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Ford Motor Company

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Automotive Safety Office
Environmental and Safety Engineering

FMCSA-2002-13589-3

April 30, 2003

Joseph M. Clapt
Administrator
Federal Motor Carrier Safety Administration
400 Seventh Street, SW
Washington, DC 20590

Subject: Petition for Rulemaking to amend Federal Motor Carrier Safety Regulation
49CFR Part 393.67

- Reference:
- 1) Parts and Accessories Necessary for Safe Operation; Ford Motor Company's Exemption Applications: Minimum Fuel Tank Fill Rate and Certification Labeling; Docket No. OMCS-99-5867, 12/20/1999
 - 2) Parts and Accessories Necessary for Safe Operation; Fuel Tank Exemptions for Vehicles Manufactured by the Ford Motor Company; Docket No. OMCS-99-5867, 3/27/2002

Ford Motor Company (Ford), with offices at the American Road, Dearborn, Michigan 48121, as a manufacturer and importer of motor vehicles, which includes the following brands - Ford, Aston Martin, Jaguar, Land Rover, Lincoln, Mazda, Mercury and Volvo, hereby submits a petition for rulemaking to modify Federal Motor Carrier Safety Regulation 49CFR Part 393.67 to exempt existing vehicles under 10,000 lb GVWR with fuel systems certified to meet FMVSS 301, Fuel System Integrity, and related vehicles over 10,000 lb GVWR that utilize the same fuel systems.

In December 1998 and in March 2002, Ford requested and received exemptions from certain requirements in Part 393.67 for some vehicles certified to meet FMVSS 301. The exempted vehicles, which are in commercial usage, do not meet the fill rate requirements of FMCSA 393.67. Ford believes that FMCSA 393.67 should not apply to vehicles that are certified to the requirements of FMVSS 301 S6.1 through S6.4, or to vehicles over 4,537 kg (10,000 lbs) GVWR which use the same fuel systems as versions of the vehicles under 4,537 kg GVWR that meet these requirements.

As currently written, FMCSA regulation 393.67 for fuel tank integrity covers all commercial vehicles. Under FMCSA regulation 390.5, Definitions, commercial vehicles are those that meet the following definition:



"Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle-

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,537 kg (10,001 lb) or more; whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter 1, subchapter C."

This definition has the effect of extending the application of FMCSA 393.67 to vehicles such as limousines and SUVs like the Ford Expedition and the Chevrolet Suburban to name a few examples. These vehicles, designed to carry eight (8) or more passengers, and often used to transport passengers for compensation, would be required to test and meet the standards under FMCSA 393.67 even though they already are tested and meet the stringent requirements of FMVSS 301 for under 10,000 lbs GVWR applications. In granting our latest petition for exemption to the requirements of 393.67 it was noted that "the FMCSA believes the terms and conditions of the current exemptions for similarly-equipped Ford CMVs have ensured a level of safety that is equivalent to the level of safety that would be achieved by complying with the regulations, and that granting the exemptions would not adversely affect highway safety."

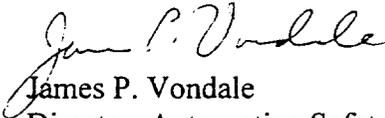
The fuel fill rate requirement of 20 gallons per minute in FMCSA 393.67 also presents conflicting requirements to vehicles normally used in non-commercial applications. Per the Environmental Protection Agency (EPA) regulation 49 CFR Parts 80 and 86 the standard fill rate for fuel tanks is "...for most facilities, dispensing rates for gasoline and methanol pumps may not exceed 10 gallons (37.9 liters) per minute." Further, Part 80 section 80.22 of the EPA regulation reads, "After January 1, 1996 every retailer and wholesale purchaser-consumer handling over 10,000 gallons of fuel per month shall equip each pump from which gasoline or methanol is introduced into motor vehicles with a nozzle that dispensed fuel at flow rate not to exceed 10 gallons per minute. After January 1, 1998 this requirement applies to every retailer and wholesale purchaser-consumer. Given the EPA limitations on fuel fill rate, meeting the higher 393.67 fill rates would only add unnecessary costs for the consumer with little benefit.

Ford is aware that Chrysler Corporation petitioned the Agency in 1972 for exemption from FMCSA regulation 393.67 for passenger cars, trucks, buses, and multipurpose passenger vehicles having a gross vehicle weight rating of 10,000 pounds or less. The Chrysler petition was denied because at that time only passenger car fuel systems were

required to meet the standards of FMVSS 301. Subsequently, FMVSS 301 was amended and currently reads "Each passenger car and each multipurpose passenger vehicle, truck, and bus with a GVWR of 10,000 pounds or less shall meet the requirements of S6.1 through S6.4 [of FMVSS 301]. Also, "Each schoolbus with a GVWR greater than 10,000 pounds shall meet the requirements of S6.5."

In conclusion, Ford believes that existing vehicles with fuel systems certified to meet FMVSS 301 S6.1 through S6.4, whether or not they are on vehicles of greater than 10,000 pounds GVWR, should be exempt from Part 393.67 to enable common fuel filler and tank designs and certification of fuel systems on non-commercial passenger cars, light trucks and multi-purpose passenger vehicles, and their derivative commercial motor vehicles.

Sincerely,



James P. Vondale
Director, Automotive Safety Office