



**ADMINISTRATIVE OFFICE**

37400 Hills Tech Drive  
Farmington Hills, MI 48331-3414  
(248) 489-7090, fax (248) 489-8590  
info@ntea.com, www.ntea.com

**WASHINGTON OFFICE**

1300 19th Street NW, Fifth Floor  
Washington, DC 20036-1609  
(202) 557-3500, fax (202) 628-2011

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DOCKETS

2003 OCT 30 P 3:02

**THE  
WORK  
TRUCK  
SHOW**

2004  
**MARCH 3,4,5  
BALTIMORE, MD**

Held in conjunction  
with the 40th Annual NTEA  
Convention March 2-5

October 30, 2003

National Highway Traffic Safety Administration  
Room PL-401  
400 Seventh Street, SW  
Washington, DC 20590

Attn: Docket No. NHTSA 03-15651 - 25

The National Truck Equipment Association (NTEA) would like to comment on NHTSA's two draft interpretations concerning how the federal motor vehicle safety standard (FMVSS) on lamps, reflective devices, and associated equipment applies to replacement equipment, as published in the July 17, 2003 Federal Register.

**The NTEA**

The NTEA is the nation's only trade association representing distributors and manufacturers of multi-stage produced, work related trucks, truck bodies and equipment. Under NHTSA definitions these NTEA member companies include intermediate and final stage manufacturers as well as alterers. The NTEA also represents various industry-related firms and organizations. The NTEA currently has over 1,500 member companies located throughout the nation. Most NTEA members are small businesses that sell on a local or regional basis.

The average NTEA member is a typical small business, a closely held corporation or independent proprietorship, run by community based management, operating a single facility and employing a small local work force. The average distributor member of the NTEA, the companies that sell and install truck bodies and related equipment (and generally are considered final stage manufacturers, intermediate stage manufacturers or alterers under NHTSA definitions), have been in business some 30 years, have about \$5 million in annual sales and employ 20 people. The average NTEA manufacturer member, companies that fabricate and occasionally install truck bodies and related equipment, have been in business over 36 years, have \$20 million in annual sales and employ approximately 300 people. Virtually all NTEA distributor and

manufacturer members qualify as small businesses for purposes of the Regulatory Flexibility Act.

Vehicles produced by NTEA member companies for commercial or vocational use include, but are not limited to, fire trucks, ambulances, utility company vehicles, aerial bucket trucks, tow trucks, beverage delivery trucks, digger derricks, dump trucks and snow removal vehicles.

### **NHTSA Draft Interpretations**

In its Draft Interpretation No.1, NHTSA states:

*S5.8.1 of the standard provides that, with certain exceptions not relevant here, "each lamp, reflective device, or item of equipment manufactured to replace any lamp, reflective device, or item of associated equipment on any vehicle to which this standard applies, shall be designed to conform to this standard." Under S5.8.1, whenever a manufacturer designs a lamp to replace a lamp on a vehicle to which the standard applies, the manufacturer must design that lamp to ensure that the vehicle will continue to comply with Standard No. 108 when the replacement lamp is installed.*

*Further, the specific requirements of Standard No. 108 that apply to an item of replacement equipment are determined by reference to the original equipment being replaced and the vehicle for which it was designed. As we have stated before, the replacement item must conform to the standard in the same manner as the original equipment for which the vehicle manufacturer certified compliance. See our February 4, 2002, letter to Mr. Daniel Watt. See also our March 13, 2003, letter to Mr. Galen Chen. (68 Fed. Reg 42454-42455)*

The NTEA agrees that any replacement equipment should conform to the requirements of FMVSS 108. Under NHTSA's current regulations, when a final stage manufacturer or alterer needs to replace original equipment lamps or reflective devices they must certify that the new equipment meets the requirements of the existing and applicable safety standard(s).

Under NHTSA's draft interpretation it would appear that NHTSA is proposing to require that any item of replacement equipment must conform to the standard in an identical manner as the original equipment. The NTEA disagrees with this interpretation and wishes to point out that such an interpretation would have the affect of outlawing many common vehicle configurations.

A truck equipped with a snowplow requires replacement lighting because the snowplow blade can obscure the original lighting. The original headlamp assemblies simply can not be affixed to the snowplow mounting hardware. The new lighting will meet the requirements of FMVSS 108 and be so certified by the final stage manufacturer or alterer. The new lighting, however, will not and can not be identical to the original equipment.

The trucks built by multi-stage manufacturers are designed to carry out specific work-related tasks. The body designs necessitated by the truck's work purpose can be such that some or all of the original lighting needs to be replaced. In order to properly comply with FMVSS 108 it may be necessary and desirable to use lighting components that differ from the original equipment on the truck. Additionally, it may not be possible to mount these new lighting components in a manner identical to the original manufacturer's placement as the truck's body dimensions may have been changed by the final stage manufacturer or alterer.

A pickup truck whose body has been removed and replaced by a service body prior to the first retail sale, for instance, will be equipped with lighting that meets the requirements of FMVSS 108 but that lighting will not necessarily be identical to the original pickup bed lights. The service body likely will be dimensionally different than the pickup bed, therefore lighting that is certifiable on the pickup bed, may or may not meet the standards of FMVSS 108 if mounted in the same place and manner on the new service body. As an example, FMVSS 108 requires rear reflex reflectors to be as far apart as practicable. If the new service body is wider than the original pickup bed, would not mounting the rear reflex reflectors in exactly the same manner as on the original pickup bed be in violation of the standard?

### **Conclusion**

The NTEA agrees with NHTSA that all vehicles should conform to all applicable safety requirements. The NTEA disagrees with these draft interpretations to the extent that they would require compliance identical to the original equipment manufacturer's design. The NTEA believes that full compliance with the standard is the only goal and as long as the replacement lighting can be properly certified as complying with the standard, the manner in which it does so should be immaterial.

NHTSA has always made a point to write its safety standards as performance based, rather than design based. Performance based standards allow for innovation and flexibility. NHTSA's draft interpretations would appear to be a radical departure from this philosophy. In these draft interpretations NHTSA seems to be saying that there is only one way to comply with FMVSS 108 and that is whatever way the original manufacturer chose. In the case of many

multi-stage produced vehicles this is simply not possible as the new body or equipment will substantially change the design of the vehicle and new lighting designs or equipment will be necessary in order to properly conform to FMVSS 108.

Please contact me at (202) 557-3500 or at [mkastner@ntea.com](mailto:mkastner@ntea.com) if I can provide any additional information or clarifications.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael S. Kastner".

Michael Kastner  
Director of Government Relations  
NTEA Washington, DC Office