

National Highway Traffic Safety
Administration

49 CFR Part 575

(Docket No. 82-20; Notice 2)

Consumer Information Regulations
Operation of Utility Vehicles on Paved
Roadways

AGENCY: National Highway Traffic
Safety Administration (NHTSA),
Transportation.

ACTION: Final rule.

SUMMARY: This final rule adds a new requirement to the Consumer Information Regulations, applicable to "utility vehicles", i.e., multipurpose passenger vehicles which have a short wheelbase and special features for occasional off-road use. Some of these special features cause utility vehicles to handle and maneuver differently from ordinary passenger cars under certain driving conditions. A driver who is unaware of the differences and who makes sharp turns or abrupt maneuvers when operating utility vehicles on paved roads may lose control of the vehicle or rollover. To inform drivers of the handling differences between utility vehicles and passenger cars, this amendment requires manufacturers to place a prescribed sticker on the windshield, dashboard or some other prominent location of the vehicle to alert operators. In addition, the new regulation requires manufacturers to include information in the vehicle Owner's Manual concerning the proper method of on- and off-road driving for utility vehicles.

DATES: This amendment is effective September 1, 1984. Any petitions for reconsideration must be received not later than June 11, 1984.

ADDRESS: Any petitions for reconsideration of this rule should refer to the docket number and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Nelson Gordy, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-1740).

SUPPLEMENTARY INFORMATION: This notice amends the Consumer Information Regulations (49 CFR 575) to add a new requirement applicable to "utility vehicles"—multipurpose passenger vehicles (49 CFR 571.3) which have a short wheelbase and special

features for occasional off-road operation. This new regulation addresses a safety concern resulting from a possible lack of owner awareness about the proper handling and operation of utility vehicles. These vehicles have features which cause them to handle and maneuver differently than ordinary passenger cars under certain on-pavement driving conditions. Those features include: Short wheelbase, narrow track, high ground clearance, high center of gravity, stiff suspension system and, often, four-wheel drive. Examples of utility vehicles in current production include: AMC Jeeps, Chevrolet Blazer, Ford Bronco, Dodge Ram Charger, Toyota Land Cruiser, and the GMC Jimmy.

Because of the drivers' apparent unfamiliarity with the unique characteristics of these vehicles (their higher center of gravity, narrower track and stiffer suspensions), utility vehicles are more likely to go out of control or roll over than passenger cars during sharp turns or abrupt maneuvers on paved roads, especially at high speeds. Certain research studies appear to indicate that utility vehicles are disproportionately represented in rollover accidents than are passenger cars, and that the rates of death and disabling injury per accident could be twice as high for utility vehicles. (These studies are discussed more fully in this notice.)

In response to these factors, the agency issued a notice of proposed rulemaking on December 30, 1982 (47 FR 58323) to require a new consumer information regulation which would require manufacturers to alert utility vehicle drivers of the unique handling characteristics of these vehicles. As noted in that proposal, the agency believes that the differences in safety statistics and apparent performance with regard to utility vehicles are likely influenced by the lack of awareness by utility vehicle drivers concerning the operational characteristics of these vehicles, especially under conditions approaching the limits of vehicle performance. The occurrence of accidents at observed rates makes it clear that operators do not understand or appreciate the need for adjusting their driving habits to coincide with physical differences between utility vehicles and ordinary passenger cars.

The proposed amendment to the Consumer Information Regulations specified a prescribed sticker which manufacturers would be required to place in a prominent vehicle location to alert drivers concerning the special handling characteristics of utility

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vehicles. Additionally, the proposed regulation specified that manufacturers would be required to include information in the vehicle Owner's Manual concerning the proper method of handling and maneuvering these vehicles when driven on paved roads.

There were twenty comments to the notice of proposed rulemaking. Nearly all of these supported promulgation of the proposed new regulation, in principle. However, many commenters did not accept the agency's basis for the rulemaking and nearly all of the comments recommended various changes. The following is a discussion of the major comments, along with agency's response and final conclusions.

Basic Premise of the New Regulation

The proposal cited a study conducted by the Highway Safety Research Institute of the University of Michigan which found that utility vehicles rollover at a rate at least five times higher than that experienced by the average passenger car ("On Road Crash Experience of Utility Vehicles", see NHTSA Docket 82-20). In addition, the proposal noted that NHTSA fatal accident report data indicate that on a statistical basis, given a rollover accident, occupants are more likely to be killed in utility vehicles than in passenger cars (probability twice as high). Several manufacturers took strong exception to the Michigan study and challenged its scientific accuracy in certain regards, citing statements by the study's author that it was not a definitive project. Although these manufacturers did not oppose the proposed new regulation, they strongly objected to using the cited research as support for the regulation. Several manufacturers also stated that the proposal focused too narrowly on the physical characteristics of utility vehicles and failed to take into account the driver and environmental factors which affect the safety operation of these vehicles.

The agency did not intend to imply that it is only the unique physical characteristics of utility vehicles which are responsible for the great number of accidents in these vehicles. The basic premise of the new regulation, as evidenced by statements in the proposal, is that drivers are apparently unaware of the unique handling characteristics of these vehicles as compared to ordinary passenger cars, and that this coupling of unique vehicle attributes and lack of awareness is apparently a large part of the problem.

Regarding the research cited in the proposal, the agency also did not intend to imply that further study would not be

advantageous or that the Michigan study is an exhaustive, definitive statement concerning the actual accident experience of utility vehicles. However, the agency does believe that the information from the Michigan study, together with NHTSA's own data and other research cited below, is sufficiently reliable to indicate that utility vehicles are involved in a substantial number of accidents which appear to be related to their unique handling characteristics, of which their operators may not be fully aware.

In addition to the research mentioned in the proposal, the agency also notes the following information which has been submitted to the Docket concerning this proceeding: "A Comparison of the Crash Experience of Utility Vehicles, Pickup Trucks and Passenger Cars," Reinfurt, et al., Highway Safety Research Center, University of North Carolina, September 1981; "Analysis of Fatal Rollover Accidents in Utility Vehicles," S. R. Smith, NHTSA, February 1982; "Insurance Losses Personal Injury Protection Coverage, Passenger Cars, Vans, Pickups, and Utility Vehicles, 1979-1981 Models," HLDL 1-18-1, September 1982. These studies also indicated significant rollover accident experience with utility vehicles. While it may be true that these studies do not quantify the contributions of the various possible causes of this accident experience (vehicle characteristics, driver characteristics, vehicle use, environmental factors, etc.), the agency believes that this research does indicate a serious problem which should be brought to the attention of vehicle owners and which can be alleviated by the dissemination of information to alert vehicles owners and drivers.

Application

Several commenters requested changes and clarifications in the definition of "utility vehicle" as set forth in the proposal's application section. The proposal specified the following:

The Section applies to multipurpose passenger vehicles which have special features for occasional off-road operation ["utility vehicles"].

Commenters noted that the utility vehicles at issue typically have a wheelbase of 110 inches or less and recommended that this specification be added to the definition so that other vehicles are not inadvertently included in the regulation's application. Manufacturers were particularly concerned that certain vehicles such as long wheel base utility trucks like the General Motors "Suburban" line, motor

homes and multi-use recreational vehicles would be included even though they do not have the same rollover propensities as utility vehicles. The Insurance Institute for Highway Safety argued that the application of the rule should be limited to those vehicles most likely to present rollover concerns. The agency generally agrees with these concerns. As noted in the proposal, the vehicles which are intended to be covered are those with relatively short wheelbases, narrow tracks, high ground clearances, high centers of gravity and stiff suspensions. The proposal also mentioned four-wheel drive as a characteristic of utility vehicles. While four-wheel drive is typically a characteristic of those vehicles, it was mentioned in the proposal only because it is descriptive of the majority of vehicles at issue. Four-wheel drive in and of itself, however, has very little to do with the rollover propensities involved in this rulemaking, and the agency did not intend to include a vehicle simply because it had four-wheel drive if it did not also have the other characteristics which necessitate alerting drivers to special handling methods.

After reviewing these comments and information concerning the vehicles at issue, the agency has determined that the definition should include a 110-inch wheel base specification in order to segregate those vehicles which are disproportionately involved in rollover accidents. Thus, as specified in this new regulation, utility vehicles are multipurpose passenger vehicles which have a wheel base of 110 inches or less and special features for occasional off-road operation (which may or may not include four-wheel drive).

One manufacturer recommended that the new regulation also apply to four-wheel drive light pickup trucks (GVWR of 8,500 pounds or less) as well as to utility vehicles. The manufacturer did not supply any information, however, indicating that the same accident experience occurs with respect to light pickup trucks. Moreover, data before the agency do not indicate that this vehicle class has a different rollover experience than ordinary passenger cars. Therefore, the fact that certain pickup trucks have four-wheel drive does not seem to be sufficient reason for including this vehicle type in the standard's application. As noted earlier, there is not indication that four-wheel drive alone leads to the rollover propensities which are the subject of this rulemaking action. The agency will continue to monitor the accident experience of these vehicles, however, to determine if they

should be included in the standard at some time in the future.

Sticker Location

The proposal preceding this new regulation specified that manufacturers shall affix a sticker to "the instrument panel, windshield frame or in some other location in each vehicle prominent and visible to the driver", to alert drivers concerning the special handling characteristics of utility vehicles. Several commenters requested that this requirement specifically include the driver's sun visor as an acceptable location for the required sticker. One commenter stated that the warning should be of a more permanent nature than a sticker affixed to the windshield or instrument panel. That commenter stated that, if the sticker is located on the instrument panel, it should be behind the plastic lens so that it cannot be removed, arguing that the sticker should remain permanently affixed so that subsequent vehicle owners are made aware of "the vehicle's sensitivity to certain maneuvers."

The agency considers the driver's sun visor to be a "prominent" location in a vehicle, and is modifying the language of this requirement to specifically mention that vehicle location. The agency agrees that the sticker should be of a permanent nature, but does not believe that it is necessary at this time to require the sticker to be placed, for example, behind the plastic lens of the instrument panel. There is no wish to place design restrictions on manufacturers, but the agency does intend for the sticker to be permanently affixed in a prominent position and readily visible to drivers. Stickers similar to the placard required in FMVSS 110 would be considered adequate.

Sticker and Manual Language

A majority of the commenters recommended clarification and changes in the prescribed language for the warning sticker and information in the vehicle Owner's Manual. The proposal specified that the sticker shall have the language prescribed "or similar language", and included the following caveat:

The language on the sticker required by this paragraph may be modified as is desired by the manufacturer to make it appropriate for a specific vehicle design, to ensure that consumers are adequately informed concerning the unique propensities of a particular vehicle model.

As proposed, this caveat was not applicable to the language required in the vehicle Owner's Manual. Numerous commenters requested that this

flexibility be allowed for the Owner's Manual as well. One commenter stated that there is no way the sticker can "ensure" consumers are adequately informed. One commenter requested that manufacturers be allowed to place the required information in any section of their Owner's Manual they choose, rather than in the "introduction" and "on-pavement" driving sections as prescribed in the proposal. Several commenters also suggested that the word "rollover" be specifically included in the required warnings, on the basis that "loss of control" does not sufficiently describe the hazard.

The agency agrees that language flexibility may be useful for the Owner's Manual as well as for the prescribed sticker, in order to ensure that consumers are adequately informed concerning the unique characteristics of a particular vehicle design. That modification is made in this notice. The agency believes that the objection to use of the word "ensure" in the specified caveat is a matter of semantics since the agency's intent is that manufacturers make every attempt to adequately inform its customers. It was for this reason that the language flexibility is being allowed. The agency also agrees that use of the word "rollover" in the sticker and Owner's Manual might more accurately describe the possible consequences of sharp turns or abrupt maneuvers than the phrase "loss of control" used alone. Accordingly, that word is added to the language specified in this notice. Finally, the agency agrees that manufacturers should be allowed to place the required "on-pavement" driving information in any prominent location of their Owner's Manual they desire, rather than only in a section specifically labeled "on pavement driving". However, the agency believes that the specified introductory statement must be included in the Manual's introduction (or preface) so that any person consulting the Manual will be aware that driving guidelines are included in the Manual.

One commenter requested that the required information be allowed in a supplement to the Owner's Manual, i.e., a separate pamphlet. The agency has no objections to additional, or comprehensive supplements which further describe driving methods and operating procedures for utility vehicles (one manufacturer currently provides such a Supplement). However, the agency believes that the two prescribed (or similar) statements should be placed in the general Owner's Manual since some operators might be more likely to consult the manual, which includes all information concerning their vehicles.

than they would supplements. Further, the required statements are short and should not be onerous to manufacturers.

Effective Date

The proposal specified that the new regulation, if promulgated, would become effective 60 days after publication of a final rule. Several manufacturers stated that their Owner's Manuals are typically updated only at the beginning of a new model year and that longer than 60 days is needed to comply with the requirements of the regulation. After considering these comments, the agency has concluded that the new regulation should become effective September 1, 1984, coincidental with the typical introduction of new models. This is longer than the 60-days leadtime specified in the proposal and should allow all manufacturers sufficient time to comply with the requirements.

NHTSA has examined the impacts of this new regulation and determined that this notice does not qualify as a major regulation within the meaning of Executive Order 12291 or as a significant regulation under the Department of Transportation regulatory policies and procedures. The agency has also determined that the economic and other impacts of this rule are so minimal that a regulatory evaluation is not required. The prescribed sticker and additional information required in the vehicle Owner's Manual will result in only minimal costs for vehicle manufacturers and will not likely result in any cost increase for consumers.

The agency also considered the impacts of this rule under the precepts of the Regulatory Flexibility Act. I hereby certify that the regulation will not have a significant economic impact on a substantial number of small entities. As just discussed, the cost of the required sticker and information will be extremely small. Accordingly, there will be virtually no economic effect on any small organizations or governmental units which purchase utility vehicles. Moreover, few, if any, vehicle manufacturers would qualify as small entities under the Act.

Finally, NHTSA has analyzed this rule for purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

List of Subjects in 49 CFR Part 575

Consumer protection, Labelling, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

(Secs. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (25 U.S.C. 1352, 1401, 1407); delegation of authority at 49 CFR 1.50)

Issued: May 7, 1984.

Diane K. Steed,
Administrator.

PART 575—(AMENDED)

In consideration of the foregoing, a new § 575.105 is added to 49 CFR 575, Consumer Information Regulations, to read as follows:

§ 575.105 Utility vehicles.

(a) *Purpose and scope.* This section requires manufacturers of utility vehicles to alert drivers that the particular handling and maneuvering characteristics of utility vehicles require special driving practices when those vehicles are operated on paved roads.

(b) *Application.* This section applies to multipurpose passenger vehicles which have a wheelbase of 110 inches or less and special features for occasional off-road operation ("utility vehicles").

(c) *Required information.* Each manufacturer shall prepare and affix a vehicle sticker as specified in paragraph 1 of this subsection and shall provide in the vehicle Owner's Manual the information specified in paragraph 2 of this subsection.

(1) A sticker shall be permanently affixed to the instrument panel, windshield frame, driver's side sun visor, or in some other location in each vehicle prominent and visible to the driver. The sticker shall be printed in a typeface and color which are clear and conspicuous. The sticker shall have the following or similar language:

This is a multipurpose passenger vehicle which will handle and maneuver differently from an ordinary passenger car, in driving conditions which may occur on streets and highways and off road. As with other vehicles of this type, if you make sharp turns or abrupt maneuvers, the vehicle may rollover or may go out of control and crash. You should read driving guidelines and instructions in the Owner's Manual, and WEAR YOUR SEATBELTS AT ALL TIMES.

The language on the sticker required by paragraph (1) and in the Owner's Manual, as required in paragraph (2), may be modified as is desired by the manufacturer to make it appropriate for a specific vehicle design, to ensure that consumers are adequately informed concerning the unique propensities of a particular vehicle model.

(2)(i) The vehicle Owner's Manual shall include the following statement in its introduction.

As with other vehicles of this type, failure to operate this vehicle correctly may result in loss of control or an accident. Be sure to read "on-pavement"

and "off-road" driving guidelines which follow.

(ii) The vehicle Owner's Manual shall include the following or similar statement:

Utility vehicles have higher ground clearance and a narrower track to make them capable of performing in a wide variety of off-road applications. Specific design characteristics give them a higher center of gravity than ordinary cars. An advantage of the higher ground clearance is a better view of the road allowing you to anticipate problems. They are not designed for cornering at the same speeds as conventional 2-wheel drive vehicles any more than low-slung sports cars are designed to perform satisfactorily under off-road conditions. If at all possible, avoid sharp turns or abrupt maneuvers. As with other vehicles of this type, failure to operate this vehicle correctly may result in loss of control or vehicle rollover.

(FR Doc. 84-12760 Filed 5-10-84; 8:45 am)
BILLING CODE 4910-59-M

- T. 13 S., R. 8 W.,
Sec. 7, E $\frac{1}{2}$ E $\frac{1}{2}$.
- T. 13 S., R. 7 W.,
Sec. 19, lots 2, 5, and 8, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and
SW $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 14 S., R. 7 W.,
Sec. 25, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and
SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 14 S., R. 8 W.,
Sec. 19, lot 2.

Powersite Classification No. 413

- T. 14 S., R. 8 W.,
Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
- Sec. 19, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
- Sec. 21, N $\frac{1}{2}$ SW $\frac{1}{4}$;
- Sec. 20, S $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 15 S., R. 8 W.,
Sec. 7, lot 2 and SE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 14 S., R. 9 W.,
Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 15 S., R. 9 W.,
Sec. 1, lot 3 and SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Siuslaw National Forest**Powersite Reserve No. 682**

- T. 14 S., R. 10 W.,
Sec. 1, lot 1.

Powersite Classification No. 413

- T. 13 S., R. 9 W.,
Sec. 30, N $\frac{1}{2}$ N $\frac{1}{2}$ BE $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$;
- Sec. 31, lot 10, E $\frac{1}{2}$ and SW $\frac{1}{4}$ of lot 13, and
lot 15.
- T. 14 S., R. 9 W.,
Sec. 8, lot 8.
- T. 13 S., R. 9 W.,
Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
- Sec. 18, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 13 S., R. 10 W.,
Sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
- Sec. 38, lot 12.
- T. 14 S., R. 10 W.,
Sec. 12, lot 3.

The areas described aggregate 1,400.72
acres in Benton, Lane, and Lincoln Counties.

2. At 8:30 a.m., on September 10, 1984,
lot 3, sec. 32, T. 13 S., R. 7 W., and the
SW $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 13, T. 14 S., R. 9 W.,
will be opened to operation of the public
land laws generally, subject to valid
existing rights, the requirements of
applicable law, the provisions of
existing withdrawals and the provisions
of Section 24 of the Federal Power Act.
All valid applications received at or
prior to 8:30 a.m., on September 10, 1984,
shall be considered as simultaneously
filed at that time. Those received
thereafter shall be considered in the
order of filing.

3. At 8:30 a.m., on September 10, 1984,
the lands in paragraph 1, except as
provided in paragraph 2, will be opened
to such forms of disposition as may by
law be made of national forest lands
and reversion Oregon and California

Railroad Grant Land, subject to valid
existing rights, the requirements of
applicable law, the provisions of
existing withdrawals and the provisions
of Section 24 of the Federal Power Act.

4. The lands have been and remain
open to location and entry under the
United States mining laws subject to the
provisions of the Act of August 11, 1956
(69 Stat. 682; 30 U.S.C. 821), and to
applications and offers under the
mineral leasing laws.

Inquiries concerning the lands should
be addressed to the Chief, Branch of
Lands and Minerals Operations, Bureau
of Land Management, P.O. Box 2965,
Portland, Oregon 97208.

Dated: August 5, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 84-21258 Filed 8-9-84; 8:43 am]

SELLING CODE 4316-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 83

[PR Docket No. 83-428]

Expansion of Inspection Interval for Small Passenger Vessels; Public Notice

AGENCY: Federal Communications
Commission.

ACTION: Final rule, announcement of
effective date.

SUMMARY: This Public Notice informs
the maritime public of the effective date
of an amendment to the rules which
extends the FCC inspection interval for
certain small passenger vessels. The
FCC initiated this action in order to
alleviate the burden of unnecessarily
frequent inspection. It is expected that
this action will reduce the regulatory
burden on the concerned public and
provide flexibility for the FCC to adjust
the use of its resources to best meet the
demands of its marine programs.

EFFECTIVE DATE: The effective date of
the rule which extends the FCC
inspection interval for certain small
passenger vessels is July 10, 1984.

ADDRESS: Federal Communications
Commission, Washington, D.C. 20584.

FOR FURTHER INFORMATION CONTACT:
George Dillon, Field Operations Bureau,
(202) 832-6345.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 83

Communications equipment, Marine
safety, Radiotelephone,
July 20, 1984.

Extension of Compulsory Inspection Interval for Small Passenger Vessels

In PR Docket No. 83-428 (December
14, 1983; 48 FR 55574), the Commission
amended Part 83 of its Rules to extend
the time between inspection for certain
compulsory equipped vessels. The Rule
amendment became effective on July 10,
1984, and changed the inspection
interval from two years to five years for
small passenger vessels. Small
passenger vessels are those vessels that
carry more than six passengers for hire
and are navigated in the open sea or any
adjacent water within the jurisdiction of
the United States adjacent to the open sea.
The Commission's Rule amendment also
extends by an additional three years
current valid Safety Radiotelephony
Certificates. That is, a Safety
Radiotelephony Certificate with a
current expiration date of August 1, 1985
is, by this Rule amendment, extended
three years and is now valid until
August 1, 1988.

In reaching a decision to extend the
inspection interval, the Commission
concluded that improvements in the
reliability of maritime radiotelephone
equipment, the increase in the number of
radio equipped vessels, and the number
of Coast Guard facilities capable of
responding to distress calls have
improved the quality of the radio safety
system for these vessels. Furthermore,
the U.S. Coast Guard has agreed to
request an operational test of the
required radiotelephone installation in
conjunction with its annual inspection of
these types of vessels.

For further information, contact
George R. Dillon, (202) 832-6345,
William J. Tricarico,
Secretary, Federal Communications
Commission.

[FR Doc. 84-21149 Filed 8-9-84; 8:43 am]

SELLING CODE 8713-81-M

DEPARTMENT OF TRANSPORTATION National Highway Traffic Safety Administration

49 CFR Part 575

Docket No. 83-20; Notice 31

Consumer Information Regulations; Operation of Utility Vehicles on Paved Roadways

AGENCY: National Highway Traffic
Safety Administration (NHTSA), DOT.

ACTION: Final rule, response to petitions for reconsideration.

SUMMARY: This final rule responds to petitions for reconsideration filed by American Motors Corporation and Subaru of America, Inc., with regard to the agency's requirement that manufacturers of utility vehicles inform drivers of those vehicles of the propensity of such vehicles to rollover. American Motors and Subaru pointed out in their petitions that the scope of this requirement includes certain passenger car derivatives such as the AMC Eagle and the Subaru four wheel drive vehicles which do not have the operating characteristics which were the focus of the rule. Therefore, the agency is herein clarifying the regulations to exempt passenger car derivatives.

DATES: This amendment is effective September 1, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Nelson Gordy, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-1740).

SUPPLEMENTARY INFORMATION: On May 11, 1984, NHTSA amended its Consumer Information Regulations (49 CFR Part 575) to add a new requirement applicable to "utility vehicles"—multipurpose passenger vehicles (49 CFR 571.3) which have a short wheelbase (110 inches or less) and special features for occasional off-road operation. See 49 FR 20018. This new regulation addresses a safety concern resulting from a possible lack of owner awareness about the proper handling and operation of utility vehicles, and the resulting possibility of vehicle rollover. These vehicles have features which cause them to handle and maneuver differently than ordinary passenger cars under certain on-pavement driving conditions. Those features include: short wheelbase, narrow track, high ground clearance, high center of gravity, stiff suspension system and, often, four-wheel drive. Examples of utility vehicles in current production which were cited in the agency's final rule include: AMC Jeeps, Chevrolet Blazer, Ford Bronco, Dodge Ram Charger, Toyota Land Cruiser, and the GMC Jimmy.

On June 11, 1984, the agency received petitions for reconsideration of the utility vehicle labeling rule from American Motors Corporation and Subaru of America, Inc. Both manufacturers pointed out that although the preamble to the agency's final rule indicated that the rule was intended to apply to a class of vehicles with attributes which might tend to increase

the likelihood of vehicle rollover (high center of gravity, narrow track, stiff suspension, etc.), the actual language of the rule applied to certain vehicles without these attributes. In particular, these manufacturers were concerned that the labeling requirements would apply to their four wheel drive vehicles which are derived from passenger cars, i.e., the American Motors Eagle and the Subaru four wheel drive station wagons, sedans, and Brat. Both manufacturers requested that the agency clarify the scope of the rule to exclude these vehicles.

Since the American Motors and Subaru vehicles in question are certified as multipurpose passenger vehicles under 49 CFR Part 567, have a wheelbase of 110 inches or less and have four wheel drive, they would fall within the "utility vehicle" definition in the Consumer Information Regulations, and would therefore be subject to the rollover warning label requirements. However, the manufacturers are correct in pointing out that the main thrust of the agency's May 11 rule was to regulate the more traditional types of utility vehicles, such as the Jeep CJ series and the Toyota Land Cruiser.

To assess the appropriateness of subjecting the Eagle and Subaru model lines to the labeling requirements, the agency analyzed its accident data to determine the frequency of involvement in fatal rollover accidents for various types of vehicles. Fatality data were obtained from the agency's Fatal Accident Reporting System, while vehicle registration information was obtained from R.L. Polk data. The rollover rate for the Eagle is much lower than that for the more traditional utility vehicles, and is, in fact, lower than that for all passenger cars. This data strongly supports the American Motors argument that the Eagle should not be subject to the labeling rule. The case for the Subaru vehicles is less clear, since their rollover fatality rate is between that of passenger cars and the more traditional utility vehicles. However, the Subaru four wheel drive vehicles have a rollover fatality rate which is virtually identical to that of their two wheel drive counterparts, which are not subject to the labeling requirement, and is still only about one-fourth that of more traditional utility vehicles. Subaru submitted data with its reconsideration petition indicating that the handling characteristics of the Subaru four wheel drive vehicles are on a par with those of passenger cars, and superior to those of more traditional utility vehicles. Therefore, the agency is exempting passenger car derivative multipurpose passenger vehicles from the rollover

labeling requirements. These vehicles are typically based upon a passenger car chassis, then modified to have certain attributes common to trucks or utility vehicles. The Subaru and Eagle vehicles are the only vehicles currently sold in the United States which fall within this exemption.

The amendments promulgated herein are effective September 1, 1984, to coincide with the effective date of the May 11 labeling rule. The agency finds good cause for making this amendment effective less than 180 days after publication. The amendment relieves an inappropriate restriction, avoiding the need to provide warning information in vehicles which do not pose an unusual risk of rollover.

NHTSA has examined the impacts of this new regulation and determined that this notice does not qualify as a major regulation within the meaning of Executive Order 12291 or as a significant regulation under the Department of Transportation regulatory policies and procedures. The agency has also determined that the economic and other impacts of this rule are so minimal that a regulatory evaluation is not required. The rule merely exempts a small number of vehicles from the labeling rules, which imposed minimal costs. The agency also considered the impacts of this rule under the precepts of the Regulatory Flexibility Act. I hereby certify that the regulation will not have a significant economic impact on a substantial number of small entities. The cost of the required sticker and information will be extremely small, and only a small number of vehicles are being exempted. Accordingly, there will be virtually no economic effect on any small organizations or governmental units which purchase utility vehicles. Moreover, few, if any, vehicle manufacturers would qualify as small entities under the Act.

Finally, NHTSA has analyzed this rule for purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

List of Subjects in 49 CFR Part 575

Consumer protection, Labelling, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

[Secs. 103, 112, 119, Pub. L. 99-563, 90 Stat. 718 (15 U.S.C. 1302, 1301, 1307); delegation of authority at 49 CFR 1.50]

Issued on August 6, 1984.

Diane K. Steed,

Administrator.

PART 575—[AMENDED]

In consideration of the foregoing, paragraph 575.105(b) is revised to read as follows:

§ 575.105 Utility Vehicles

(b) *Application.* This section applies to multipurpose passenger vehicles (other than those which are passenger car derivatives) which have a wheelbase of 110 inches or less and special features for occasional off-road operation ("Utility vehicles").

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(i) Effective dates for treadwear grading requirements for radial tires.

(1) Treadwear labeling requirements of §575.104(d)(1)(i)(B)(2) apply to tires manufactured on or after April 1, 1985.

(2) Requirements for NHTSA review of treadwear information in consumer brochures, as specified in paragraph 575.6(d)(2), are effective April 1, 1985.

(3) Treadwear consumer information brochure requirements of paragraph 575.6(c) are effective May 1, 1985.

(6) Treadwear sidewall molding requirements of §575.104(d)(1)(i)(A) apply to tires manufactured on or after September 1, 1985.

(j) Effective dates for treadwear grading requirements for bias ply tires.

(1) Treadwear labeling requirements of §575.104(d)(1)(i)(B)(2) apply to tires manufactured on or after December 15, 1984.

(2) Requirements for NHTSA review of treadwear information in consumer brochures, as specified in paragraph 575.6(d)(2), are effective December 15, 1984.

(3) Treadwear consumer information brochure requirements of paragraph 575.6(c) are effective January 15, 1985.

(4) Treadwear sidewall molding requirements of §575.104(d)(1)(i)(A) apply to tires manufactured on or after May 15, 1985.

(k) Effective dates for treadwear grading requirements for bias belted tires.

(1) Treadwear labeling requirements of §575.104(d)(1)(i)(B)(2) apply to tires manufactured on or after March 1, 1985.

(2) Requirements for NHTSA review of treadwear information in consumer brochures, as specified in paragraph 575.6(d)(2), are effective March 1, 1985.

(3) Treadwear consumer information brochure requirements of paragraph 575.6(c) are effective April 1, 1985.

(4) Treadwear sidewall molding requirements of §575.104(d)(1)(i)(A) apply to tires manufactured on or after August 1, 1981.

(l) Effective date for treadwear information requirements for vehicle manufacturers.

Vehicle manufacturer treadwear information requirements of §§575.6(a) and 575.104(d)(1)(iii) are effective September 1, 1985. (49 F.R. 49293—December 19, 1984. Effective: see Preamble to Docket No. 25; Notice 58)]

§ 575.105 Utility Vehicles

(a) *Purpose and scope.* This section requires manufacturers of utility vehicles to alert drivers that the particular handling and maneuvering characteristics of utility vehicles require special driving practices when those vehicles are operated on paved roads.

(b) *Application.* This section applies to multipurpose passenger vehicles (other than those which are passenger car derivatives) which have a wheelbase of 110 inches or less and special features for occasional off-road operation ("Utility vehicles").

(c) *Required information.* Each manufacturer shall prepare and affix a vehicle sticker as specified in paragraph 1 of this subsection and shall provide in the vehicle Owner's Manual the information specified in paragraph 2 of this subsection.

(1) A sticker shall be permanently affixed to the instrument panel, windshield frame, driver's side sun visor, or in some other location in each vehicle prominent and visible to the driver. The sticker shall be printed in a typeface and color which are clear and conspicuous. The sticker shall have the following or similar language:

This is a multipurpose passenger vehicle which will handle and maneuver differently from an ordinary passenger car, in driving conditions which may occur on streets and highways and off road. As with other vehicles of this type, if you make sharp turns or abrupt maneuvers, the vehicle may rollover or may go out of control and crash. You should read driving guidelines and instructions in the Owner's Manual, and WEAR YOU SEATBELTS AT ALL TIMES.

The language on the sticker required by paragraph (1) and in the Owner's Manual, as required in paragraph (2), may be modified as is desired by the manufacturer to make it appropriate for a specific vehicle design, to ensure that

consumers are adequately informed concerning the unique propensities of a particular vehicle model.

(2) (i) The vehicle Owner's Manual shall include the following statement in its introduction.

As with other vehicles of this type, failure to operate this vehicle correctly may result in loss of control or an accident. Be sure to read "on-pavement" and "off-road" driving guidelines which follow.

(ii) The vehicle Owner's Manual shall include the following or similar statement:

Utility vehicles have higher ground clearance and a narrower track to make them capable of performing in a wide variety of off-road applications. Specific design characteristics give them a higher center of gravity than

ordinary cars. An advantage of the higher ground clearance is a better view of the road allowing you to anticipate problems. They are not designed for cornering at the same speeds as conventional 2-wheel drive vehicles any more than low-slung sports cars are designed to perform satisfactorily under off-road conditions. If at all possible, avoid sharp turns or abrupt maneuvers. As with other vehicles of this type, failure to operate this vehicle correctly may result in loss of control or vehicle rollover.

§ 575.106 Deleted

34 F.R. 8112
May 23, 1969