



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

DEPARTMENT OF
TRANSPORTATION

AUG 26 2019

2019 SEP 16 A 10:28

DOCKET OPERATIONS

Mr. Mike Arnett
Summit Bodyworks
County Rd 8
Fort Lupton, CO 80621

Dear Mr. Arnett:

This responds to your inquiry asking whether your vehicles are "modified roof vehicles," a type of vehicle that is excluded from the applicability of Federal Motor Vehicle Safety Standard (FMVSS) No. 226, "Ejection mitigation." As explained below, our answer is yes.

Paragraph S2 of FMVSS No. 226 excludes "modified roof vehicles" from the standard. The term "modified roof" is defined in S3 of FMVSS No. 226 as follows: "'Modified roof' means the replacement roof on a motor vehicle whose original roof has been removed, in part or in total, or a roof that has to be built over the driver's compartment in vehicles that did not have an original roof over the driver's compartment."

You state that you "purchase Transit cargo vans from Ford direct and then upfit the interior" to produce recreational vehicles. You state that you do not remove the roof of the vehicle "in total," but cut a 14-inch by 14-inch hole in the roof for an electric exhaust vent. You ask if we would consider your modification to constitute a removal of the original roof "in part."

Discussion

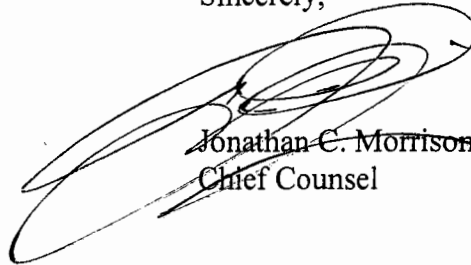
Our answer is yes, we consider you to be removing the original roof "in part" when you remove the 14- by 14-inch section of the roof to install the electric exhaust vent.

In an August 1, 2019 telephone conversation with Deirdre Fujita of my staff, you explain that the exhaust vent is part of an air ventilation and/or conditioning unit that is used when the vehicle is providing temporary living quarters. It is evident to NHTSA that the unit is important for the comfort of occupants and to the vehicle's functionality as a recreational vehicle.

After considering the information you provide, we conclude that your vehicles are "modified roof vehicles" under FMVSS No. 226. Our conclusion is consistent with the agency's March 22, 2016 interpretation to Mr. Richard Coon of the Recreation Vehicle Industry Association where NHTSA affirmed that vehicles with roofs modified by the addition of "vents with moveable covers, exhaust or air circulation fans" would be modified roof vehicles under FMVSS No. 226.

I hope this information is helpful. If you have further questions, please contact Ms. Fujita at (202) 366-2992.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the left.

Jonathan C. Morrison
Chief Counsel

From: Mike Arnett
Sent: Friday, June 07, 2019 4:02 PM
To: Fujita, Dee (NHTSA); Adan Gonzales
Cc: Robert Kalsow; Kevin Shaw
Subject: Re: Summit Bodyworks upfitting and FMVSS 226

Dee,
Thank you for speaking with Adan and I today about our concerns for complying with FMVSS 571.226 Ejection mitigation.

In reading FMVSS 226 under S2 Application, we need clarification if we need to comply with this testing. We do not remove the roof of the vehicle in total but need to know if "in part" applies to us. We cut an approximately 14" x 14" hole in the roof for an electric exhaust vent. We purchase Transit cargo vans from Ford direct and then upfit the interior, we are vehicle alterers and final stage manufacturers for these vehicles. We also give our customers the option to add up to 2 additional seats (general area of the Ford 2nd row in a passenger Transit) which are affixed via AMF Bruns smart floor which has been tested and is FMVSS 571.207-210 compliant. So when installing windows behind the b-pillar we are within the 140cm distance from hip point to the installed window for 571.226 compliance should we need to be.

Please let me know if you have any questions, or if you need further clarification.

Thank you,
MIKE



Mike Arnett
Sales Engineer
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