

classification and safety regulations for golf cars and other small, light-weight vehicles that are capable of being driven on the public roads.” (62 FR 1077, January 8, 1997) In every discussion of LSVs by the agency—from the public meetings preceding the 1997 NPRM through the 2002 NPRM on LSV conspicuity (67 FR 46149, July 12, 2002)⁴—the agency’s main reason for excluding these vehicles from compliance with other FMVSS was the idea that such compliance was inappropriate for a class of “small, lightweight vehicles.” On June 28, 2000, NHTSA replied to a request for legal interpretation regarding the definition of LSV from Thomas Dahl of Lampasas, Texas. Mr. Dahl asked, “whether speed governing devices are allowed by the NHTSA to meet the interpretation of low-speed vehicle.” In its response, the agency stated, in part:

The preambles of the rulemaking notices under which the definition and Federal Motor Vehicle Safety Standard No. 500, *Low-Speed Vehicles* were adopted, clearly indicate that the purpose of the rulemaking was to accommodate a new category of small motor vehicle which was making its appearance in retirement communities.

* * * Because of their small size and light weight, these vehicles could not meet Federal motor vehicle safety standards appropriate for larger and heavier vehicles, such as requirements to be met in 30 mph barrier crashes. The common feature of this emerging class of motor vehicle appeared to be a maximum speed capability of not more than 25 miles per hour as designed and

manufactured, and we decided upon that as the principal feature of the definition.

These vehicles needed to be excluded from the FMVSS because of their small size. This decision was appropriate because of the vehicles’ low operating speed and restricted areas of use.

It has become apparent from the Solectria and GEM petitions, and letters like Mr. Dahl’s, that there is a need to limit the LSV class to small vehicles, to prevent attempts to circumvent the FMVSS for cars, trucks and multipurpose passenger vehicles by applying the LSV classification to vehicle types that are able to meet the standards, and to make the definition more complete. The exclusion of trucks from the definition of LSV does not accomplish this goal. As such, we are proposing to limit the definition of LSV to small vehicles objectively through the use of a limitation on the Gross Vehicle Weight Rating (GVWR) combined with a requirement for a minimum rated cargo load (RCL).

We have tentatively identified vehicles with a GVWR of less than 2,500 pounds as constituting a class of motor vehicles so small that vehicles in this class are generally unable to meet all of the FMVSS required for passenger cars, multipurpose vehicles, and trucks. When trucks were originally excluded from the definition of LSV, the agency was considering heavy, slow moving vehicles (e.g., street cleaners) that, because of their heavier weight, were able to meet all of the FMVSS

applicable to trucks. Under the proposed definition, these heavier, but slower moving trucks would still be excluded from the definition of LSV and thus would still be required to meet all of the FMVSSs applicable to trucks.

The tentative GVWR limit is a result of examining the GVWRs of existing NEVs, GVWR ranges submitted by companies registering with NHTSA as intending to manufacture LSVs, and, as a comparison group, small passenger cars, multipurpose passenger vehicles, and trucks that are certified to all applicable FMVSS. We also note that the Society of Automotive Engineers Surface Vehicle Standard J2358, Low Speed Vehicles, includes in its scope: any powered vehicle with a minimum of 4-wheels, a maximum level ground speed of more than 32 km/h (20 mph) but less than 40 km/h (25 mph), a maximum rated capacity of 500 kg (1100 lb), and a maximum gross vehicle weight of 1135 kg (2500 lb), that is intended for transporting not more than four (4) persons and operating on designated roadways where permitted by law.

The U.S. Department of Energy conducted a Field Operations Program, “NEV America”. We examined the vehicle specifications of the vehicles involved in that program. Five examples are: the Columbia ParCar four-passenger, Ford Think four-passenger, GEM E825 long bed utility, GEM E825 short bed utility, Frazer-Nash 4XLSV NEV. Specifications for these vehicles are given in the table below.

Vehicle	Configuration	GVWR ⁵ in pounds
GEM E825 Short Bed Utility	2-passenger seating, 4-foot aluminum cargo bed	1,790 ⁶
GEM E825 Long Bed Utility	2-passenger seating, 6-foot aluminum cargo bed	2,300
Ford Think Neighbor ⁷	4-passenger seating,	2,300
Columbia ParCar	4-passenger seating,	2,460
Frazer-Nash 4XLSV NEV	2-passenger seating, pick-up truck-like bed	3,304

⁵ As listed in the NEV America results.

⁶ GEM sales literature lists this vehicle as 1,850 pounds.

⁷ Ford no longer produced the Think vehicle.

Thirty-nine manufacturers have registered with NHTSA as intending to manufacture LSVs. Of these, six manufacturers have listed the GVWR range of their vehicles as including vehicles over 3,500 pounds, five more list the GVWR range of their vehicles as

including vehicles over 2,500 pounds, and three manufacturers do not list a GVWR range. We do not know how many of these 39 manufacturers are currently manufacturing and selling vehicles certified as LSVs or the GVWR of any vehicles certified as LSVs.

For comparison purposes, we sought out passenger cars, multipurpose passenger vehicles, and trucks that are certified as fully compliant with all applicable FMVSS. Example vehicles and their GVWR are shown below (model year 2003).

Vehicle	Type	GVWR in pounds
Honda Insight	Passenger car	2,212
Toyota Echo	Passenger car	3,010
Hyundai Accent	Passenger car	3,310
Chevrolet Tracker	SUV	3,483
Honda Civic	Passenger car	3,485
Toyota Prius	Passenger car	3,615
Ford Focus	Passenger car	3,620