



August 10, 2020

The Honorable Elaine Chao
U.S. Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue S.E.
West Building
Washington, DC 20590

Honorable James C. Owens
Deputy Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue S.E.
West Building
Washington, DC 20590

RE: Petition for Rulemaking to Clarify Scope of FMVSS Nos. 109, 110, 129, 139 and Part 574.
Docket No. NHTSA-2019-0114.

Dear Secretary Chao and Deputy Administrator Owens:

On November 1, 2019, Michelin North America, Inc. (“Michelin”) petitioned the National Highway Traffic Safety Administration (“NHTSA”) to initiate a rulemaking to make technical amendments to Federal Motor Vehicle Safety Standard (“FMVSS”) for tires—principally FMVSS No. 110—in order to clarify that no FMVSS applies specifically to non-pneumatic (airless) tires for highway service (the “Petition”). *See* Docket No. NHTSA-2019-0114-0001. On June 5, 2020, Michelin supplemented its petition with a letter providing an update on the progress of its research and development; offering to provide further demonstrations or respond to any technical questions or concerns NHTSA might have; and asking NHTSA to grant the petition in order to facilitate Michelin’s continued development of innovative tires based on the knowledge that the innovations would not be blocked from introduction by regulatory requirements not designed or intended for this new technology. *See* Docket No. NHTSA-2019-0114-0002.

Michelin now respectfully requests that NHTSA grant the Petition expeditiously and initiate a rulemaking in order to facilitate further R&D, testing and introduction of this new and beneficial technology.

The U.S. Department of Transportation (“DOT”) and its auto safety agency, the National Highway Traffic Safety Administration (“NHTSA”) have repeatedly identified the removal of unnecessary regulatory barriers to new and advanced equipment and technologies as essential to facilitating innovation and enhanced motor vehicle safety. Michelin’s pending Petition for “Rulemaking to Clarify Scope of FMVSS [tire standards]” provides an ideal opportunity to apply that policy and remove unnecessary and unintended regulatory barriers to innovations in tire performance and safety, without changing existing tire standards or requiring additional research.

Recently, the DOT reaffirmed that “the Department’s greatest priority is the safe deployment of [new and emerging] technologies, which have the potential to alter mobility patterns for the future.” DOT, *Pathways to the Future of Transportation: Non-Traditional and Emerging Transportation Technology Council Guidance Document* (July 2020). Other major DOT and NHTSA policies emphasize the importance of removing unnecessary regulatory barriers to safety innovations in a flexible and expeditious manner. For example, in its overarching policy blueprint for safe and effective deployment of automated vehicles, DOT established that:

“The right approach to achieving safety improvements begins with a focus on removing unnecessary barriers and issuing voluntary guidance, rather than regulations that could stifle innovation.”

“The pace of innovation in automated vehicle technologies is incompatible with lengthy rulemaking proceedings and highly prescriptive and feature-specific or design-specific safety standards. Future motor vehicle safety standards will need to be more flexible and responsive, technology-neutral, and performance-oriented to accommodate rapid technological innovation.”

DOT, *Preparing for the Future of Transportation: Automated Vehicle 3.0* (October 2018).

Similarly, in an advanced notice of proposed rulemaking considering amendments to modernize the Federal Motor Vehicle Safety Standards (“FMVSS”) for rear visibility, NHTSA explained:

“Part of NHTSA’s responsibility in carrying out its safety mission is not only to develop and set new safety standards for new motor vehicles and motor vehicle equipment, but also to modify existing standards as appropriate to respond to changing circumstances such as the introduction of new technologies.”

84 *Fed. Reg.* 54533, 54534 (October 10, 2019).

As Michelin explained in its Petition, eliminating unintended regulatory barriers to tire safety innovation will facilitate the industry’s advancement of non-pneumatic (airless) tire technology with substantial safety potential. The relevant standards, when adopted, simply did not contemplate the introduction of non-pneumatic tires for regular road use. The Petition seeks a straightforward clarification that there is no FMVSS that applies to non-pneumatic tires in regular highway service, implemented through minor adjustments to the language of relevant FMVSS provisions. Significantly, in more than nine months since Michelin filed the Petition, not a single comment has been filed in opposition to the Petition or even expressing any questions or concerns about the requested rulemaking.

The requested technical clarification is consistent with NHTSA’s longstanding approach to regulation of new technologies, is unopposed and appears to be non-controversial, and would remove an unnecessary barrier to tire performance and safety innovation without materially affecting existing standards. Michelin’s Petition thus presents a clear, prime opportunity for the Department of Transportation to advance its policies and eliminate unnecessary regulatory barriers to auto innovation and safety. Accordingly, Michelin urges NHTSA to apply its declared policy by granting

the Petition without further delay, and expeditiously commencing the requested rulemaking proceeding.

Bringing innovations such as airless tire technology to market requires significant investment of people, time and money. Decisions to advance this investment require a clear vision of the regulatory path and an assurance that unnecessary and inapposite regulation will not be a barrier to introduction of this innovative technology for American consumers. Product design, development and testing as well as capital investment in manufacturing process, equipment and capacity are all dependent upon a clear regulatory path to deployment. NHTSA's ability to provide regulatory clarity not only affects Michelin's advancement of new, innovative technology but also has consequences for other stakeholders such as component suppliers and OEM customers. The advancement of airless tire technology is at a point where regulatory clarity is essential in order to facilitate the advancement of market projects.

We respectfully urge NHTSA to take advantage of this opportunity to advance tire safety and performance by acting promptly on the Petition and clarifying that regulatory requirements that can apply only to pneumatic tires as a matter of logic, do not apply to airless tires.

Respectfully submitted,



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