

of 6,000 pounds or less and have a GVWR of 8,500 pounds or less.

In 49 CFR 523.4, the agency defined a passenger automobile as “any automobile (other than an automobile capable of off-highway operation) manufactured primarily for use in the transportation of not more than 10 individuals.” Under this definition, the remaining vehicles—the non-passenger or light truck category—not only includes vehicles capable of off-highway operation, but also includes other vehicles that are not manufactured primarily for transporting individuals. Therefore, a pickup truck that does not have features designed for off-highway operation is, because it is manufactured for carrying cargo, a light truck for CAFE purposes.

The agency’s definition of a light truck (49 CFR 523.5) is substantially more detailed and sets up the parameters of what constitutes a vehicle capable of off-highway operation or other utilitarian uses. The regulation provides that an automobile is capable of off-highway operation if it has 4 wheel drive or if its GVWR is more than 6,000 pounds and it meets at least four out of five specified geometric measures (approach angle, break-over angle, departure angle, running clearance and front and rear axle clearance). The agency also included as light trucks vehicles designed to perform at least one of the following: (1) Transport more than 10 persons; (2) provide temporary living quarters; (3) transport property on an open bed; (4) provide greater cargo-carrying than passenger-carrying volume; or (5) permit expanded use of the automobile for cargo-carrying purposes or other non-passenger-carrying purposes through 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 forward most point of installation of those seats to the rear of the automobile’s interior.

As discussed above, the regulatory scheme was adopted before the emergence of a more versatile vehicle fleet designed to accommodate today’s consumer preferences. The regulation predated the widespread influx of minivans and SUVs. It did not anticipate the development of a market for vehicles that could easily be transformed to serve a variety of functions and which also provide basic passenger transportation needs. Nor did the regulation anticipate the emerging class of “cross-over vehicles,”

containing aspects of both passenger and non-passenger automobiles.<sup>18</sup>

The application of the regulation to the current vehicle fleet (designed with the regulatory distinctions in mind) less clearly differentiates between passenger cars and light trucks than it did in the 1970s. Many vehicles produced today, while smaller than many other passenger cars, qualify as light trucks because they have been designed so that their seats can be easily removed and their cargo carrying capacity significantly enhanced.<sup>19</sup> Other vehicles, while appearing no different than counterpart passenger automobiles, qualify through having designs that meet four out of five geometric criteria set forth in 49 CFR 523.5. And yet other vehicles are designed in such a way that they can be easily transformed from passenger carrying motor vehicles to motor vehicles with open cargo beds without the use of substantial tools.

We recognize that any system of distinctions will drive vehicle design and result in its own set of ambiguities and ultimately may lead to unintended results as vehicle designs continue to evolve. We seek input on whether amendments to the current classification regulation can be made to better clarify the distinction between passenger automobiles and non-passenger automobiles in light of the current and emerging motor vehicle fleet.

<sup>18</sup> In developing the regulation, the agency struggled with defining pickup trucks constructed on passenger car frames. Pickups built on passenger car frames were to be considered light trucks, because, from a design perspective, they “have much less passenger carrying capacity and much more property carrying capacity than the passenger cars from which they are derived.” This passage seems to suggest that, when issuing the regulation, the agency intended that a vehicle should be considered a non-passenger automobile unless it clearly was designed primarily for the transportation of people rather than cargo (42 FR 38362, 38367).

<sup>19</sup> In a letter dated March 21, 2000 to Gerald Plante (and published on the agency’s Web site), the agency considered whether the flat floor provision was intended to permit vehicles to be classified as light trucks if their seats are folded into a flat floor, rather than removed to create a flat floor. The agency considered the vehicles under consideration when the regulatory provision was first issued and determined that the regulation did not anticipate that vehicles would be classified as light trucks by virtue of folding seats. This was based, in part, on the fact that seats that folded into a vehicle floor were found only in station wagons using a car chassis. Contemporary minivans are built on their own chassis and are not derived from either a car or a truck. If the resulting cargo area is indicative of a dual use beyond simply carrying passengers, it may not matter if the seats fold or are removable. Were we in the future to permit the folding of seats to create a flat floor to serve as the basis for classifying vehicles as light trucks, the enhancement of the cargo carrying capabilities of the vehicle must be significant, just as it would were the seats removed.

Possible approaches to updating the classification rules are set forth below. In seeking comments on these alternatives, the agency recognizes that any successful classification scheme must adequately account for the tremendous variety of needs that are served by light vehicles. Some need only carry one or two persons to work, while others must be able to carry large, relatively heavy loads. While some light trucks may be used primarily to transport passengers, their “peak use” or “peak value” (e.g., towing boats, hauling heavy loads) may require substantial performance capabilities. In considering potential changes to the classification definitions, we intend to preserve the ability of consumers to obtain vehicles that meet their needs, while providing competitive equity among vehicle manufacturers, improving vehicle safety, and enhancing fuel economy.

We expect to receive comments both with regard to the concepts set forth below and with regard to some of the practical necessities that might accompany any amendments to the classification regulations. These would include any necessary lead-time, possible approaches to phasing-in new definitions and the treatment of credits and penalties during the transition period.

#### *A. Vehicle Classification Using a Single Attribute*

The definitions contained in 49 CFR 523.5 provide multiple methods of classifying a vehicle as a light truck. Alternatively, the agency could define a particular vehicle attribute as that most appropriate to distinguish between light trucks and passenger cars. Such a system has the advantage of being simple to apply and could help to avoid criticism that manufacturers can “game” the classification system by taking advantage of certain features, such as the flat floor provision, to include vehicles in their light truck fleet that are otherwise classified as passenger cars. In considering attributes that may be used, we must be cognizant of the need to choose distinctions that would continue to serve consumer choices, and thus would discourage any incentive to design vehicles just beyond the minimum necessary to be classified as a light truck.

We have considered two attributes, which could be used to distinguish between the light truck and passenger car fleets: vehicle curb weight and interior volume. To employ this type of classification system, the agency would need first to determine that a vehicle with either curb weight or interior