

volume above a specified minimum is not one manufactured primarily for transporting not more than ten individuals.<sup>20</sup> If curb weight were used as the determining factor in deciding whether to classify a vehicle as a passenger car or light truck, based on MY 2002 fleet and available information on MY 2003–2004 vehicles, the agency believes that a curb weight of approximately 3,700 pounds could serve as a possible minimum curb weight to classify vehicles as light trucks. MY 2002 data shows that all minivans and mid-size SUVs have curb weights of at least 3,700 pounds.

In examining the MY 2002 CAFE data, the agency found that there are two main types of passenger cars that might be classified as light trucks if the minimum curb weight was established at 3,700 pounds: large sedans and “exotic” sport cars. There are also several types of light trucks that might be classified as passenger cars if the minimum curb weight was established at 3,700 pounds: small unibody SUVs, small ladder-on-frame SUVs, and some small pickups.

Interior volume presents another possible approach to using a single attribute to distinguish between passenger cars and light trucks. The agency used three methods for determining an interior volume measurement: (1) For cars with trunks, interior volume may be defined as the passenger compartment volume plus trunk volume; (2) for station wagons, SUVs, and crossover vehicles, interior volume may be defined as the volume enclosed within the combined passenger and cargo area; (3) for pickup trucks, interior volume may be defined as the interior volume of the cab plus twice the cargo bed volume.

In examining the MY 2002 fleet and available information on MY 2003–2004 vehicles, we believe that an interior volume measure in the range of 130–135 cubic feet could serve as a possible minimum interior volume to classify vehicles as light trucks. In examining the MY 2002 CAFE data, the agency found that there are two main types of passenger cars that might be classified as light trucks under such a system: large sedans and large station wagons. The agency also found that there are two main types of light trucks that might be classified as passenger cars: small two-

wheel drive unibody SUVs and small two-wheel drive ladder-on-frame SUVs.<sup>21</sup>

#### *B. The Flat Floor Provision*

The current regulation classifies as a light truck any vehicle with readily removable seats that, once removed, leave a flat floor level surface extending from the forward most removable seat mount to the rear of the vehicle. The flat floor provision originally was based on the agency’s determination that passenger vans with removable seats and a flat load floor were derived from cargo vans (42 FR 38367; July 28, 1977) and should be classified as trucks. Because these passenger vans were derived from cargo vans, the agency distinguished them from station wagons—which also had large flat areas with their seats folded—and were based on a car chassis.

In the preamble to the final rule establishing the 1983–1985 fuel economy standards, NHTSA responded to a request from Chrysler to revise the definition of light truck to assure that future compact passenger vans would be classified as light trucks. At that time, we indicated that the regulations classify large passenger vans as light trucks based on the ability of passenger van users to readily remove the rear seats to produce a flat, floor level cargo-carrying space (45 FR 81593; Dec., 11 1980). It is believed that this decision contributed to the development of the minivan market.

Many contemporary minivans are built on their own individual chassis or platform. Most of these vehicles are available only as passenger vans without any cargo variant. While they may be trucks in their own right, they do not necessarily share a common chassis or platform with cargo trucks. However, because minivans have removable seats and a flat floor, they have traditionally been classified as trucks for fuel economy purposes.<sup>22</sup> As the agency’s recently updated size and safety study shows, minivans are among the safest vehicles on the road. In fact, the study found that large 4-door cars and minivans had the lowest overall fatal crash involvement rates per billion

vehicle miles during the years studied (1991–1999).

We recognize that the flat floor provision may be essential to the minivan market and that many crossover vehicles, which carry significant numbers of passengers while sporting a lower center of gravity than more traditional SUVs, are classified as light trucks as a result of the flat floor provision. We are concerned that the elimination of the flat floor provision may deter the emerging fleet of crossover vehicles and significantly impair the minivan market.

However, we also believe the program would benefit if the flat floor definition reflected more accurately those vehicles serving significant cargo carrying, recreational or utilitarian use, as opposed to those more generally classified as passenger cars. We have accordingly considered potential approaches to modifying the flat floor provision.

One such approach might be to establish a minimum flat floor length that vehicles must meet to be classified a light truck. A possible minimum length is 60 inches. Other potential approaches might include: (1) restricting the class of light trucks relying on the flat floor provision to those of a certain minimum level of interior volume, (such as 75 to 80 cubic feet) and (2) premising the flat floor provision on having a certain ratio of cargo space to passenger carrying space. The minimum flat floor length and the range for the minimum level of interior volume are offered as possible values because currently designed light trucks that have flat floor lengths and interior volumes above those values have ladder-on-frame designs, which are more closely associated with traditional light truck design and are generally designed for off-road use. Light trucks with flat floor lengths and interior volumes below these possible minimum values are generally those with unibody designs, which resemble passenger cars in size and shape and possess very limited off-road capability. A range for the possible minimum level of interior volume, rather than an absolute value, is provided due to the current mixture of unibody and ladder-on-frame designed light trucks within this range. These possible minimum values will be reassessed in light of the comments received from manufacturers and others.

We encourage specific comments on the possible revisions set forth above, and any other comments that would assist NHTSA in refining this part of the light truck regulatory definition.

<sup>20</sup> The application of this concept might result in the substitution of a minimum curb weight or interior volume for the various definitions contained within 49 CFR 523.5(a). Of course, a vehicle meeting the other statutory criteria addressing vehicles capable of off-highway operation, as defined in 49 CFR 523.3(b), might continue to qualify as a light truck.

<sup>21</sup> Vehicles that are either four-wheel drive or have a gross vehicle weight above 6000 pounds are light trucks if they also have a significant feature (as defined by agency regulations) designed for off-highway operation (§ 32901(a)(16)). Four-wheel drive SUVs, regardless of their weight, would be classified as light trucks if they had features which NHTSA deemed to be indicative of design for off-road use.

<sup>22</sup> EPA also classifies minivans as light duty trucks for emissions purposes as derivatives of trucks.