

April 2, 2003

The Honorable Jeffrey Runge, M.D.  
Administrator  
National Highway Traffic Safety Administration  
Docket Management  
Room PL-401  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Re: Final Rule Regarding Tire Safety Information (67 Fed. Reg. 69600,  
et seq., November 18, 2002), Docket No. NHTSA-02-13678

**PETITION FOR EXTRAORDINARY RELIEF**

**SUBMITTED BY**

**THE RECREATION VEHICLE INDUSTRY ASSOCIATION**

Dear Dr. Runge:

The Recreation Vehicle Industry Association (“RVIA”) hereby submits the following petition for Extraordinary Relief (“Petition”) regarding the final rule adopted in the above-referenced notice setting forth regulations in accordance with the Transportation Recall Enhancement, Accountability, and Documentation (“TREAD”) Act. This Petition is necessary due to the impossibility of harmonizing certain mandatory requirements of the final rule with their application to trailers.

RVIA acknowledges that this submission is outside of the timeframe that usually applies to comments and/or petitions for reconsideration. However, in a recent telephone conversation with NHTSA, during which RVIA raised the important issues contained herein, it was suggested that RVIA file its concerns to the Docket as soon as possible.

RVIA is a national trade association that represents manufacturers and component part suppliers of recreation vehicles (“RVs”), including travel trailers, fifth wheel trailers,

folding camping trailers, motorhomes and truck campers. RVIA's members produce over 95% of all RVs sold in the United States. At present, RVIA represents 51 members that manufacture RV trailers, with an estimated aggregate annual production of over 240,000 RV trailer units in 2002.

### Issues of Concern

The Summary of Final Rule and Rationale, appearing at 67 Fed. Reg. 69609-69610, states that

The final rule establishes a single standard for light vehicle tires, FMVSS No. 139, New Pneumatic Tires for Light Vehicles. The final rule contains labeling requirements that address the following aspects of tire and vehicle labeling: tire markings, the Tire Identification Number (TIN), **vehicle placard content and format, placard location, and owner's manual information** ... The rule applies to all new and retreaded tires for passenger cars, multipurpose passenger vehicles, trucks, buses and **trailers** with a gross vehicle weight rating (GVWR) of 4,536 kg (10,000 pounds) or less.

(emphasis added). The applications highlighted in bold, above, contain the issues of concern addressed in this Petition.

RVIA does not take issue with the intent of this final rule or with the general information it requires to be communicated to consumers. The problem with this rule is that the format, detailed information items and language it requires to be included on both the placard and in the vehicle owner's manual contain items that simply do not apply to trailers. This discrepancy apparently was overlooked during the rulemaking process by NHTSA, RVIA and other affected parties. Unless some correcting revisions are made, it will be impossible to harmonize the requirements of the rule with its intended application to such trailers.

Trailers are, of course, non-motorized vehicles. They are pulled by motorized vehicles via a connecting hitch apparatus. Trailers do not have driver or passenger positions, or driver or passenger doors. They do not have B-pillars. Moreover, while they are being towed, trailers do not contain passengers.

Part 571.110, Section 4.3, regarding placards (see 67 Fed. Reg. 69623), requires that the information placard be permanently affixed, in order of priority, to (i) the driver's side B-pillar, (ii) the edge of the driver's side door, or (iii) an inward-facing surface of the vehicle next to the driver's seating position. These placement requirements do not and cannot apply to trailers. The absence of a driver's door leaves only the interior of the vehicle for placement of the placard, according to the rule. However, please keep in mind that RV trailers provide temporary, mobile living quarters when in the set-up mode. Their interiors are the equivalent of well-appointed small homes on wheels. It would be inappropriate and would mar the appearance of these interiors to mandate the placement of a placard related to tires in full and constant view. RVIA requests that NHTSA adopt the same placement language that RVIA imposes on its members for weight labels: that the placard be

permanently affixed to the RV trailer in a conspicuous location. For instance, behind the door of a frequently used kitchen cabinet would be considered such a conspicuous location. NHTSA should specifically permit such a location for the placard on RV trailers. Additional other language would have to be added to the rule to accommodate placard placement on non-RV trailers.

Not only do the rule's placard placement requirements raise concerns for trailers, but there are also several sections of the rule that require statements and/or information on the placard or in the vehicle owner's manual that simply do not apply to trailers.

Part 571.110, Section 4.3(a) mandates a statement of vehicle capacity weight expressed as "The combined weight of occupants and cargo should never exceed XXX kilograms or XXX pounds." This is inappropriate for trailers, because trailers do not contain occupants while in motion. RVIA suggests that the words "combined" and "occupants and" be deleted from this statement on placards affixed in trailers.

Part 571, Section 4.3(b), mandates a statement of designated seating capacity. This too is inappropriate for trailers. RVIA recommends that this statement be deleted in its entirety from placards affixed in trailers.

Part 575 (see 67 Fed. Reg. 69631), requires certain information to be included in the vehicle owner's manual. This required information includes the following mandatory verbatim statement:

Steps for Determining Correct Load Limit –

- (1) Locate the statement "The combined weight of occupants and cargo should never exceed xxx pounds" on your vehicle's placard.
- (2) Determine the combined weight of the driver and passengers that will be riding in your vehicle.
- (3) Subtract the combined weight of the driver and passengers from XXX kilograms or XXX pounds.
- (4) The resulting figure equals the available amount of cargo and luggage load capacity. For example, if the "XXX" amount equals 1400 lbs. And there will be five 150 lb. Passengers in your vehicle, the amount of available cargo and luggage load capacity is 650 lbs. (1400 – 750 (5 x 150) = 650 lbs.)
- (5) Determine the combined weight of luggage and cargo being loaded on the vehicle. That weight may not safely exceed the available cargo and luggage load capacity calculated in Step 4.
- (6) If your vehicle will be towing a trailer, load from your trailer will be transferred to your vehicle. Consult this manual to determine how this reduces the available cargo and luggage load capacity of your vehicle.

It is immediately apparent, based on the concerns raised herein, that this mandatory language is wholly inappropriate for trailers. If left unamended, it will certainly lead to significant consumer confusion. RVIA requests that the verbatim statement required for inclusion in the owner's manuals of trailers be amended to read as follows:

Steps for Determining Correct Load Limit –

- (1) Locate the statement “The weight of cargo should never exceed xxx pounds” on your trailer’s placard.
- (2) Determine the weight of luggage and cargo being loaded on the trailer. That weight may not safely exceed the available cargo load capacity stated on the placard.

This revised owner’s manual statement will accomplish the intent of the regulation as it applies to trailers.

### **Proposed Alternative**

In the alternative, RVIA would like to propose that NHTSA adopt a modified version of the existing RVIA Trailer Weight Label (“Label”). The proposed modification would add the information from this rule to the Label.

As a condition of membership, RVIA requires that all of its member travel trailer, fifth-wheel trailer and folding camping trailer manufacturers affix the Label to their vehicles and to further include certain information in their owner’s manuals. To a very significant extent, this RVIA Label anticipates and already requires most of the information addressed in the final rule.

RVIA proposes that NHTSA permit the Label to be amended so that it includes the statement from Part 571.110, Section 4.3(a) as previously modified herein, and additionally modified for this purpose, as follows: “The weight of cargo should never exceed the Cargo Carrying Capacity of XXX kilograms or XXX pounds.”

RVIA further proposes that the trailer owner’s manual information specified in Part 575, as modified herein, be added to the RVIA Weight Label Program Requirements document (see below). A statement would then need to be incorporated into the rule declaring that this is an acceptable alternative for RV trailers.

The RVIA Weight Label Program Requirements, in pertinent part, are as follows:

---

---

## **RVIA WEIGHT LABEL PROGRAM REQUIREMENT FOR RECREATION VEHICLES**

### LABEL REQUIREMENTS:

Manufacturer members of RVIA must disclose the following minimum information on a permanent interior label affixed to the vehicle in a conspicuous location. In an effort to maintain the maximum degree

of flexibility for the members, no specific format is established regarding the design of the label. However, the definitions may not be altered or modified in any way. All information required to be on each label must be a minimum print size of 3/32 inches and be printed on a contrasting background. The signal word "WARNING" must be 50% larger than the minimum required label text size of 3/32 inches. Any required text included on any weight label may not be altered or modified. Supplemental text may be added to the label. Sample labels are attached.

OWNER'S MANUAL REQUIREMENTS:

The minimum required educational information in the owners' manual(s) shall include:

1. A sample of the weight label's contents affixed to the unit.
2. An explanation of the following:

Vehicle weight distribution

How to weigh the vehicle.

**These definitions for trailers:**

Gross Vehicle Weight Rating (**GVWR**): is the maximum permissible weight of this trailer when fully loaded. It includes all weight at the trailer axle(s) and tongue or pin.

Unloaded Vehicle Weight (**UVW**): is the weight of this trailer as manufactured at the factory. It includes all weight at the trailer axle(s) and tongue or pin. If applicable, it also includes full generator fluids, including fuel, engine oil and coolants.

Cargo Carrying Capacity (**CCC**): is equal to GVWR minus each of the following: UVW, full fresh (potable) water weight (including water heater), and full LP-Gas weight.

Gross Axle Weight Rating (**GAWR**): is the value specified as the load carrying capacity of a single axle system, as measured at the tire-ground interfaces.

3. Towing guidelines.

This RVIA Weight Label Program Requirements notice is supplemented by another RVIA document that specifies the minimum required information to be included on the Label:

---

**RVIA TRAILER WEIGHT LABEL MINIMUM REQUIRED  
INFORMATION**

1. Provide the vehicle identification number (VIN) or serial number.
2. Provide the GVWR and the definition as follows: GVWR (Gross Vehicle Weight Rating) is the maximum permissible weight of this trailer when fully loaded. It includes all weight at the trailer axle(s) and tongue or pin.
3. Provide the UVW and the definition as follows: UVW (Unloaded Vehicle Weight) is the weight of this trailer as manufactured at the factory. It includes all weight at the trailer axle(s) and tongue or pin. If applicable, it also includes full generator fluids, including fuel, engine oil and coolants.
4. Provide the CCC and the definition as follows: CCC (Cargo Carrying Capacity) is equal to GVWR minus each of the following: UVW, full fresh (potable) water weight (including water heater), and full LP-Gas weight.
5. Provide a statement that dealer installed equipment will reduce CCC.
6. Provide a statement that states the capacity of the fresh (potable) water weight (including water heater) and that water weighs 8.3 pounds (3.8 kilograms) per gallon.
7. Provide a statement that states the capacity of the LP-Gas container(s) and that LP-Gas weighs 4.2 pounds (1.867 kilograms) per gallon.
8. Provide a statement that reads "CONSULT OWNER MANUAL(S) FOR SPECIFIC WEIGHING INSTRUCTIONS AND TOWING GUIDELINES."

---

Finally, the RVIA Trailer Weight Information Sample Label itself appears as follows:

---

**TRAILER  
WEIGHT INFORMATION  
SAMPLE LABEL**

VIN or Serial Number \_\_\_\_\_

GVWR (Gross Vehicle Weight Rating)  
is the maximum permissible weight of this trailer when fully loaded.  
It includes all weight at the trailer axle(s) and tongue or pin.

UVW (Unloaded Vehicle Weight)  
is the weight of this trailer as manufactured at the factory. It  
includes all weight at the trailer axle(s) and tongue or pin. If  
applicable, it also includes full generator fluids, including fuel,  
engine oil and coolants.

CCC (Cargo Carrying Capacity)  
is equal to GVWR minus each of the following: UVW, full fresh  
(potable) water weight (including water heater), and full LP-Gas  
weight.

**CARGO CARRYING CAPACITY (CCC) COMPUTATION**

	<u>pounds (kilograms)</u>
GVWR .....	9400 (4273)
minus UVW .....	7050 (3204)
minus fresh water weight of 56 gallons @ 8.3 lb/gal ....	465 (213)
minus LP-Gas weight of 14 gallons @ 4.2 lb/gal .....	59 (26)
CCC for this trailer*.....	1826 (830)

\*Dealer installed equipment will reduce CCC

**CONSULT OWNER MANUAL(S) FOR SPECIFIC WEIGHING  
INSTRUCTIONS AND TOWING GUIDELINES.**

---

**Requested Relief**

Because of the impossibility of compliance with the final rule as written and the limited avenues of relief available, RVIA submits this Petition as one for extraordinary relief. The

Association notes that NHTSA could, in the alternative, treat this Petition as one for additional rulemaking in this matter pursuant to 49 CFR Part 552. In either case, the need for relief and reconsideration of this final rule by NHTSA is critical.

Lastly, RVIA respectfully urges that the Administrator promptly grant a delay in the rule's compliance date for trailers until May 1, 2004, a period of eight months from the current effective date, while the issues raised in this Petition are being considered. The compliance difficulties discussed herein provide good cause for such a delay in the effective date, are in the public interest, and the agency can exercise its administrative discretion to stay the effectiveness of the rule. *See* 49 U.S.C. §30111(d) and 49 CFR §553.35(d).

RVIA appreciates the opportunity to provide this Petition and respectfully requests that NHTSA take into consideration the issues here raised. We look forward to your guidance.

Sincerely,

David J. Humpheys  
President