Motor Vehicle Information and Cost Savings Act (Pub. L. 92–513), as amended by the Energy Policy and Conservation Act (Pub. L. 94–163);

Administrator means the Administrator of the National Highway Traffic Safety Administration;

Affected model year means a model year for which an exemption and alternative average fuel economy standard are requested under this part;

Production mix means the number of passenger automobiles, and their percentage of the petitioner's annual total production of passenger automobiles, in each vehicle configuration which a petitioner plans to manufacture in a model year; and

Total drive ratio means the ratio of an automobile's engine rotational speed