PUBLIC VERSION

BEFORE THE
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Docket No. _____

Petition of Polaris Industries Inc. and Goupil Industrie SA

for a Temporary Exemption under 49 U.S.C. § 30113 and 49 C.F.R. Part 555

Paul C. Vitrano
Sr. Assistant General Counsel
Polaris Industries Inc.
2100 Highway 55
Medina, MN 55340
(202) 714-3386

paul.vitrano@polaris.com

Timothy H. Goodman
William L. Godfrey*
Jason D. Tutrone
Thompson Hine LLP
1919 M St. NW Ste. 700
Washington, DC 20036
(202) 331-8800

Tim.Goodman@ThompsonHine.com
Will.Godfrey@ThompsonHine.com
Jason.Tutrone@ThompsonHine.com

Counsel for Polaris Industries Inc.

Dated: September 16, 2020

*Mr. Godfrey is Director, Mobility, Automation and Safety. He is a non-attorney, senior technical advisor.

TABLE OF CONTENTS

TABLE OF CONTENTS
(continued)

Exhibits:

Pursuant to 49 U.S.C. § 30113 and 49 C.F.R. Part 555, Polaris Industries Inc., for itself and on behalf of its subsidiary Goupil Industrie SA, (hereinafter "Polaris/Goupil") hereby submits this petition for exemption from certain Federal Motor Vehicle Safety Standards ("FMVSSs") on the basis that the exemption will facilitate the development and field evaluation of a low-emission motor vehicle without unreasonably lowering the vehicle's safety.

The exemption will allow Polaris/Goupil to introduce a limited number of its G6 all-electric utility vehicles in the United States for use in a grocery-delivery pilot program by Picnic, a European online grocer. The G6 version that will be produced under the exemption will be a single-seat commercial vehicle that is speed-limited to 50 km/h (31 mph) and does not carry passengers, except for 10 vehicles that will have a passenger seat to enable their use for training, which only will occur occasionally.

The public benefits that will flow from the exemption are numerous. Among other things, Polaris/Goupil will gather data on the performance of the G6 and potential needs of U.S. commercial utility-vehicle customers. It will use this data to develop future versions of the G6 and additional all-electric vehicle models for introduction into commerce in the United States. As such, the G6 will promote mobility, reduce traffic congestion, promote fuel efficiency, foster acceptability of electric vehicles, and reduce greenhouse gas emissions.

Picnic's pilot will demonstrate that the G6 can make grocery-delivery services timely, cost-effective, and environmentally-friendly, saving an average of 1.6 trips otherwise made by car. As demonstrated in Europe, this makes consumers more likely to purchase groceries for delivery, leading to mass-market adoption, which reduces traffic congestion, fuel consumption, nd greenhouse-gas emissions and importantly provides a safe alternative to physical stores in pandemics. It also makes essential goods more accessible, including to consumers who face mobility challenges or have few options or resources. The G6 will enable Picnic to provide free home delivery of groceries at supermarket pricing, which benefits all socio-economic classes and is critical in a COVID-19 environment, where food deserts in effect have expanded and home delivery provides significant public-health benefits.

Under 49 U.S.C. § 30113(b)(3), NHTSA may issue an FMVSS exemption upon finding that the exemption would: (1) facilitate the development or field evaluation of a low-emission motor vehicle; (2) not unreasonably lower the safety level of that vehicle; and (3) be consistent with the public interest and the National Motor Vehicle Safety Act[1] ("Safety Act"). This petition demonstrates these requirements as follows:

- Part I provides background on the interested parties, the G6, and the Picnic pilot.
- Part II establishes that the G6 is a low-emission motor vehicle.

[1] 49 U.S.C. ch. 301.

- Part III identifies the FMVSSs from which an exemption is sought and explains that an exemption from these standards will not unreasonably lower the G6's safety level.

- Part IV explains that the exemption will facilitate the development and field evaluation of the G6.

- Part V explains that the exemption would be consistent with the public interest and the Safety Act.

- Part VI identifies the requested duration for the exemption, the number of vehicles to which it will apply, and Polaris/Goupil's intent to conform with the FMVSSs.

Additionally, part VII identifies the parts of this petition that should be withheld from public disclosure.

I. The G6 and Picnic: Smarter, Cleaner, and Greener Mobility & Grocery Delivery.

A. Applicant Information

Full name and address:	Polaris Industries Inc. 2100 Highway 55 Medina, MN 55340 Goupil Industrie SA 2445 Avenue de la Vallée du Lot 47320 Bourran France
Nature of organization:	Polaris is a U.S. Corporation. Goupil is a Société Anonyme. The closest U.S. legal analogue is a corporation.
Country of organization:	United States (Polaris) and France (Goupil)

B. Polaris/Goupil and Picnic: An Experienced Mobility Team.

The introduction of the G6 in the U.S. market for the Picnic pilot is a joint effort of experienced mobility pioneers: Polaris/Goupil and Picnic.

Polaris Industries Inc. is a U.S.-based manufacturer of innovative, high quality off-road and on-road vehicles, including all-terrain vehicles, snowmobiles, motorcycles, and electric powered vehicles. Since its founding in 1954, Polaris has become the global leader in powersports and has been pioneering product breakthroughs and enriching experiences and services that have invited people to discover the joy of being outdoors.

Polaris' subsidiary, Goupil, is a leading manufacturer of electric utility vehicles for commercial applications. Polaris has owned and operated Goupil since 2011. Since being founded in France in 1996, it has gained nearly 25 years' experience as a vehicle manufacturer and distributed over 25,000 vehicles to approximately 35 countries. Goupil offers a diverse electric utility vehicle lineup that includes its G2, G4, and G5 models. Its vehicles are clean, maneuverable, and highly customizable and offer solutions for various applications, including last-mile delivery, local government, healthcare, education, facilities management, manufacturing, and leisure.

Picnic is a European online supermarket founded in 2015 that provides free home delivery of groceries using 100% electric vehicles. Using cutting-edge technology and the "milkman" delivery concept, which reduces mileage per delivery by more than 50% relative to standard delivery models, it enables customers to order their groceries electronically and receive delivery within a narrow 20-minute window the following day. Picnic currently operates over 1,000 vehicles manufactured by Goupil in close collaboration with Picnic. Also, its operations cover 150 cities in the Netherlands and Germany. Picnic is partnering with Polaris/Goupil to bring a unique version of the Goupil G6 to the United States.

C. The Goupil G6: Clean, Safe, and Fully Homologated in the EU.

Figure 1: The G6

The G6 is currently a road-safe, zero-emission utility vehicle in the European market. The G6, in the United States, would be a much-needed entrant in the U.S. light-duty truck market, which will benefit from mobility options and, at present, is dominated by gas-powered vehicles.

Goupil designed the G6 to be safe, bringing to bear its 25 years of developing vehicles. The G6 is fully homologated in the European Union as an N1 category vehicle (i.e., a motor vehicle primarily for carriage of goods that weighs no more than 3.5 metric tons) and, today, already meets multiple FMVSSs. A copy of the G6's type certificate showing full homologation is attached as ***Exhibit 1***.

The G6's base configuration also has a limited speed capability of 80 km/h (49.7 mph) and provides multiple other safety elements, including an acoustic alerting system to alert pedestrians to its presence, automatic headlamp and wiper activation, a robust steel chassis design, advanced crumple zone, and front-wheel drive.

The G6 is 100% electric, making it clean and efficient. Electrification provides multiple advantages for a utility vehicle. It eliminates vehicle emissions of greenhouse gasses. It also enhances efficiency because these vehicles are typically used in operations that involve short trips or frequent stops and electrification involves regenerative braking and an electric motor that does not need to idle.

Electrification also reduces service intervals, which leads to lower maintenance costs and less vehicle downtime than a gas-powered vehicle. The G6's efficient, electric design makes it an ideal vehicle for lower speed short-range operations that involve frequent stops and modest payloads, like last-mile delivery, waste collection, and power-line repair.

The G6 is available in various configurations to meet a wide array of potential customer needs. Each configuration involves fitting the chassis with specialized equipment, like a box for holding goods and equipment, a pickup bed, a tipper, or a hydraulic hooklift. Aerodynamic elements, equipment, and lights may also be added to the cab in connection with a specific configuration.

For the Picnic pilot, Polaris/Goupil seeks to import a version of the base G6 that is speed limited from 80 km/h (49.7 mph) to 50 km/h (31 mph) to increase safety in connection with stability and handling and occupant protection ("Picnic-G6"). Except for the initial ten vehicles, which will be used for driver training, the Picnic-G6 vehicles will have a driver's seat only and no passenger seats. After Polaris/Goupil sells the vehicles to Picnic, Picnic will engage a modifier to install the specialized grocery carrying box on the Picnic-G6 chassis.

Figure 2: Picnic-G6 Configuration with Specialized Box Installed

The G6's safe, efficient, and highly customizable design positions it to have a transformative impact on urban and suburban mobility and the environment. It can replace unnecessarily large commercial vehicles, which block traffic when making deliveries, create significant air and noise pollution, and strain available parking capacity. Its efficient design reduces delivery costs thereby increasing access to goods, including for consumers who face mobility challenges. Reduced delivery costs also increase the attractiveness of e-commerce, which reduces road-congestion associated with brick-and-mortar shopping.

The technical characteristics of the Picnic rolling base are attached as ***Exhibit 2***.

D. The Picnic Grocery-Delivery Pilot.

Picnic's unique last-mile logistics model has made convenient and affordable grocery delivery accessible for over 10 million households in Europe. Its model, which leverages multi-stop delivery runs to deliver groceries ordered online, is the only mass-market online grocery service in the world and uses uniquely efficient and sustainable infrastructure with a significantly reduced carbon footprint to connect consumers directly to producers through a smart app, green fulfilment centers, and clean electric vehicles.

Customer demand for the service in Europe has been overwhelming. In four years, Picnic grew from $0 to $500M in sales, from 1 to 150 cities, from 1 to 7 fulfilment centers, from 10 to 1,000 electric delivery vehicles, and from 1 to 2 countries (Netherlands, Germany). With a high

service level, no delivery fee, and supermarket prices with no mark-ups, the Picnic service has caused a real change in consumer habits: in Picnic's longest-served cities, more than 25% of households shop at Picnic weekly, resulting in reduced congestion, lowered carbon emissions, and extended access to fresh groceries at fair prices to households at all income levels.

Pending approval of this petition, Picnic plans to bring its grocery service to the United States in early 2021, beginning with pilot operations [ ] using the Picnic-G6. [ ] A description of the Picnic last-mile logistics model and phased rollout is attached as ***Exhibit 3***.

The Picnic pilot will provide significant benefits to the communities it will serve. Picnic estimates it will create over 600 jobs during the pilot stage and significantly more post-pilot. Also, using a uniquely efficient operating model that a purpose-designed electric vehicle (the Picnic-G6) enables, Picnic will provide an essential service to the public by delivering groceries at supermarket prices and without charging a delivery fee. This service addresses many top priorities of state and local governments, including by alleviating congestion, reducing carbon emissions, increasing fresh food access to households of all income levels, and providing vulnerable segments of the population with a safe way shop for groceries. Further, Picnic's operating model promotes economic and environmental sustainability, which is an important reason for the enthusiastic support that state-level agencies have provided Picnic in discussions about the pilot.

II. The G6 Is a Low-Emission Motor Vehicle.

As explained above, Polaris/Goupil is making this petition pursuant to 49 U.S.C. § 30113(b)(3)(B)(iii), which allows NHTSA to grant an exemption on the basis that it "would make the development or field evaluation of a *low-emission motor vehicle* easier . . . ."[2]

The G6 qualifies as a low-emission motor vehicle, which is "a motor vehicle meeting the standards for new motor vehicles applicable to the vehicle under section 202 of the Clean Air Act (42 U.S.C. [§]7521) when the vehicle is manufactured and emitting an air pollutant in an amount significantly below one of those standards."[3] Under Section 202 of the Clean Air Act, the Environmental Protection Agency has established standards for the emission of greenhouse gases from light-duty trucks.[4] Not surprisingly, as an all-electric vehicle, the G6 does not emit

---

[2] 49 U.S.C. § 30113(b)(3)(B)(iii) (emphasis added).

[3] 49 U.S.C. § 30113(a).

[4] *See* 40 C.F.R. § 86.1811-17 (specifying exhaust emission standards for light-duty trucks).

any air pollutant subject to these standards. Thus, as the G6 is a zero emissions vehicle, emissions from the G6 are indeed "significantly below" Clean Air Act standards, and the G6 is a low-emission motor vehicle.

III. The Exemption Will Not Unreasonably Lower the Picnic-G6's Safety Level.

NHTSA may grant this exemption if it "would not unreasonably lower the safety level of [the] vehicle." 49 U.S.C. § 30113(b)(3)(B)(iii). In this Part III, Polaris/Goupil identifies each FMVSS that the exemption covers and the reasons why the exemption will not unreasonably lower the Picnic-G6's safety level.

The Picnic-G6 possesses several general characteristics that indicate an exemption will not unreasonably lower its safety level. General vehicle characteristics that NHTSA has cited in favor of granting exemptions include: a low-risk vehicle-use profile,[5] low production volumes,[6] and foreign homologation.[7]

First, the Picnic-G6's use profile suggests that an exemption would have a marginal safety impact. The Picnic-G6 is a lower-speed, limited-range delivery vehicle. Because its maximum speed is 50-km/h (31 mph) and range is approximately 90 miles, the Picnic-G6's domain will be the low-speed stop-and-go traffic of urban and dense suburban streets. In fact, as described in ***Exhibit 3***, [redacted]

[5] *See, e.g.*, Wheego Electric Cars, Inc.; Grant of Petition for Temporary Exemption From the Electronic Stability Control Requirements of FMVSS No. 126, 77 Fed. Reg. 47,915, 47,917 (Aug. 10, 2012) (granting exemption from electronic stability control requirements for vehicle with limited speed capability and range that is less likely to be driven in winter months); Ford Motor Company; Disposition of Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards, 58 Fed. Reg. 16,907, 16,910 (Mar. 31, 1993) (granting exemption for vehicle intended to provide "urban operation support" primarily at "low urban speeds"); Jet Indus. Ltd., 41 Fed. Reg. 7545, 7546 (Feb. 19, 1976) (granting exemption for vehicle with "low operating speeds and intended urban use").

[6] *E.g.*, Wheego Electric Cars, Inc.; Grant of Petition for Temporary Exemption From the Electronic Stability Control Requirements of FMVSS No. 126, 77 Fed. Reg. 47,915, 47,917 (Aug. 10, 2012).

[7] Kewet Industri; Grant of Application for Renewal of Temporary Exemption from FMVSS No. 208, 74 Fed. Reg. 19,444, 19,444 (Apr. 18, 1995) (finding that compliance with European homologation standard indicates exemption would not unreasonably lower the vehicle's safety level).

[redacted] Thus, unlike with most light trucks and delivery vehicles, which can and do operate on elevated-speed roads and at moderate and long distance, the probability of the Picnic-G6 being involved in a crash is low.[8] Also, should the Picnic-G6 be involved in a crash, it would be a low-speed crash, which has a lower risk of injury.[9]

In addition to being operated at low speeds and short distances, the Picnic-G6 will be used only by drivers hired and trained by Picnic, who are fully familiar with the operational and safety features of the vehicle, such as its three-point seat belt, rearview camera, and forward and reverse warning sounds. These drivers will be subject to Picnic-imposed rules that promote safety. Picnic will train the Picnic-G6 drivers on how to safely operate the vehicle and will require occupants to use seat belts at all times, prohibit personal use of the Picnic-G6, and prohibit children under age 16 from riding in or operating the Picnic-G6. In addition, Picnic equips its vehicles with devices running proprietary software that tracks the driver's driving style and provides real-time advice and feedback to the driver to maximize safety. Driving data will be gathered to determine speed, acceleration, and compliance to the recommended driving speed, tracking all vehicle movements to ensure compliance with the conditions of the pilot program. This reduces the Picnic-G6's risk of being involved in crashes or other incidents that may cause injury to occupants.

Also, only 10 Picnic-G6s will have a passenger seat, and they will be used occasionally for driver training. This low number of Polaris-G6s with a passenger seat lowers the Picnic-G6's safety risk when compared to other light trucks, which typically have a passenger seat as standard equipment.

NHTSA has provided various FMVSS exclusions for vehicles with this type of use profile. For example, many FMVSSs include exclusions for walk-in vans and U.S. Postal Service vehicles. The reasons NHTSA has provided for these exclusions include: these vehicles are less likely than other vehicles to be involved in high-speed crashes because they are designed primarily to make deliveries in urban areas where the driver makes frequent stops, and the U.S. Postal Service's requirement that its employees use seat belts reduces the need for additional

---

[8] *See* Int'l Traffic Safety Data & Analysis Group, Int'l Transport Forum, *Speed and Crash Risk* 7, 14-15 (2018), https://www.itf-oecd.org/sites/default/files/docs/speed-crash-risk.pdf; NHTSA, Federal Motor Carrier Safety Administration & Federal Highway Administration, *Speed Management Program Plan* 10 (2014).

[9] *See* Int'l Traffic Safety Data & Analysis Group, Int'l Transport Forum, *Speed and Crash Risk* 7, 13 (2018), https://www.itf-oecd.org/sites/default/files/docs/speed-crash-risk.pdf; NHTSA, Federal Motor Carrier Safety Administration & Federal Highway Administration, *Speed Management Program Plan* 10 (2014).

crash protection.[10] Thus, the FMVSS exclusions for these vehicles reflect a policy judgment that full compliance with the FMVSSs is not necessary in order to maintain a reasonable level of safety for vehicles with a use profile like that of the Picnic-G6.

Second, the number of Picnic-G6s that Polaris/Goupil will sell under the exemption is low. As a basis for concluding that an exemption will not unreasonably lower a vehicle's safety level, NHTSA has cited low expected production volumes, such as: 120 vehicles;[11] 165 vehicles;[12] 2,400 vehicles;[13] and 3,000 vehicles.[14] Polaris/Goupil expects to produce 100 Picnic-G6s under the proposed exemption, well under the low production numbers cited by NHTSA in the past.

Third, the Picnic-G6 is a fully homologated N1 vehicle in the European Union. Although N1 homologation does not require compliance with FMVSSs for which Polaris/Goupil is seeking an exemption, it imposes a full range of vehicle safety requirements, many of which are in addition to those in the FMVSSs. When viewed holistically, the safety requirements for N1 homologation ensure a reasonable level of vehicle safety. For NHTSA's convenience, ***Exhibit 4*** lists the N1 homologation standards, the extent to which the Picnic-G6 is exempt from those standards, and each standard's comparable FMVSS.

A. Standards No. 101 and 135: Controls and Displays.

Standard No. 101 specifies requirements for motor-vehicle controls, telltales, and indicators to ensure their visibility and recognition and facilitate proper control selection.[15] Standard No. 135 specifies additional requirements for telltales involving the brake systems and allows substitution of the word "Brake" for various braking system indicators required under

---

[10] Federal Motor Vehicle Safety Standards, Occupant Crash Protection, 56 Fed. Reg. 12,472, 12,474 (Mar. 26, 1991) (declining to require automatic crash protection in walk-in vans and USPS vehicles).

[11] Greenkraft Inc., Grant of Application for a Temporary Exemption from FMVSS No. 108, 80 Fed. Reg. 12,057, 12,061 (Mar. 5, 2015).

[12] Wheego Electric Cars, Inc., Grant of Petition for Temporary Exemption from the Electronic Stability Control Requirements of FMVSS No. 126, 77 Fed. Reg. 47,915, 47,917-18 (Aug. 10, 2012).

[13] Wheego Electric Cars, Inc., Grant of Application for Temporary Exemption from Advanced Air Bag Requirements of FMVSS No. 208, 76 Fed. Reg. 7898, 7901 (Feb. 11, 2011).

[14] Think Technology AS, Grant of Application for a Temporary Exemption from the Advanced Air Bag Requirements of Federal Motor Vehicle Safety Standard No. 208, 74 Fed. Reg. 40,634, 40,636 (Aug. 2, 2009).

[15] 49 C.F.R. §571.101(S1).

Standard No. 101.[16] Polaris/Goupil seeks an exemption from Standard No. 101 paragraph S5 (requiring brake system indicators) and Standard No. 135 paragraph S5.5.5(b) (allowing use of the word "Brake" in lieu of various indicators required under Standard No. 101) to the extent it requires the word "Brake" instead of the ISO brake symbol as a telltale for brake system malfunctions, low brake fluid conditions, and application of the parking brake.

An exemption from these requirements would not unreasonably lower the Picnic-G6's safety level. Because the Picnic-G6 will be operated only by Picnic and Picnic will train the drivers on operation of the Picnic-G6, the drivers will understand that the ISO symbol is equivalent to "Brake." Information in the manual provided with each vehicle will also explain the meaning of the symbols. Moreover, NHTSA has issued multiple exemptions or inconsequential noncompliance decisions for the use of the ISO symbol instead of "Brake" where the driver would either be familiar with the ISO symbol[17] or information would be provided on the symbol's meaning.[18] It has also issued a determination of inconsequential noncompliance for this issue on the basis that it would impact a low number of vehicles (49), which is similar to the number of vehicles that would be produced under this exemption (100).[19]

Exhibit 5 contains excerpts from the vehicle manual detailing the symbols.

B. Standard No. 118: Power-Operated Window, Partition, and Roof Panel Systems.

Standard No. 118 includes requirements for power operated window, partition, and roof panel systems to minimize the likelihood of death or injury from their accidental operation.[20] Polaris/Goupil seeks an exemption from paragraph S6(c), which requires actuation devices for

---

[16] 49 C.F.R. § 571.135(S5.5.5)(b).

[17] Mercedes-Benz U.S. International, Inc.; Grant of Application for Temporary Exemption from Five Federal Motor Vehicle Safety Standards, 64 Fed. Reg. 29,733 (June 2, 1999) (granting exemption for use of ISO symbol because the vehicle would be driven by European drivers who are familiar with the symbol). *See* Porsche Cars North America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance, 82 Fed. Reg. 49,476 (Oct. 25, 2017) (granting petition for use of ISO symbol instead of the word "brake" in part because "drivers have, over time, become increasingly familiar with ISO symbol meaning as many ISO symbols have been used on U.S.-certified vehicles in conjunction with the required text").

[18] Ford Motor Company; Disposition of Petition for Temporary Exemption from Federal Motor Vehicle Safety Standards, 58 Fed. Reg. 16,907 (Mar. 31, 1993) (granting exemption for use of ISO symbol instead of the word "Brake" where vehicle will be provided with information informing the operator of the meaning of the ISO symbol).

[19] Ford Motor Company; Grant of Petition for Determination of Inconsequential Noncompliance, 59 Fed. Reg. 40,409 (Aug. 8, 1994).

[20] 49 C.F.R. § 571.118(S1).

closing a power-operated window to operate by pulling away from the surface on which it is mounted.

An exemption from paragraph S6(c) would not unreasonably lower the Picnic-G6's safety level. The purpose of paragraph S6(c) is to make switches for power-windows resistant to accidental actuation by children.[21] Multiple circumstances surrounding use of the Picnic-G6 effectively eliminate the risk that the Picnic-G6's window switches will be accidentally actuated by a child. First, Picnic will prohibit children under 16 from riding in the Picnic-G6. Second, except for the first ten vehicles which will be used for training purposes, the Picnic-G6 vehicles will not have passenger seats. Also, the Picnic-G6 vehicles will be used for deliveries only, which further reduces the likelihood of any occupants aside from Picnic employees. Third, the switches are located on the center console, which reduces the likelihood of accidental activation. Fourth, the switches are mounted flush to surrounding surfaces, which reduces the likelihood that leaning on the switch area would activate the switch. Fifth, the low quantity of Picnic-G6 vehicles that would be permitted under the proposed exemption further reduces the likelihood that children would be injured by the Picnic-G6's power windows.

C. Standard No. 126: Electronic Stability Control Systems.

Standard No. 126 requires all light vehicles to have an electronic stability control (ESC) system.[22] Polaris/Goupil is seeking an exemption from this standard in its entirety.

An exemption from Standard No. 126 would not unreasonably lower the Picnic-G6's safety level. The Picnic-G6's handling and stability are like those of comparable vehicles. The G6 dynamic testing report attached as ***Exhibit 6*** identifies the G6's handling and stability characteristics and compares them to the Nissan e-NV200, which is a comparable vehicle equipped with an ESC system. Although the report states that there are small performance differences between the vehicles attributable to G6's lack of anti-lock brakes and ESC, the report is based on testing at speeds exceeding the limited speed of the Picnic-G6 (80 km/h vs. 50 km/h) and states that both vehicles have "the global same behavior with understeer chassis balance, non-surprising behavior during weight transfer maneuvers and easy to control at the limit."[23] Also, the test report attached as ***Exhibit 7*** about the G6's static stability explains that Polaris/Goupil designed the 80 km/h G6 to have a static stability comparable to pick-up trucks and passenger vans.[24]

---

[21] Federal Motor Vehicle Safety Standards; Power-Operated Window, Partition, and Roof Panel Systems, 69 Fed. Reg. 55,517, 55,518 (Sept. 15, 2004).

[22] 49 C.F.R. § 571.126(S5).

[23] Exhibit 5 at 14.

[24] Exhibit 6 at 3.

Also, the Picnic-G6's limited speed capability and range reduce the risk of loss-of-control events. NHTSA has cited limited speed capability and range as reasons for granting a Part 555 exemption from Standard No. 126 for the Wheego LiFe.[25] Specifically, NHTSA found that the Wheego LiFe's top speed of 65 mph and maximum range of 100 miles indicated a reduced risk of loss-of-control events.[26] The Picnic-G6's top speed of 50 km/h (31 mph) and maximum range of 150 km (93 miles) are lower than those of the Wheego LiFe, indicating that the Picnic-G6 likewise has a reduced risk of loss-of-control events.

The likely use pattern of the Picnic-G6 further indicates that the absence of ESC will not unreasonably lower the Picnic-G6's safety level. Due to the Picnic-G6's maximum speed of 50 km/h (31 mph) and range of approximately 90 miles, Picnic-G6 operations will likely occur only on urban and dense-suburban local roads, where traffic moves at low speeds. [ ] Thus, when compared to most light trucks and delivery vehicles, which can and do operate off local roads, at high speeds, and at moderate and long distance, the Picnic-G6 has a low probability of being involved in a crash.[27] Also, should any Picnic-G6 crash occur, it will be at low speed, which involves a lower risk of injury.[28]

Additionally, Picnic will provide drivers with training that familiarizes them with the Picnic-G6's operating and safety characteristics. Since only Picnic drivers will operate the exempt Picnic-G6s, this training prevents the absence of ESC from unreasonably reducing the Picnic-G6's safety level.

---

[25] Wheego Electric Cars, Inc., Grant of Petition for Temporary Exemption from the Electronic Stability Control Requirements of FMVSS No. 126, 77 Fed. Reg. 47,915, 47,917 (Aug. 10, 2012).

[26] *Id*.

[27] *See* Int'l Traffic Safety Data & Analysis Group, Int'l Transport Forum, *Speed and Crash Risk* 7, 14-15 (2018), https://www.itf-oecd.org/sites/default/files/docs/speed-crash-risk.pdf; NHTSA, Federal Motor Carrier Safety Administration & Federal Highway Administration, *Speed Management Program Plan* 10 (2014).

[28] *See* Int'l Traffic Safety Data & Analysis Group, Int'l Transport Forum, *Speed and Crash Risk* 7, 13 (2018), https://www.itf-oecd.org/sites/default/files/docs/speed-crash-risk.pdf; NHTSA, Federal Motor Carrier Safety Administration & Federal Highway Administration, *Speed Management Program Plan* 10 (2014).

D. Standard No. 203: Impact Protection for the Driver from the Steering Control System.

Standard No. 203 specifies requirements for steering-wheel control systems to minimize injuries to the driver from an impact.[29] Polaris/Goupil seeks an exemption from Paragraph S5.1 of this standard, which specifies the maximum impact force a steering control system can impart on the chest of an occupant in a specified impact scenario.

An exemption from Standard No. 203 would not unreasonably lower the Picnic-G6's safety level. The Picnic-G6 is compliant under ECE regulation number 12 for the protection of the driver against the steering mechanism in the event of impact.[30] In addition, due to the Picnic-G6's maximum speed of 50 km/h (31 mph) and range of approximately 90 miles, Picnic-G6 operations will likely occur only on urban and dense-suburban local roads, where traffic moves at low speeds. [ ] Thus, when compared to most light trucks and delivery vehicles, which can and do operate off local roads, at high speeds, and at moderate and long distance, the Picnic-G6 has a low probability of being involved in a crash.[31] Also, should any Picnic-G6 crash occur, it will be at low speed, which involves a lower risk of injury.[32]

To support its position that the requested exemption from Paragraph S5.1 would not unreasonably lower the Picnic-G6's safety level, Polaris/Goupil is conducting a crash simulation of the Picnic-G6. It expects to supplement this petition with the results of the simulation by the end of 2020.

---

[29] 49 C.F.R. § 571.203(S1).

[30] Exhibit 1.

[31] *See* Int'l Traffic Safety Data & Analysis Group, Int'l Transport Forum, *Speed and Crash Risk* 7, 14-15 (2018), https://www.itf-oecd.org/sites/default/files/docs/speed-crash-risk.pdf; NHTSA, Federal Motor Carrier Safety Administration & Federal Highway Administration, *Speed Management Program Plan* 10 (2014).

[32] *See* Int'l Traffic Safety Data & Analysis Group, Int'l Transport Forum, *Speed and Crash Risk* 7, 13 (2018), https://www.itf-oecd.org/sites/default/files/docs/speed-crash-risk.pdf; NHTSA, Federal Motor Carrier Safety Administration & Federal Highway Administration, *Speed Management Program Plan* 10 (2014).

E. Standard No. 208: Occupant Crash Protection.

Polaris/Goupil seeks an exemption from Standard No. 208, which specifies vehicle crashworthiness requirements and equipment requirements for active and passive restraint systems to protect vehicle occupants in crashes.[33] An exemption from this standard will not unreasonably lower the Picnic-G6's safety level because the Picnic-G6's low-risk use profile and low production volume make any safety reduction negligible. Further the Picnic-G6 is compliant under ECE regulation number 12 for the protection of the driver against the steering mechanism in the event of impact and regulation 29 for the protection of the occupants of the cab of a commercial vehicle.[34]

An exemption from Standard No. 208 is necessary for the Picnic-G6 because it is not equipped with airbags, which are required to comply with the standard. Despite not having airbags, simulated adult belted testing with the Hybrid III dummy at 50 km/h demonstrates that the Picnic-G6 satisfies the injury criteria at paragraph S6, except the chest acceleration limit. The results of this simulated testing are attached as ***Exhibit 8***.

An exemption from Standard No. 208 will have little impact on the Picnic-G6's safety level because the Picnic-G6 has a low-risk use profile. Due to the Picnic-G6's maximum speed of 50 km/h (31 mph) and range of approximately 90 miles, Picnic-G6 operations will likely occur only on urban and dense-suburban local roads, where traffic moves at low speeds. [ ] Thus, when compared to most light trucks and delivery vehicles, which can and do operate off local roads, at high speeds, and at moderate and long distance, the Picnic-G6 has a low probability of being involved in a crash.[35] Also, should any Picnic-G6 crash occur, it will be at low speed, which involves a lower risk of injury.[36]

---

[33] 49 C.F.R. § 571.208(S1), (S2).

[34] Exhibit 1.

[35] *See* Int'l Traffic Safety Data & Analysis Group, Int'l Transport Forum, *Speed and Crash Risk* 7, 14-15 (2018), https://www.itf-oecd.org/sites/default/files/docs/speed-crash-risk.pdf; NHTSA, Federal Motor Carrier Safety Administration & Federal Highway Administration, *Speed Management Program Plan* 10 (2014).

[36] *See* Int'l Traffic Safety Data & Analysis Group, Int'l Transport Forum, *Speed and Crash Risk* 7, 13 (2018), https://www.itf-oecd.org/sites/default/files/docs/speed-crash-risk.pdf; NHTSA,

Moreover, exempting the Picnic-G6 from Standard No. 208 would be consistent with the exceptions from Standard No. 208 for walk-in vans and U.S. Postal Service vehicles equipped with a Type 2 seat belt assembly.[37] Although NHTSA has not defined "walk-in van" for this standard, it is commonly understood to mean a delivery vehicle that is designed so that a person can enter the passenger compartment in an upright position.[38] NHTSA's reasoning for excepting walk-in vans included that they are less likely than other vehicles to be involved in high-speed crashes because they are designed primarily for deliveries in urban areas where the driver will frequently enter and exit the vehicle to make the deliveries.[39] Its reasoning for excepting U.S. Postal Service vehicles was that automatic crash protection for these vehicles would provide marginal, if any, safety protection because the U.S. Postal Service requires its employees to wear seat belts while on the job and, thus, persons riding in these vehicles will always have the protection of manual/lap shoulder belts.[40] The Picnic-G6 has these attributes of walk-in vans and U.S. Postal Service vehicles that resulted in their exceptions from Standard No. 208: it is a low-speed, limited-range delivery vehicle designed primarily for deliveries in urban areas; and Picnic will require all occupants to wear seat belts when riding in the Picnic-G6. Thus, extending the exceptions for walk-in vans and U.S. Postal Service vehicles to the Picnic-G6 would not unreasonably lower the Picnic-G6's safety level.

The Picnic-G6's low production volume further suggests that exempting the Picnic-G6 from Standard No. 208 will not unreasonably lower the Picnic-G6's safety level. NHTSA has cited to low expected production volumes, such as 2,400[41] and 3,000[42] vehicles, as a basis for concluding that an exemption will not unreasonably lower safety. Polaris/Goupil expects to produce 100 Picnic-G6s under the proposed exemption.

Federal Motor Carrier Safety Administration & Federal Highway Administration, *Speed Management Program Plan* 10 (2014).

[37] *See* 49 C.F.R. § 571.208(S4.2.6).

[38] *See* 49 C.F.R. § 571.214(S3); Letter from Paul Jackson Rice, Chief Counsel, NHTSA, to Ken Stone, Canewdon Consultants Group Ltd. (June 29, 1990), https://www.nhtsa.gov/interpretations/2521y.

[39] *See* Federal Motor Vehicle Safety Standards, Occupant Crash Protection, 56 Fed. Reg. 12,472,12,474 (Mar. 26, 1991) (declining to require automatic crash protection in walk-in vans and USPS vehicles).

[40] *See Id.*

[41] Wheego Electric Cars, Inc., Grant of Application for Temporary Exemption from Advanced Air Bag Requirements of FMVSS No. 208, 76 Fed. Reg. 7898, 7901 (Feb. 11, 2011).

[42] Think Technology AS, Grant of Application for a Temporary Exemption from the Advanced Air Bag Requirements of Federal Motor Vehicle Safety Standard No. 208, 74 Fed. Reg. 40,634, 40,636 (Aug. 2, 2009).

Additionally, an exemption from FMVSS 208 requirements as they pertain to child occupants will not result in an unreasonable reduction in safety because the likelihood of a child riding in the Picnic-G6 is extremely low. Picnic will forbid use of the Picnic-G6 with passengers under age 16, forbid private use of the vehicle, and place stickers in the vehicle warning of these restrictions. This should effectively eliminate the risk that children will ride in the 10 Picnic-G6s that will have a passenger seat. Also, because the Picnic-G6 is a delivery vehicle, it is further unlikely that children will ride in it.

F. Standard No. 214: Side Impact Protection.

Standard No. 214 specifies requirements for protecting vehicle occupants from injury in side impact collisions.[43] It requires light trucks, like the Picnic-G6, to meet requirements for door crush resistance, moving deformable barrier tests, and vehicle-to-pole tests.[44] Polaris/Goupil seeks an exemption from all applicable requirements under this standard.

Simulated testing indicates that the Picnic-G6 satisfies the door-crush resistance and moving deformable barrier test requirements. It also satisfies all requirements for vehicle-to-pole tests involving the 50th percentile adult male test dummy, except the head injury criterion and the lower-rib deflection requirement, for which it is 0.3 mm outside the deflection limit. Test results for door crush resistance, the moving deformable barrier test, and the vehicle-to-pole test are attached as ***Exhibit 9***. Vehicle-to-pole test results for the 5th percentile adult female test dummy are pending, and Polaris/Goupil will supplement this petition with those results when they become available.

An exemption from Standard No. 214 would not unreasonably lower the Picnic-G6's safety level. First, the Picnic-G6 complies with ECE regulation 135 with regard to their Pole Side Impact performance (PSI),[45] and the Picnic-G6's low-risk use profile indicates that nonconformance with Standard No. 214 will have a negligible impact on safety. Due to the Picnic-G6's maximum speed of 50 km/h (31 mph) and range of approximately 90 miles, Picnic-G6 operations will likely occur only on urban and dense-suburban local roads, where traffic moves at low speeds. [ ] Thus, when compared to most light trucks and delivery vehicles, which can and do operate off local roads, at high speeds, and at

[43] 49 C.F.R. § 571.214(S1)(a).

[44] 49 C.F.R. § 571.214(S4)(b).

[45] Exhibit 1.

moderate and long distance, the Picnic-G6 has a low probability of being involved in a side-impact crash.[46] Also, should any Picnic-G6 crash occur, it will be at low speed, which involves a lower risk of injury.[47]

Second, the Picnic-G6 is similar to a walk-in van, which is excepted from the standard.[48] A walk-in van under Standard No. 214 is "a special cargo/mail delivery vehicle that has only one designated seating position"[49] and that "usually has a thin and light sliding (or folding) side door for easy operation and a high roof clearance that a person of medium stature can enter the passenger compartment area in an up-right position."[50] Although the Picnic-G6 is not designed for a driver to enter its passenger compartment in an upright position, it has the same low-risk use profile of a walk-in van. Both the Picnic-G6 and walk-in vans are designed primarily to make deliveries in urban and suburban areas where the driver makes frequent stops.[51] These vehicle operations pose a reduced crash risk because they typically operate at low speeds.

Third, the Picnic-G6's lower-rib deflection performance in the vehicle-to-pole test with a 50th-percentile adult-male test dummy constitutes a slight reduction in safety that is not unreasonable. Although the lower-rib deflection during the test exceeded the 44-mm limit by 0.3 mm, this does not indicate a material change in injury risk. The 44-mm limit corresponds to a 50-percent injury risk for a 45-year-old occupant.[52] When selecting this limit, NHTSA also considered a 35-44 mm limit range, stating that these limits correspond to a 40- and 50-percent injury risk respectively.[53] Based on NHTSA's statements about the injury risk for a 35-44 mm

---

[46] *See* Int'l Traffic Safety Data & Analysis Group, Int'l Transport Forum, *Speed and Crash Risk* 7, 14-15 (2018), https://www.itf-oecd.org/sites/default/files/docs/speed-crash-risk.pdf; NHTSA, Federal Motor Carrier Safety Administration & Federal Highway Administration, *Speed Management Program Plan* 10 (2014).

[47] *See* Int'l Traffic Safety Data & Analysis Group, Int'l Transport Forum, *Speed and Crash Risk* 7, 13 (2018), https://www.itf-oecd.org/sites/default/files/docs/speed-crash-risk.pdf; NHTSA, Federal Motor Carrier Safety Administration & Federal Highway Administration, *Speed Management Program Plan* 10 (2014).

[48] 49 C.F.R. § 571.214(S2).

[49] 49 C.F.R. § 571.214(S3).

[50] *Id.*

[51] *See* Federal Motor Vehicle Safety Standards, Occupant Crash Protection, 56 Fed. Reg. 12,472,12,474 (Mar. 26, 1991) (declining to require automatic crash protection in walk-in vans).

[52] Federal Motor Vehicle Safety Standards, 72 Fed. Reg. 51,907, 51,941 (Sept. 11, 2007) (to be codified at 49 C.F.R. pts. 571, 585).

[53] Federal Motor Vehicle Safety Standards, Side Impact Protection, Side Impact Phase-In Reporting Requirements, 69 Fed. Reg. 27,989, 28,003 (proposed May 17, 2004) (to be codified at 49 C.F.R. pts. 571, 596).

limit range, the Picnic-G6's low-rib deflection performance indicates less than a one-percent increase in injury risk.

Fourth, the Picnic-G6's low production volume further suggests that an exemption will not unreasonably lower the Picnic-G6's safety level. In support of exemptions from various FMVSSs, NHTSA has cited to low expected production volumes, such as 120 vehicles,[54] 165 vehicles,[55] 2,400 vehicles,[56] and 3,000 vehicles.[57] Polaris/Goupil expects to produce 100 Picnic-G6s under the proposed exemption.

G. Standard No. 225: Child Restraint Anchorage Systems

Standard No. 225 requires, and specifies standards for, child restraint anchorage systems to reduce the risk of anchorage system failure, increase the likelihood that child restraints are properly secured, and more fully achieve the potential effectiveness of child restraint systems in motor vehicles.[58] Polaris/Goupil seeks an exemption from this standard for 10 Picnic-G6s that will have a passenger seat.

An exemption from Standard No. 225 would not unreasonably lower the Picnic-G6's safety level. Picnic will forbid use of the vehicle with passengers under age 16, forbid private use of the vehicle, and place stickers in the vehicle warning of these restrictions. This should effectively eliminate the risk that children will ride in the 10 Picnic-G6s that will have a passenger seat. Also, because the Picnic-G6 is a delivery vehicle, it is further unlikely that children will ride in it. Granting an exemption from Standard No. 225 because children will not be passengers in the Picnic-G6 would be consistent with NHTSA's exception from this standard for funeral coaches, which NHTSA granted because children do not ride in the front row of those vehicles.[59] Additionally, the low quantity of Picnic-G6 vehicles that would be produced with a front passenger seat under the exemption further makes it unlikely that children would ever ride

---

[54] Greenkraft Inc., Grant of Application for a Temporary Exemption from FMVSS No. 108, 80 Fed. Reg. 12,057, 12,061 (Mar. 5, 2015).

[55] Wheego Electric Cars, Inc., Grant of Petition for Temporary Exemption from the Electronic Stability Control Requirements of FMVSS No. 126, 77 Fed. Reg. 47,915, 47,917-18 (Aug. 10, 2012).

[56] Wheego Electric Cars, Inc., Grant of Application for Temporary Exemption from Advanced Air Bag Requirements of FMVSS No. 208, 76 Fed. Reg. 7898, 7901 (Feb. 11, 2011).

[57] Think Technology AS, Grant of Application for a Temporary Exemption from the Advanced Air Bag Requirements of Federal Motor Vehicle Safety Standard No. 208, 74 Fed. Reg. 40,634, 40,636 (Aug. 2, 2009).

[58] 49 C.F.R. § 571.225(S1).

[59] Federal Motor Vehicle Safety Standards; Child Restraint Anchorage Systems, 68 Fed. Reg. 24,664, 24,665 (May 8, 2003).

in a Picnic-G6. As explained above, Polaris/Goupil only expects to produce 10 of these vehicles for training purposes.

H. Standard No. 226: Ejection Mitigation

Standard No. 226 specifies requirements for ejection mitigation systems to reduce ejections of vehicle occupants through side windows during rollovers or side-impact events.[60] Polaris/Goupil seeks an exemption from this standard in its entirety.

An exemption from this standard would not unreasonably lower the Picnic-G6's safety level. First, with laminated-glazing side windows, Polaris/Goupil expects that the Picnic-G6 will only slightly exceed the displacement limits. Although Standard No. 226 restricts the use of these types of windows as the sole means of meeting the displacement limits,[61] these windows nevertheless will mitigate the risk of ejection from the vehicle, especially when in the fully closed position.[62]

Second, the Picnic-G6's expected use profile reduces the risk of ejections from side windows during crashes. Due to the Picnic-G6's maximum speed of 50 km/h (31 mph) and range of approximately 90 miles, Picnic-G6 operations will likely occur only on urban and dense-suburban local roads, where traffic moves at low speeds. [ ] Thus, when compared to most light trucks and delivery vehicles, which can and do operate off local roads, at high speeds, and at moderate and long distance, the Picnic-G6 has a

[60] 49 C.F.R. § 571.219(S1), (S4.2).

[61] *See* 49 C.F.R. § 571.226(S4.2.1.1).

[62] *See* Federal Motor Vehicle Safety Standards, Ejection Mitigation, 76 Fed. Reg. 3211, 3278 (Jan. 19, 2011) (indicating that glazed windows may be less reliable when partially or fully rolled down).

low probability of being involved in a crash.[63] Also, should any Picnic-G6 crash occur, it will be at low speed, which involves a lower risk of injury.[64]

Third, the Picnic-G6 is similar to a walk-in van, which is excepted from the standard.[65] A walk-in van under Standard No. 226 is "a special cargo/mail delivery vehicle that only has a driver designated seating position"[66] and that "has a sliding (or folding) side door and a roof clearance that enables a person of medium stature to enter the passenger compartment area in an up-right position."[67] Except for the 10 Picnic-G6s that will have a passenger seat for training purposes, the Picnic-G6 will only have a seating position for the driver. Also, although the Picnic-G6 is not designed for a driver to enter its passenger compartment in an upright position, it has the same low-risk use profile of a walk-in van since both the Picnic-G6 and walk-in vans are designed primarily to make deliveries in urban and suburban areas where the driver makes frequent stops.[68]

To support its position that the requested exemption from Standard No. 226 would not unreasonably lower the Picnic-G6's safety level, Polaris/Goupil is conducting a crash simulation of the Picnic-G6. It expects to supplement this petition with the results of the simulation by the end of 2020.

I. Standard No. 305: Electric-Powered Vehicles; Electrolyte Spillage and Electric Shock Protection.

Standard No. 305 specifies requirements for limiting electrolyte spillage, retention of electric energy storage/conversion devices during and after a crash, and protection from electric shock during and after a crash and during normal operation.[69] Polaris/Goupil seeks an exemption from:

---

[63] *See* Int'l Traffic Safety Data & Analysis Group, Int'l Transport Forum, *Speed and Crash Risk* 7, 14-15 (2018), https://www.itf-oecd.org/sites/default/files/docs/speed-crash-risk.pdf; NHTSA, Federal Motor Carrier Safety Administration & Federal Highway Administration, *Speed Management Program Plan* 10 (2014).

[64] *See* Int'l Traffic Safety Data & Analysis Group, Int'l Transport Forum, *Speed and Crash Risk* 7, 13 (2018), https://www.itf-oecd.org/sites/default/files/docs/speed-crash-risk.pdf; NHTSA, Federal Motor Carrier Safety Administration & Federal Highway Administration, *Speed Management Program Plan* 10 (2014).

[65] 49 C.F.R. § 571.214(S2).

[66] 49 C.F.R. § 571.226(S3).

[67] *Id.*

[68] *See* Federal Motor Vehicle Safety Standards, Occupant Crash Protection, 56 Fed. Reg. 12,472,12,474 (Mar. 26, 1991) (declining to require automatic crash protection in walk-in vans).

[69] 49 C.F.R. §571.305(S1).

- Paragraph S5.1: Electrolyte spillage from propulsion batteries.
- Paragraph S5.2: Electric energy storage/conversion device retention.
- Paragraph S5.4.1: Protection against direct contact.
- Paragraph S5.4.2: Protection against indirect contact.
- Paragraph S5.4.3: Electrical isolation.
- Paragraph S5.4.4: Electrical isolation monitoring.
- Paragraph S5.4.5: Electric shock protection during charging.
- Paragraph S5.4.6: Mitigating driver error.
- Paragraph S6.1: Frontal barrier crash.
- Paragraph S6.2: Rear moving barrier impact.
- Paragraph S6.3: Side moving deformable barrier impact.
- Paragraph S6.4: Post-impact static rollover.

An exemption from this standard would not unreasonably lower the Picnic-G6's safety level. The Picnic-G6 satisfies the requirements of the United Nations Economic Commission for Europe (UNECE) Regulation No. 100 (R100), which specifies safety requirements for the electric power train and energy storage devices of electrically powered vehicles.[70] R100 and Standard No. 305 are generally overlapping safety standards. Although many aspects of these standards are harmonized, differences exist. The Standard No. 305 requirements that are different or in addition to the R100 standards that the Picnic-G6 satisfies are listed in the table below. For each such Standard No. 305 requirement, the table also lists the R100 requirement that addresses the same safety issue and is satisfied by the Picnic-G6.

[70] U.N. Doc. E/ECE/TRANS/505/Rev.2/Add.99/Rev.2 (2013) (as amended).

Standard No. 305 Requirement	**Comparable R100 Requirement**
S5.1. Limits electrolyte spillage to a maximum of 5 liters outside passenger compartment and no visible trace inside passenger compartment for 30 minutes after barrier impact.	6.2. No electrolyte leakage during vibration testing of battery. 6.3. No electrolyte leakage during thermal shock and cycling of battery. 6.4.1.3. No electrolyte leakage after mechanical shock testing under inertial loads that simulate a crash.[71] 6.6. External short circuit protection testing with no electrolyte leakage. 6.7. Overcharge protection testing with no electrolyte leakage. 6.8 Over-discharge protection testing with no electrolyte leakage. 6.9 Over-temperature protection testing with no electrolyte leakage.
S5.2(a). Requires electric energy storage/conversion devices to remain attached to vehicle during and after crash test.	6.4.1.3. Requires electric energy storage device to be retained by its mounting after a component-based test that simulates crash forces.[72]
S5.2(b). Requires electric energy storage/conversion devices located outside occupant compartment to remain outside the compartment during and after crash test.	6.4.1.3 Requires electric energy storage device to remain inside certain boundaries during a component-based test that simulates crash forces, if used.[73]

[71] Polaris/Goupil used the component-based test under 6.4.1(b) in lieu of an optional vehicle crash test.

[72] Polaris/Goupil used the component-based test under 6.4.1(b) in lieu of an optional vehicle crash test.

[73] Polaris/Goupil used the component-based test under 6.4.1(b) in lieu of an optional vehicle crash test.

Standard No. 305 Requirement	**Comparable R100 Requirement**
S5.3. Requires high voltage electrical source to have certain isolation resistance after a crash test.	6. Requires high voltage electrical source to have the same isolation resistance as S5.3 after vibration, thermal shock and cycling, mechanical impact,[74] fire resistance, external short circuit protection, overcharge protection, over-discharge protection, and over-temperature protection tests.
S5.4.1.5 Requires direct contact protection for connectors.	5.1.1.3. Same requirement, except that it also allows connectors that are located underneath the floor and provided with a locking mechanism.
S5.4.2.2 Requires the resistance between any two simultaneously reachable exposed conductive parts less than 2.5 m from each other to be less than 0.2 ohms.	5.1.2.1. Requires exposed conductive parts to be galvanically connected securely tot the electrical chassis. 5.1.2.2. Requires the resistance between all exposed conductive parts and the electrical chassis to be lower than 0.1 ohm when there is a current flow of at least 0.2 amperes.
S5.4.3.1(b). Requires electrical isolation of high voltage sources that is at least 100 ohms/volt for an AC high voltage source if it is conductively connected to a DC high voltage source, but only if the AC high voltage source meets the requirements for protection against direct contact in S5.4.1.4 (IPXXD/IPXXB protection) and the protection from indirect contact in S5.4.2.	5.1.3.2. Same requirements, except direct protection can also be provided by mechanically robust protections and indirect contact protection requirements do not apply.

As identified in the above table, for the Standard No. 305 requirements for which an exemption is sought, R100 provides alternative safety requirements that provide an equivalent level of safety. Thus, because the Picnic-G6 complies with R100, the requested exemptions from Standard No. 305 will not result in an unreasonably lower level of safety. A copy of the R100 test results for the R100 requirements that are comparable to paragraphs S5.1 (electrolyte spillage), S5.2 (electric energy source/conversion device retention), and S5.3 (electrical safety of high voltage source) of Standard No. 305 is attached as ***Exhibit 10***. A copy of the R100 test results for the R100 requirements that are comparable to S5.3 (electrical safety during normal vehicle operation) of Standard No. 305 is attached as ***Exhibit 11***. A copy of the homologation approval for the Picnic-G6's battery is attached as ***Exhibit 12***.

[74] Polaris/Goupil used the component-based mechanical impact tests under 6.4 in lieu of optional vehicle crash tests. Also, the mechanical impact test results satisfy the electrical isolation performance targets in FMVSS 305 paragraph S5.

IV. The Exemption Would Facilitate the Development and Field Evaluation of the G6.

To issue an exemption under 49 U.S.C. § 30113(b)(3)(B)(iii) for the G6, NHTSA must find that the exemption "would facilitate the development and field evaluation of" the G6. This requested exemption satisfies this requirement.

NHTSA has routinely found that an exemption would facilitate the development and field evaluation of a low-emission motor vehicle where deploying the vehicle would fulfill one or more of the following objectives:

1. Enable the collection and analysis of information from real-world use to assist with the development of current or future low-emission vehicles.[75]

2. Facilitate production of future FMVSS-compliant low-emission vehicle models or allow production of low-emission vehicles while FMVSS compliance is achieved.[76]

3. Enable further evaluation of the market for low-emission vehicles.[77]

4. Demonstrate to the public the capabilities of electric vehicles.[78]

---

[75] *See, e.g.*, Toyota Motor North America, Inc., Grant of Petition for Temporary Exemption from an Electrical Safety Requirement of FMVSS No. 305, 80 Fed. Reg. 101, 103 (June 1, 2015); Tesla Motors, Inc., Grant of Petition for Temporary Exemption from the Electronic Stability Control Requirements of FMVSS No. 126, 76 Fed. Reg. 60,124, 60,126 (Sept. 28, 2011).

[76] *See, e.g.*, Greenkraft Inc., Grant of Application for a Temporary Exemption from FMVSS No. 108, 80 Fed. Reg. 12,057, 12,060 (Mar. 5, 2015); Wheego Electric Cars, Inc., Grant of Petition for Temporary Exemption from the Electronic Stability Control Requirements of FMVSS No. 126, 77 Fed. Reg. 47,915, 49,716-17 (Aug. 10, 2012); Tesla Motors, Inc., Grant of Petition for Temporary Exemption from the Electronic Stability Control Requirements of FMVSS No. 126, 76 Fed. Reg. 60,124, 60,126 (Sept. 28, 2011).

[77] *See, e.g.*, Wheego Electric Cars, Inc., Grant of Application for Temporary Exemption from Advanced Air Bag Requirements of FMVSS No. 208, 76 Fed. Reg. 7898, 7901 (Feb. 11, 2011); Think Technology AS, Grant of Application for a Temporary Exemption from the Advanced Air Bag Requirements of Federal Motor Vehicle Safety Standard No. 208, 74 Fed. Reg. 40,634, 40,636 (Feb. 1, 2010).

[78] *See, e.g.*, Greenkraft Inc., Grant of Application for a Temporary Exemption from FMVSS No. 108, 80 Fed. Reg. 12,057, 12,060 (Mar. 5, 2015); Wheego Electric Cars, Inc., Grant of Petition for Temporary Exemption from the Electronic Stability Control Requirements of FMVSS No. 126, 77 Fed. Reg. 47,915, 49,716-717 (Aug. 10, 2012); Tesla Motors, Inc., Grant of Petition for Temporary Exemption from the Electronic Stability Control Requirements of FMVSS No. 126, 76 Fed. Reg. 60,124, 60,126 (Sept. 28, 2011).

5. Provide consumers of all-electric vehicles with an additional option.[79]

Granting this petition would further all these objectives. As to the first objective, granting this petition is imperative for Polaris/Goupil's development of all-electric utility vehicles for the U.S. market. The United States is unique insofar as it has a large suburban population. Developing all-electric vehicles that are viable for use in suburban areas presents many challenges because these areas contain a wide variety of operating environments, from high-speed highways to low-speed main streets, and varying densities. With that context, having the opportunity to deploy the G6, with its unique vehicle body and capabilities, in these areas, in a last-mile delivery operation, will enable Polaris/Goupil to generate important real-world data that will assist Polaris/Goupil with identifying and developing modifications to the G6 and designing future FMVSS-compliant all-electric utility vehicles for the U.S. market.

As to the second objective, granting this petition will allow Goupil/Polaris to produce the all-electric G6 while it continues work on an FMVSS-compliant G6 model for the United States. Although the G6 conforms to many FMVSSs, Polaris/Goupil had developed the G6 primarily for use in Europe and other areas outside the United States where there is a strong market for speed-limited, all-electric utility vehicles. During the requested exemption period, Polaris/Goupil will be developing modifications necessary to make the G6 fully-compliant with the FMVSSs.

As to the third objective, granting the petition will enable Polaris/Goupil to assess the G6's viability in the U.S. market. Through Picnic's planned U.S. pilot, Polaris/Goupil will gather important data about the G6's use case for last-mile delivery functions in the United States. Also, the interest that the pilot generates in the G6 will enable Polaris/Goupil to more accurately assess consumer reaction and the potential demand for the G6 in the U.S. market.

As to the fourth objective, granting the exemption will enable Polaris/Goupil to use the G6 to demonstrate to the U.S. public the capabilities of all-electric utility vehicles and the benefits they can provide to consumers and communities in the United States. As NHTSA is well-aware, road-homologated utility vehicles are rare in the U.S.; all-electric versions are rarer. Picnic's pilot, [ ], will be a highly-visible demonstration of the capabilities of all-electric utility vehicles.

Picnic's use of the Picnic-G6 in its pilot will also show the broad societal benefits of all-electric utility vehicles. These vehicles provide significant public benefit by reducing the costs of environmentally friendly and sustainable consumer choices. For example, by reducing delivery costs, these vehicles encourage consumers to acquire their goods through ecommerce options that rely on infrastructure that has a low-carbon footprint and on delivery models that reduce road congestion. Reduced delivery costs also make goods available at lower price points, thereby addressing mobility challenges and improving access to essential goods for the mass-market

---

[79] *See, e.g.*, Wheego Electric Cars, Inc., Grant of Petition for Temporary Exemption from the Electronic Stability Control Requirements of FMVSS No. 126, 77 Fed. Reg. 47,915, 49,717 (Aug. 10, 2012); Tesla Motors, Inc., Grant of Petition for Temporary Exemption from the Electronic Stability Control Requirements of FMVSS No. 126, 76 Fed. Reg. 60,124, 60,126 (Sept. 28, 2011).

consumer. The vehicles also enable an efficiently scalable last-mile delivery solution, like Picnic's service. This is important in the context of the COVID-19 pandemic, where the need for safe home-delivered groceries has far outstripped the available capacity.

As to the fifth objective, granting the exemption will enable Polaris/Goupil to provide U.S. consumers with a safe, all-electric option while it develops modifications to the G6 to make it fully compliant with the FMVSSs. The exemption will accelerate the entry of a small-sized, speed-limited, all-electric utility vehicle option among a field mostly consisting, on the one hand, of either larger, high-speed, gas-powered light-duty trucks or, on the other hand, all-electric low-speed vehicles (LSVs) which are not subject to most safety standards.

Moreover, a determination that this Petition would facilitate the development and field evaluation of the G6 would be consistent with various NHTSA exemption decisions.

In Greenkraft Inc., 80 Fed. Reg. 12,057, 12,060 (Mar. 5, 2015), NHTSA found that an exemption from the headlamp standards of FMVSS No. 108 would facilitate the development and field evaluation of a low-emission vehicle because: it would have enabled the petitioner to produce vehicles while it designed an FMVSS-compliant headlamp; and "allowing [the petitioner] to produce and sell vehicles during the exemption period will demonstrate to the public the environmental benefits and viability of [a low-emission vehicle]." Granting the requested G6 exemption would have similar results. As explained above, it will enable Polaris/Goupil to: produce the G6 for the U.S. market while it develops an FMVSS-compliant version; and demonstrate during the exemption period the environmental benefits and viability of an all-electric utility vehicle.

In Toyota Motor North America, Inc., 80 Fed. Reg. 101, 103 (Jan. 2, 2015), NHTSA found that an exemption would facilitate the development and field evaluation of a low-emission vehicle because it would enable Toyota to "obtain[] field information about new technologies (especially information about consumer reaction and real world performance)," which "would facilitate Toyota's development and decisions on potential modifications to a zero-emission vehicle." Granting the requested G6 exemption would have similar results. As explained above, it will enable Polaris/Goupil to obtain field information about a novel all-electric utility vehicle (the G6), including information about real-world performance during the Picnic pilot and about reactions from Picnic and potential consumers. It will also enable Polaris/Goupil to identify and make decisions about modifications to a zero-emission vehicle (the G6).

In Wheego Electric Cars, Inc., 77 Fed. Reg. 47,915, 47,916-17 (Aug. 10, 2012), NHTSA found that an exemption would facilitate the development and field evaluation of a low-emission vehicle because "allowing continued production on a limited basis of additional [vehicle] models now under an exemption will make it easier for [the petitioner] to design and produce future low-emission vehicle models without an exemption." Granting the requested G6 exemption would have a similar result because, as explained above, it will enable Polaris/Goupil to gather information needed to inform modifications to the G6, including modifications to achieve FMVSS compliance, and to design and produce future all-electric utility vehicles that fully comply with the FMVSSs.

In Tesla Motors, Inc., 76 Fed. Reg. 60,124, 60,122 (Sept. 28, 2011), NHTSA found that an exemption would facilitate the development and field evaluation of a low-emission vehicle because, among other reasons, "[the petitioner] will be able to use data from computers installed on [exempted] vehicles to assist it in optimizing its battery design and vehicle software for future all-electric vehicle offerings," "the production of additional [exempt] models would allow consumers of all-electric vehicles an additional option during the exemption period," and the exemption "will help to demonstrate to the U.S. public the performance, range, and capabilities of electric vehicles." Granting the requested G6 exemption would have a similar result because, as explained above: Polaris/Goupil will be able to use data from Picnic-G6 vehicles used in the Picnic pilot to help enhance the G6 and optimize design of future all-electric utility vehicles; the production of exempt Picnic-G6 vehicles will provide Picnic with an all-electric utility vehicle option during the exemption period, and the exemption will demonstrate the capabilities of an all-electric utility vehicle (the G6) to the U.S. public.

Finally, in Think Technology AS, 74 Fed. Reg. 40,634, 40,636 (Aug. 12, 2009), NHTSA found that an exemption would facilitate the development or field evaluation of a low-emission vehicle because it agreed with the petitioner's claims that "the exemption would, among other things, permit evaluation and further development of alternative battery concepts, evaluation and further development of vehicle systems based on real-world usage under U.S.-specific driving and storage conditions, and product evaluation through U.S. warranty analysis and customer feedback."[80] Granting the requested G6 exemption would have a similar result because it would enable Polaris/Goupil to evaluate and develop enhancements to the G6 based on real-world usage under the U.S.-specific driving conditions of the Picnic pilot. It would also enable Polaris/Goupil to evaluate the G6 through feedback from Picnic on its U.S. pilot.

V. Granting this Petition Is Consistent with the Public Interest and the Safety Act.

To grant this petition, NHTSA must find that the grant would be consistent with the public interest and the Safety Act's objectives.[81] This finding is warranted because a grant will accelerate the development and introduction of an all-electric vehicle (the G6), further various objectives that NHTSA has traditionally found are consistent with the public interest and Safety Act, and will have a limited impact on general motor vehicle safety. Also, finding that this petition is consistent with the public interest and Safety Act would be consistent with multiple petitions that NHTSA has granted.

---

[80] Think Technology AS, Grant of Application for a Temporary Exemption from the Advanced Air Bag Requirements of Federal Motor Vehicle Safety Standard No. 208, 74 Fed. Reg. 40,634, 40,636 (Aug. 12, 2009).

[81] 49 U.S.C. § 30113(b)(3)(A). NHTSA views these findings—whether the exemption would be in the public interest and whether it would be consistent with the Safety Act—as identical. Nuro, Inc.; Grant of Temporary Exemption for a Low-Speed Vehicle with an Automated Driving System, 85 Fed. Reg. 7826, 7832 n.35 (Feb. 11, 2020).

A. A grant will accelerate the development and introduction of the G6.

Granting this petition is consistent with the public interest and Safety Act because it would accelerate the development and introduction of an all-electric utility vehicle (the G6). NHTSA has found that an exemption was in the public interest solely on this basis, stating "it is manifestly in the public interest to accelerate the development of electrically driven vehicles. Electric vehicles can help reduce the reliance of the nation on oil and reduce greenhouse gas and other emissions. Moreover, development of electric vehicles contributes to the expansion of consumer choices."[82]

B. A grant furthers objectives that NHTSA has traditionally found are consistent with the public interest and Safety Act.

Various other benefits that will flow from granting this petition are consistent with the public interest and Safety Act. NHTSA "has traditionally found that the public interest is served by affording consumers a wider variety of motor vehicles, by encouraging the development and field evaluation of fuel-efficient and alternative-energy vehicles, and by providing additional employment opportunities."[83] It also has held that the public interest is served by enabling public demonstration of the viability of electric vehicle technology.[84] A grant of this petition will further all of these public-interest objectives.

First, it would afford U.S. consumers a wider variety of motor vehicles by giving them access to a unique electric vehicle option (the G6) for commercial applications. Today,

---

[82] Think Technology AS, Grant of Application for a Temporary Exemption from the Advanced Air Bag Requirements of Federal Motor Vehicle Safety Standard No. 208, 74 Fed. Reg. 40,634, 40,636 (Feb. 1, 2010).

[83] Greenkraft Inc., Grant of Application for a Temporary Exemption from FMVSS No. 108, 80 Fed. Reg. 12,057, 12,060 (Mar. 5, 2015); Wheego Electric Cars, Inc., Grant of Petition for Temporary Exemption from the Electronic Stability Control Requirements of FMVSS No. 126, 77 Fed. Reg. 47,915, 47,917 (Aug. 10, 2012). *See also* Toyota Motor North America, Inc., Grant of Petition for Temporary Exemption from an Electrical Safety Requirement of FMVSS No. 305, 80 Fed. Reg. 101, 103 (June 1, 2015) (finding an exemption is in the public interest where, among other things, it "would not only increase consumer choice in the vehicle market, but would also help demonstrate to the public the viability of [an] electric vehicle technology"); Group Lotus plc, 78 Fed. Reg. 15,114, 15,118 (Mar. 8, 2013) ("NHTSA has traditionally found that the public interest is served by affording consumers the choice of a wider variety of motor vehicles and providing additional employment opportunities."); Tesla Motors, Inc., Grant of Petition for Temporary Exemption from the Electronic Stability Control Requirements of FMVSS No. 126, 76 Fed. Reg. 60,124, 60,126 (Sept. 28, 2011) ("NHTSA has traditionally found that the public interest is served by affording consumers a wider variety of motor vehicles, by encouraging the development of fuel-efficient and alternative-energy vehicles, and providing additional employment opportunities.").

[84] Toyota Motor North America, Inc., Grant of Petition for Temporary Exemption from an Electrical Safety Requirement of FMVSS No. 305, 80 Fed. Reg. 101, 103 (June 1, 2015).

consumers looking for a utility vehicle to support delivery services and other commercial applications have few all-electric options. Those options that are available tend to have traditional van or pickup truck designs that cannot be easily customized for a consumer's unique needs. Other all-electric options are strictly payload-limited therefore limiting their utility for delivery operations. The G6 addresses this market gap by providing a highly customizable, speed-limited, all-electric vehicle option for commercial and non-commercial applications. The wide variety of available G6 configurations, such as pickup, box van, waste collection, and aerial work platform, will enable the all-electric G6 to meet the needs of a wide range of consumers. Furthermore, the purpose-built Picnic-G6 will be a critical component of the Picnic pilot and suitable substitutes do not exist in the U.S. market today.

Second, a grant would encourage the development and field evaluation of a fuel-efficient and alternative-energy vehicle (the G6) by enabling the Picnic pilot. Through the Picnic pilot, Polaris/Goupil will gather critical real-world operational and market data for enhancing the G6 and developing future vehicles. The United States provides an important evaluation environment for the G6. Because the United States has sprawling urban and suburban zones, vehicles produced for the U.S. market must have a wide range of capabilities. Polaris/Goupil will evaluate the G6's ability to provide those capabilities during the Picnic pilot.

Moreover, the lack of utility vehicles like the G6 in the U.S. market makes anticipating the demands that U.S. consumers may place on the G6 difficult absent field evaluation. By gathering and evaluating data on the G6s performance in the U.S. during the exemption period, Polaris/Goupil will gain important insight on the capabilities these vehicles must provide to be a viable option for U.S. consumers. Thus, data gathered from G6 operations will inform Polaris/Goupil's design of future all-electric utility vehicles for the U.S. market and help Polaris/Goupil identify enhancements to the G6.

Third, a grant would provide additional employment opportunities. Picnic estimates that it will need to employ over 600 people in the United States to support the G6 pilot. The exemption will also facilitate the creation of post-pilot job opportunities by enabling Polaris/Goupil to develop and introduce an FMVSS-compliant G6 and other all-electric utility vehicles. These vehicles will enable Picnic to expand its operations and add thousands of jobs. Additionally, if use under the exemption establishes commercial viability, Polaris/Goupil expects to produce fully FMVSS-compliant G6s at one of its U.S. factories, following a successful conclusion of the Picnic pilot. In the COVID-19 economic environment, these employment benefits weigh strongly in favor of finding that the requested petition is in the public interest.

Fourth, a grant would enable public demonstration of the viability of electric vehicle technology. Specifically, the Picnic pilot, which the requested exemption would make possible, will provide a timely and compelling demonstration of the viability and benefits of the G6. The shift by consumers to online shopping and recent national emergencies, like the COVID-19 pandemic, underscore a critical need for environmentally friendly, low-cost delivery vehicles. Picnic will show that all-electric utility vehicles can satisfy this need by using a fleet of G6s to provide groceries direct to consumers, in a minute-precise fashion, without delivery fees, and at prices competitive with brick-and-mortar grocers. In doing so, it will also demonstrate that a fleet of G6s can be leveraged to remove two common barriers to consumer adoption of e-commerce: cost and unpredictable delivery times. Removing these barriers encourages consumers to shop

online, which reduces road congestion and vehicle pollution. It also provides people with mobility challenges or few means with critical, affordable access to essential goods.

Fifth, the Multi-State Medium and Heavy-Duty Zero Emission Vehicle Memorandum of Understanding (MOU), signed by fifteen states and the District of Columbia, (attached as ***Exhibit 13***) further underscores that introducing the G6 to the U.S. market is in the public interest. The MOU seeks to foster a self-sustaining market for zero-emission trucks to provide the public with better air quality, meet federal air-quality standards, combat climate change, and stimulate the economy. Introducing the G6 into the U.S. market would be consistent with the goals of the MOU because it would provide a zero-emission truck option that could help establish a self-sustaining market for zero-emission trucks, provide environmental benefits, and generate new jobs.

C. The grant will have a limited impact on general motor vehicle safety.

Also, another basis upon which NHTSA has found that a grant is consistent with the public interest and Safety Act is that the requested exemption will have a limited impact on general motor vehicle safety.[85] In multiple decisions, NHTSA has held that an exemption will have a limited impact on general motor vehicle safety because the petitioner will be limited to an annual production of 2,500 or fewer vehicles and prospective purchasers will be notified of the exemption pursuant to 49 C.F.R. §§ 555.9(b) and (c).[86] Sections 555.9(b) and (c) require a manufacturer of an exempted vehicle to affix securely on the windshield or side window of each exempted vehicle a label identifying the FMVSSs for which an exemption has been granted, and listing the exemption number.

Granting this petition will have a limited impact on general motor vehicle safety because it involves a limited number of vehicles and Polaris/Goupil will comply with the labeling and notification requirements of 49 C.F.R. §§ 555.9(b) and (c). Petitions have been granted for

---

[85] *See* Hemphill Brothers Leasing Company, Grant of Petition for Temporary Exemption from Shoulder Belt Requirement for Side-Facing Seats on Motorcoaches, 84 Fed. Reg. 61,966, 61,969 (Nov. 14, 2019) (finding the grant was consistent with the Safety Act because it will not impact general motor vehicle safety); Aston Martin Lagonda Limited; Partial Grant of Petition for Temporary Exemption From New Requirements of Standard No. 214, 79 Fed. Reg. 64,879, 64,882 (Oct. 31, 2014) (finding the grant was consistent with the Safety Act because it will have a "negligible impact on motor vehicle safety").

[86] *E.g.*, Toyota Motor North America, Inc., Grant of Petition for Temporary Exemption from an Electrical Safety Requirement of FMVSS No. 305, 80 Fed. Reg. 101, 103 (Jan. 2, 2015). *See also* Wheego Electric Cars, Inc., Grant of Petition for Temporary Exemption from the Electronic Stability Control Requirements of FMVSS No. 126, 77 Fed. Reg. 47,915, 47,917-18 (Aug. 10, 2012) (finding a limited safety impact based on the number of vehicles to be produced, the short duration of the exemption, and the 49 C.F.R. 555.9(b) and (c) notice requirements).

vehicle fleets of 80 total vehicles,[87] 165 total vehicles,[88] 2400 total vehicles,[89] or 2500 vehicles per year.[90] Polaris/Goupil expect to produce approximately 100 vehicles under the requested exemption.

D. Finding this petition is consistent with the public interest and Safety Act would be consistent with NHTSA's grants of other petitions.

Finding that this petition is consistent with the public interest and Safety Act would be consistent with NHTSA's grant of other petitions. For example:

- In granting a petition to Greenkraft for an FMVSS exemption for low-emission clean-fueled heavy-duty vehicles, NHTSA found that the exemption would be in the public interest because: "[a]llowing Greenkraft to manufacture and sell these vehicles during the exemption period will provide consumers access to clean fueled vehicles that run on a domestically produced energy source," Greenkraft employed approximately 35 people in the United States, and the exemption would enable Greenkraft to continue to employ individuals involved with the vehicles.[91] Granting this petition would similarly provide consumers (Picnic) access to a clean-fueled vehicle (the G6) and facilitate the employment of hundreds as part of the Picnic pilot.

- In granting a petition to Toyota Motor North America, Inc., for an FMVSS exemption for fuel-cell vehicle (FCV) models, NHTSA found that the exemption would be in the public interest because: "this temporary exemption would not only increase consumer choice in the vehicle market, but would also help demonstrate to the public the viability of this type of electric vehicle technology;" and "the information Toyota intends to collect through the field operation of these FCVs (*e.g.* consumer reaction and real-world performance information) will contribute to not only Toyota's development of future FCV models but also the

---

[87] Tesla Motors, Inc. Grant of Petition for Renewal of a Temporary Exemption from the Advanced Air Bag Requirements of FMVSS No. 208, 76 Fed. Reg. 60,118, 60,123 (Sept. 28, 2011).

[88] Wheego Electric Cars, Inc., Grant of Petition for Temporary Exemption from the Electronic Stability Control Requirements of FMVSS No. 126, 77 Fed. Reg. 47,915, 47,917-18 (Aug. 10, 2012).

[89] Wheego Electric Cars, Inc., Grant of Application for Temporary Exemption from Advanced Air Bag Requirements of FMVSS No. 208, 76 Fed. Reg. 7898, 7902-03 (Feb. 11, 2011).

[90] Toyota Motor North America, Inc., Grant of Petition for Temporary Exemption from an Electrical Safety Requirement of FMVSS No. 305, 80 Fed. Reg. 101, 103 (Jan. 2, 2015).

[91] Greenkraft Inc., Grant of Application for a Temporary Exemption from FMVSS No. 108, 80 Fed. Reg. 12,057, 12,061-62 (Mar. 5, 2015).

aggregate knowledge of real-world use of FCVs."[92] NHTSA also found that the exemption would have a limited impact on general motor vehicle safety because Toyota would be limited to an annual production of 2,500 vehicles.[93] Granting Polaris/Goupil's petition similarly would increase consumer choice for a zero-emission vehicle (the G6), like an FCV; demonstrate to the public the viability of an all-electric utility vehicle through the Picnic pilot; and allow Polaris/Goupil to gather information through the operation of the G6 in the Picnic pilot that will assist Polaris/Goupil with the development of future all-electric utility models and contribute to the broader knowledge of real-world use of all-electric utility vehicles in the United States. Granting the petition would also have a limited impact on general motor vehicle safety because Polaris/Goupil intend to produce only 100 vehicles under the exemption.

- In granting a petition to Wheego Electric Cars, Inc. for an FMVSS exemption for an all-electric car, NHTSA found that the exemption would be in the public interest upon finding that it would have a negligible impact on motor vehicle safety due to the relatively small number of vehicles involved (2,400 to be produced; 5,000 permitted under the exemption) and upon concluding, without making specific findings, that the exemption would provide consumers a wider variety of motor vehicles, encourage the development of fuel-efficient and alternative-energy vehicles, and provide additional employment opportunities.[94] Wheego had claimed that the exemption would be in the public interest because its vehicle would provide an affordable electric-vehicle option, the exemption would help Wheego evaluate the market and performance of electric vehicles with real world experience, and the exemption would provide employment opportunities, which NHTSA did not detail in its grant.[95] As explained in detail above, granting Polaris/Goupil's petition would provide the public with an additional all-electric utility vehicle option, help Polaris/Goupil gather through the Picnic pilot real-world performance data about the G6 that will assist Polaris/Goupil with enhancing the G6 and developing future all-electric vehicles, and create employment opportunities for hundreds through the Picnic pilot. Also, this petition would involve fewer vehicles (100 to be produced; 5,000 permitted) than the Wheego exemption (2,400 to be produced; 5,000 permitted).

---

[92] Toyota Motor North America, Inc., Grant of Petition for Temporary Exemption from an Electrical Safety Requirement of FMVSS No. 305, 80 Fed. Reg. 101, 103 (Jan. 2, 2015).

[93] *Id.*

[94] Wheego Electric Cars, Inc., Grant of Application for Temporary Exemption from Advanced Air Bag Requirements of FMVSS No. 208, 76 Fed. Reg. 7898, 7902 (Feb. 11, 2011).

[95] *Id*.

Although these decisions involved electric or alternative-fuel vehicles, NHTSA has made public interest determinations on similar grounds for gasoline-powered vehicles. For example, it determined that an exemption for Group Lotus plc's Evora gasoline-powered passenger vehicle was in the public interest upon finding that it would afford consumers the choice of a wider variety of motor vehicles and provide additional employment opportunities.[96] It also determined that an exemption for Ferrari S.p.A and Ferrari North America, Inc.'s F430 gasoline-powered passenger vehicle was in the public interest in part because "the public interest is served by affording consumers a wider variety of motor vehicle choices" and "affording continued employment to the petitioner's U.S. workforce."[97] While Polaris/Goupil's petition would provide employment opportunities in relation to Picnic, these are U.S. employment opportunities nonetheless.

VI. Exemption Duration and Post-Exemption Compliance.

Polaris/Goupil requests that NHTSA grant the proposed exemption for two years. Polaris/Goupil will not sell more than 2,500 exempted Picnic-G6 vehicles in the United States in any 12-month period for which the exemption is granted. At the end of the exemption period, Polaris/Goupil intends to sell in the United States G6s or similar vehicles that fully conform to the FMVSSs.

VII. Confidential Treatment.

Polaris/Goupil requests that text in this document marked with brackets "[" "]" and Exhibits 1, 3, 6, 7, 8, and 9 be withheld from public disclosure and is submitting a request for such withholding pursuant to 49 C.F.R. part 512 simultaneously with this Petition.

---

[96] Group Lotus plc, Grant of Petition for a Temporary Exemption from an Advanced Air Bag Requirement of FMVSS No. 208, 78 Fed. Reg. 15,114, 15,118 (Mar. 8, 2013).

[97] Ferrari S.p.A and Ferrari North America, Inc., Grant of Application for Extension of a Temporary Exemption from the Advanced Air Bag Requirements of FMVSS No. 208, 74 Fed. Reg. 36,303, 36,307 (July 22, 2009).

VIII. Conclusion.

The Picnic-G6 is a safe, all-electric utility vehicle which is appropriate for the exemption requested here. The exemption will enable the development and field evaluation of a zero-emission vehicle and will not unreasonably lower the safety level of the vehicle.

Among other things, the exemption will enable Polaris/Goupil and Picnic to introduce the G6 to the U.S. and demonstrate how its zero-emission capabilities and unique functionality can be leveraged by ecommerce businesses to enable predictable, no-cost deliveries to consumers and thereby reduce road congestion, reduce vehicle emissions, and make essential goods more accessible to people with limited mobility or means, the importance of which has been highlighted by the COVID-19 pandemic. It will also enable Polaris/Goupil to gather real-world data on G6 performance in the U.S. market, which will inform enhancements to the G6 and development of future electric vehicles.

For all the foregoing reasons, Polaris/Goupil respectfully requests that NHTSA grant this petition and such other and further relief as NHTSA deems appropriate.

Respectfully submitted,

Paul C. Vitrano

Paul C. Vitrano
Sr. Assistant General Counsel
Polaris Industries Inc.
2100 Highway 55
Medina, MN 55340
(202) 714-3386

paul.vitrano@polaris.com

Timothy H. Goodman
William L. Godfrey*
Jason D. Tutrone
Thompson Hine LLP
1919 M St. NW Ste. 700
Washington, DC 20036
(202) 331-8800

Tim.Goodman@ThompsonHine.com
Will.Godfrey@ThompsonHine.com
Jason.Tutrone@ThompsonHine.com

Counsel for Polaris Industries Inc.

Dated: September 16, 2020

*Mr. Godfrey is Director, Mobility, Automation and Safety. He is a non-attorney, senior technical advisor.