DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 393

[FHWA Docket No. MC–95–1]

RIN 2125–AD41

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 3280

[Docket No. FR–3943]

RIN 2502–AG54

Manufactured Home Tires, Parts and Accessories Necessary for Safe Operation; and Manufactured Home Construction and Safety Standards

AGENCIES: Federal Highway Administration (FHWA), DOT; Office of the Assistant Secretary for Housing, Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of proposed rulemaking; proposed change in HUD interpretative bulletin.

SUMMARY: The FHWA and HUD are proposing amendments to the Federal Motor Carrier Safety Regulations and an interpretation of the Manufactured Home Construction and Safety Standards concerning the transportation of manufactured homes. The FHWA and HUD propose to adopt mutually consistent and readily enforceable regulations and interpretations that promote the safe and effective transportation of manufactured homes. The FHWA and HUD are proposing to permit the overloading of manufactured home tires by not more than 18 percent for a period of two years from the effective date of the final rule. During that two year period, both agencies would review test and other technical data concerning the relative performance of tires which are overloaded by 18 percent versus no tire overloading. Unless both agencies are persuaded that the 18 percent overloading does not pose a risk to the traveling public or have an adverse impact on the safety or transportability of manufactured homes, any overloading of tires beyond their design capacity would be prohibited after two years from the effective date of the final rule. These proposed changes are intended to clarify the regulations of the FHWA and the interpretation of its regulations by HUD and to resolve differences between Federal regulations for the overloading of tires used in the transportation of manufactured homes.

DATES: Comment Due Date: Comments must be received on or before June 24, 1996.

ADDRESSES: To file responses on this proposed rule submit written, signed comments to FHWA Docket No. MC–95–1, Room 4232, HCC–10, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., Eastern Time, Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: For FHWA: Mr. Larry W. Minor, Office of Motor Carrier Research and Standards, HCS–10, (202) 366–4009; or Mr. Charles E. Medalen, Office of the Chief Counsel, HCC–20, (202) 366–1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., (eastern standard time), Monday through Friday, except Federal holidays.

For HUD: Mr. Philip W. Schulte, Acting Director, Manufactured Home and Construction Standards Division, Office of Manufactured Housing and Regulatory Functions, Department of Housing and Urban Development, L'Enfant Plaza North, Suite 3214, Washington, D.C. (mailing address: Room B–133, HUD Building, Washington, D.C. 20410–8000). Telephones: (voice) (202) 755–7420; (TDD) (202) 708–4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

The Department of Housing and Urban Development (HUD) and the Federal Highway Administration (FHWA) have regulations applicable to the transportation of manufactured housing which are mutually inconsistent. In this joint NPRM, the two agencies are proposing to adopt identical rules to correct the inconsistency.

On March 4, 1995, President Clinton directed all agencies to remove obsolete and unnecessary regulations, and revise and improve necessary regulations. As part of HUD's and FHWA's review of their respective regulations, each agency identified its regulations applicable to the transportation of manufactured housing as inconsistent with one another. In accordance with the President's directive to improve regulations, and in accordance with the principles of Executive Order 12866, which directs agencies to avoid regulations that are inconsistent with regulations of other agencies, this rule proposes to make HUD's and FHWA's regulations consistent on this subject. Additionally, at the final rule stage the format of this rule may be revised to conform to the President's regulatory reinvention principles.

I. Department of Housing and Urban Development

A. Manufactured Home Construction and Safety Standards

The National Manufactured Housing Construction and Safety Standards Act of 1974 (Act), 42 U.S.C. 5401 *et seq.*, authorizes the Secretary of Housing and Urban Development (HUD) to establish and amend the Federal Manufactured Home Construction and Safety Standards (FMHCSS), 24 CFR Part 3280 (Standards). The stated purposes of the Act are to reduce the number of personal injuries and deaths and the amount of insurance costs and property damage resulting from manufactured home accidents and to improve the quality and durability of manufactured homes.

B. Transportation Systems for Manufactured Homes

Subpart J of the Standards covers the general requirement for designing the manufactured home to fully withstand the adverse effects of transportation shock and vibration without damaging the integrated structure or its component parts. One of its components is the running gear assembly which is defined in 24 CFR 3280.902 to include the subsystem consisting of suspension springs, axles, bearings, wheels, hubs, tires, and brakes, with their related hardware.

Under 24 CFR 3280.904(a), the entire transportation ''system (frame, drawbar and coupling mechanism, running gear assembly, and lights) shall be designed and constructed as an integrated, balanced and durable unit which is safe and suitable for its specified use during the intended life of the manufactured home.'' The running gear assembly, including the tires, must be able to sustain the designed loads set forth in 24 CFR 3280.904(b)(3) and ''to provide for *durable dependable safe mobility of the manufactured home''* (emphasis added) (24 CFR 3280.904(b)(4)(i)).

The design load consists of the dead load plus a minimum of 3 pounds per square foot floor load (for example, free-standing range, refrigerator, and loose furniture), and the superimposed dynamic load resulting from highway movement but shall not be required to exceed twice the dead load. The

integrated design shall be capable of insuring rigidity and structural integrity of the complete manufactured home structure and to insure against deformation of structural or finish members during the intended life of the home.

C. Interpretative Bulletin J–1–76

HUD interpreted the transportation requirements for subpart J in the Standards by an Interpretative Bulletin published on December 7, 1976 (41 FR 53626). Sections C and D of the Interpretative Bulletin provide as follows:

Section C—Axles

Unless substantiated in the design to the satisfaction of the approval agency [Design Approval Primary Inspection Agency] (DAPIA) by either engineering analysis, load tests or documented evidence of actual transportation experience, there shall be no less than the following minimum number of 6,000 lb. rated axles with not less than the mobile (manufactured) home rated tires indicated in Table 1 or Table 2 on each mobile home or floor section of the multiple unit mobile home:

TABLE 1

Length of the mobile (manufactured) home	Number of 6,000 lb. axles equipped with 7–14.5, mobile home 8 ply tires
1. 12 foot wide:	
A. To 60 ft. maximum	2
B. Greater than 60 ft.–80 ft. max	3
2. 14 foot wide:	
A. To 52 ft. maximum	2
B. To 76 ft. maximum	3
C. To 80 ft. maximum	4

TABLE 2

Length of the mobile (manufactured) home	Number of 6,000 lb. axles equipped with 8–14.5, mobile home 8 and 10 ply tires
1. 12 foot wide:	
A. To 65 ft. maximum	2
B. Greater than 65 ft.–80 ft. max	3
2. 14 foot wide:	
A. To 56 ft. maximum	2
B. Greater than 56 ft.–80 ft. max	3

Length of a mobile home is the length as defined in § 3280.902(b).

Determination of the number of axles required by use of the above tables does not eliminate the requirement for each axle to be capable of withstanding the actual imposed dead load without exceeding the maximum allowable stresses for design axle life as recommended by the axle manufacturer, or the maximum tire load rating in § 280.904(b)(8) [now § 3280.904(b)(8)]. If a manufacturer has submitted documented evidence of transportation experience to meet the requirements of § 280.903(c)(2) [now § 3280.903(c)(2)], the minimum number of axles required by the experience record may not be reduced by use of the above tables. (The number of axles must be consistent with and no less than the number and rating of the axles indicated in the experience record.)

Section D—Tires, Wheels and Rims

Tires shall be sized and fitted to axles in accordance with the gross axle weight rating determined by the mobile home manufacturer. The permissible tire loading may be increased by utilizing a service load factor not to exceed 50 percent of the mobile home tire load limits specified in MH–1 of the Tire and Rim Association Handbook (1975 edition), but the individual permissible tire loading may not exceed 3,000 pounds. For example, the maximum tire loading for a 7×14.5 mobile home 8 ply tire at 70 PSI cold inflation pressure would be 2805 lbs. (1,870 lbs. (MH–1 rating)×1.5(service load factor)=2,805 lbs.). The tire load limit specified in MH–I shall be determined by the tire manufacturer in accordance with procedures described in 49 CFR 571.119.

Used tires may also be sized in accordance with the above criteria whenever the tread depth is at least 2⁄32 of an inch as determined by a tread wear indicator. The determination as to whether a particular used tire is acceptable shall also include a visual inspection of thermal and structural defects (e.g., dry rotting, excessive tire sidewall splitting, etc.).

Wheels and rims shall be sized in accordance with the tire manufacturer's recommendations as suitable for use with the tires selected.

II. Department of Transportation

A. Federal Motor Carrier Safety Regulations

The FHWA's Federal Motor Carrier Safety Regulations (FMCSRs) are based on a series of statutes starting with the Motor Carrier Act of 1935. The FMCSRs are codified at Subchapter B of Chapter III, Title 49 of the Code of Federal Regulations. The FMCSRs provide requirements for the operation of commercial motor vehicles in interstate commerce. The FMCSRs define a commercial motor vehicle as any self-propelled or towed vehicle used on public highways in interstate commerce to transport passengers or property when: the vehicle has a gross vehicle weight rating or gross combination weight of 10,001 or more pounds; or the vehicle is designed to transport more than 15 passengers, including the driver; or, the vehicle is used in the transportation of hazardous materials in a quantity requiring a placard. Under this definition, a manufactured home transported in interstate commerce is considered a commercial motor vehicle and is subject to the FMCSRs.

Part 393 of the FMCSRs covers parts and accessories necessary for safe operation. Among the safety regulations applicable to manufactured homes are the requirements for lamps and reflective devices, brake systems, coupling devices, tires, and suspension systems.

Under the Motor Carrier Safety Assistance Program (MCSAP), the FHWA provides financial assistance to States to enforce the FMCSRs or compatible State regulations pertaining to commercial motor vehicle safety (see 49 CFR part 350). State enforcement officials have expressed concerns about the safety of certain practices of carriers transporting manufactured homes. Their principal concern is the movement of manufactured homes on overloaded tires. In certain cases, vehicles with tires loaded to 150 percent of their capacity are operated at highway speeds. These practices are inconsistent with the FMCSRs.

B. FHWA Requirements for Tires

Section 393.75(f) prohibits the operation of commercial motor vehicles on tires that carry a greater weight than that specified in publications of certain standard-setting organizations listed by the National Highway Traffic Safety Administration in 49 CFR 571.119 (S5.1(b)) unless (1) the vehicle is being operated under the terms of a special permit issued by the State, and (2) the vehicle is being operated at a reduced speed that is appropriate to compensate for tire loading in excess of the manufacturer's normal rated capacity. The FHWA first proposed restrictions on the use of overloaded tires on April 17, 1974 (39 FR 13785). The proposal was in response to two petitions from the Professional Drivers Council (PROD), a non-profit association of professional interstate truck and bus drivers, and investigations of front tire failures by the FHWA. The PROD petitions addressed front tire overloading in general, and specifically front tire overloading resulting from the fifth wheel position on the towing vehicle.

The investigations performed by the FHWA revealed that a significant number of vehicles operate with overloaded or under-inflated tires. A tire was considered under-inflated if it carried a load greater than it was designed to carry at the pressure to which it was inflated, and overloaded if

it carried a load greater than it could safely carry at any pressure. The agency cited a growing body of evidence that both under-inflation and overloading create identifiable dangers. Among these were the impairment of vehicle handling and the loss of control from sudden tire failures. On July 11, 1975, the FHWA published the final rule prohibiting the operation of motor vehicles on overloaded tires (40 FR 29292). Several industry groups and numerous tire manufacturers immediately petitioned for reconsideration. The FHWA amended the final rule a few months later (September 29, 1975, 40 FR 44555). The petitioners asked the FHWA to allow tire pressures greater than those labeled on the tire's sidewalls; and to allow increased loading for reduced speed operations.

The available information from tire manufacturers supported allowing increased tire loadings if vehicles were operated at reduced speeds. Accordingly, the FHWA amended the final rule to that effect, provided the vehicle was operated in compliance with a special permit which specified a speed limitation.

The Heavy Specialized Carriers Conference (now the Specialized Carriers and Rigging Association) of the American Trucking Associations (ATA) subsequently submitted a petition for rulemaking. According to the petitioner, only a few States specified speed limits for vehicles operating under special permits. The wording of the September 29, 1975, final rule therefore had the effect of limiting the exemption for overloaded tires to motor carriers operating in those States. The petitioner requested that the FHWA rescind the requirement that the State-issued permit must include a specific reduced speed.

On June 17, 1976 (41 FR 24608), the FHWA proposed to modify the conditions under which tires on axles other than the front axle could be overloaded. Based upon user experience and information obtained from commercial vehicle tire manufacturers, the agency acknowledged that tires may be safely overloaded if vehicle speed is reduced sufficiently to prevent heat buildup. The FHWA concluded that if the reference to reduced speed specified on State-issued permits were deleted, the agency should impose its own speed restriction on motor vehicles which operate on overloaded tires. An upper speed limit of 72 kilometers per hour (km/hr) (45 miles per hour (mph)) was proposed for inclusion in the exemption. This value was selected to prevent conflicts between § 393.75(f) and the posted minimum speeds on many Primary and Interstate highways. Since the minimum speed limits help to ensure safety by regulating the maximum allowable speed differential between motor vehicles, the agency's proposal addressed both the need for reduced speed to compensate for overloading and the need for limiting speed differentials between the affected commercial motor vehicles and other traffic.

On August 31, 1976 (41 FR 36656), the FHWA published a final rule amending § 393.75(f) to permit the overloading of tires if (1) the vehicle is being operated under the terms of a special overweight permit issued by the State and (2) the vehicle is being operated at a reduced speed which is appropriate to compensate for tire loading in excess of the manufacturer's normal rated capacity. The exemption only applied to tires on axles other than the front axle and included a maximum speed limit of 72 km/hr (45 mph). The effective date for the final rule was October 1, 1976.

HUD requested that the FHWA postpone the effective date of the August 1976 final rule with regard to the interstate transportation of manufactured homes. The FHWA issued Notice N 7510.1 on September 27, 1976, which instructed motor carrier safety personnel to refrain from citing mobile home transporters for operating on overloaded tires until further notice. This temporary relief was conditioned upon observing a speed limitation of 72 km/hr (45 mph). States which had adopted the FMCSRs were encouraged to adopt this policy. The notice indicated that HUD's request was based on statistical data relating to accidents resulting from tire failures on new mobile homes. The data indicated an ''insignificant accident incident ratio related to tire failure and an adverse economic impact on the mobile home industry and on consumers.'' A copy of the September 1976 notice is included in the FHWA and HUD docket files.

On October 10, 1978, in response to a petition from the ATA concerning tire marking and the HUD request, the FHWA published another notice of proposed rulemaking (43 FR 46555). The notice discussed HUD's tire overloading standards for manufactured homes: 150 percent of rated capacity provided the total tire load does not exceed 3,000 pounds. HUD had the National Highway Traffic Safety Administration (NHTSA) conduct two series of tests on mobile home tires. The first results were summarized in a September 1976 report entitled ''A Safety Performance Test for Mobile Home Tires, Phase I: New Tires.'' The second report (April 1978) was entitled ''A Safety Performance Test for Mobile Home Tires, Phase II: Used Tires.'' A copy of both reports is included in the FHWA and HUD docket files. The tests indicated that new tires on mobile homes were capable of operating satisfactorily under 150 percent loading, although used tires did not perform as well. In view of this research, the FHWA proposed replacing the term ''special overweight permit'' with ''special permit.'' The FHWA believed the proposal would address HUD's concerns. Because manufactured homes generally did not exceed the normal axle or gross weight limits, they rarely qualified for overweight permits. The FHWA therefore proposed to allow the use of overloaded tires if the transporter was operating under any ''special permit,'' typically a permit for over-width vehicles.

The final rule amending § 393.75(f) was published on May 1, 1979 (44 FR 25455). The preamble included reference to the mobile home tire research studies and HUD's request that the FHWA amend § 393.75. With this amendment, tires on axles other than the front axle could be overloaded if (1) the vehicle was operated under the terms of a special permit (as opposed to a special overweight permit) issued by the state and (2) the vehicle was operated at a reduced speed not to exceed 72 km/hr (45 mph).

On October 29, 1980, the FHWA issued FHWA Notice N 7510.2 which rescinded Notice N 7510.1. Since the 1979 final rule allowed all vehicles subject to the FMCSRs to be operated on overloaded tires provided the vehicles adhered to the terms of a special permit and did not exceed speeds of 72 km/hr (45 mph), Notice N 7510.1 was no longer necessary. A copy of the 1980 notice is included in the FHWA and HUD docket files.

The current wording of § 393.75(f) is the outcome of a 1988 final rule on parts and accessories necessary for safe operation (53 FR 49380, December 7, 1988). Under the final rule, the 72 km/hr (45 mph) maximum speed for vehicles operating on overloaded tires was removed, and any speed below the posted speed limit is thus considered a reduced speed. The effective date of the amendment was March 7, 1989.

The removal of the 72 km/hr (45 mph) maximum speed limit combined with the fact that the FMCSRs do not include restrictions on the extent to which a tire may be overloaded have created problems for State officials responsible for enforcing motor carrier safety laws.

III. Differences Between the HUD and the FHWA Regulations

Under 42 U.S.C. 5401 *et seq.*, HUD was required to issue construction and safety standards for manufactured homes. Congress provided that whenever a Federal Manufactured Home Construction and Safety Standard is in effect, no State or political subdivision of a State shall have the authority to establish or permit to continue in effect with respect to any manufactured home covered, any standard ''regarding construction or safety applicable to the same aspect of performance of such manufactured home which is not identical to the Federal manufactured home construction and safety standard'' (42 U.S.C. 5403(d)). HUD issued 24 CFR 3280, subpart J and Interpretative Bulletin J–1–76 which establish standards for the running gear and which permit the overloading of the tires.

Furthermore, HUD has indicated in 24 CFR 3282.11(c) that the Federal system establishes the exclusive system for enforcement of the Federal manufactured housing standards. No State may establish or keep in effect through a building code enforcement system or otherwise, ''procedures or requirements which constitute systems for enforcement of the Federal standards or of identical State standards which are outside the system established in these regulations or which go beyond this system to require remedial actions which are not required by the Act and these regulations.''

In contrast, the Motor Carrier Safety Act of 1984 (49 U.S.C. 31131 *et seq.*, formerly 49 U.S.C. app. 2501 *et seq.*) has a different purpose and scope than the Manufactured Housing Construction and Safety Standards Act. It ratified the regulations adopted on the authority of the Motor Carrier Act of 1935, and directed the Department of Transportation to establish minimum Federal standards to ensure that commercial motor vehicles (CMVs) are safely equipped, maintained, loaded, and operated; that the duties imposed on CMV drivers do not impair their ability to drive safely; that the physical condition of CMV drivers does not have an adverse impact on safety; and that driving CMVs does not harm the drivers' physical condition [49 U.S.C. 31136]. The FHWA's regulation of vehicle components and systems, including tires, axles, brakes, etc., is consistent with this purpose and necessary for the protection of motorists who share the roads with CMVs, including manufactured homes.

Most State motor carrier safety laws in effect today are essentially required by Federal law. Congress directed the Department of Transportation to preempt State safety regulations that are not compatible with the FMCSRs [49 U.S.C. 31141 (formerly 49 U.S.C. App. 2507), 49 CFR 355]. The MCSAP has also induced States to model their safety laws on the FMCSRs. The FMCSRs as adopted by the States are State laws. The Federal Courts have not had occasion to consider the relationship between the Manufactured Home Construction and Safety Standards and the FMCSRs (or compatible State regulations) with regard to manufactured home tire overloading.

Both the FHWA and HUD recognize that the current inconsistency between their regulations and interpretations requires clarification through the issuance of joint rulemaking to establish uniform requirements for motor carriers who are transporting manufactured homes. The proposed changes to the FHWA's and HUD's respective requirements for motor carriers transporting manufactured homes are covered under Sections X, XI, and XII of this notice.

IV. Analysis of Tire Loading and the Tires Used in the Transporting of Manufactured Homes

A. Typical Tires Used in Manufactured Housing

To consider whether there should be changes in its interpretation of the standards for transporting manufactured homes (Interpretative Bulletin J–1–76), HUD has gathered information from various sources about the types of tires and axles used by the manufactured housing industry. Some of this information was submitted to HUD by the Manufactured Housing Institute (MHI) which had established a Transportation Task Force. Information was also obtained from suppliers, and from materials provided by the Department of Transportation.

The MHI wrote HUD on August 5, 1994, and supplied certain information concerning the types of tires typically used in manufactured homes, the typical transport distance and the number of tire failures noted by major transporters. The average transport distance was reported to be approximately 225 miles; the data concerning the types of tires, the relative usage of 7–14.5 vis-a-vis 8–14.5 tires, etc., is shown in Table A.

TABLE A

Tire size and type	Percent use in manufactured houses	Tire capacity	Tire capacity at max. overload/percent overload
7–14.5, 8 PLY, SERIES D	80%	1,870 lbs	2,805 lbs., >50% Over.
8–14.5, 8 PLY, SERIES D	20% are 8 and 10 ply	2,270 lbs	3,000 lbs., 32% Over.
8–14.5, 10 PLY, SERIES E	See above	2,540 lbs	3,000 lbs., 18% Over.
8–14.5, 12 PLY, SERIES F	Not Available	2,790 lbs	3,000 lbs., 8% Over.
9–14.5, 8 PLY, SERIES D	Not Available	2,620 lbs	3,000 lbs., 15% Over.
9–14.5, 10 PLY, SERIES E	Not Available	2,940 lbs	3,000 lbs., 2% Over.
9–14.5, 12 PLY, SERIES F	Not Available	3,240	NO OVER-LOADING.

The maximum load ratings for the 9–14.5 tires are obtained from the 1994 Tire and Rim Association Yearbook.

It is apparent from a review of several DAPIA-approved designs and information received from the MHI that most manufacturers are using 7–14.5, 8 ply (Series D) tires. Under the provisions of Section D of Interpretative Bulletin (IB) J–1–76, the tire capacity at maximum overload is limited to 2,805 lbs. (1.5×1870 lbs.). However, the above-mentioned review of designs indicated that manufacturers and DAPIAs have misinterpreted another provision of the IB to permit 7–14.5, 8 ply (Series D) tires to be loaded up to 3,000 lbs. or 160 percent of their rated capacity.

Anecdotal accounts from some manufacturers indicated that the larger 8–14.5 tires are used for longer transport distances or where the road surfaces are less smooth than those on the Interstate highways. Presumably, manufacturers have discovered by experience that the use of 8–14.5 Series D or E tires may

reduce the possibility of tire failure under these circumstances.

B. The Number of Reported Failures of New and Used Tires During Transport

HUD has obtained information from three companies which transport large numbers of manufactured homes. These three companies collectively transport more than 30 percent of the manufactured homes produced in the United States and in the case of the largest transporter, nearly 50,000 manufactured homes per year.

The three companies differed in the reported overall rate of tire failure for shipment of manufactured homes. The failure rate for new tires ranged from 4 percent to 7 percent. The used tire failure rate was 9 percent. According to the MHI, roughly 55 percent of the tires sold to manufactured housing producers in 1994 were used tires.

Since the data from one company represented a large share of the market and transportation experience in a large number of States, HUD believes that the company's failure rate of 7 percent is the most representative of actual conditions. Therefore, HUD has used a failure rate of 7 percent for new tires and 9 percent for used tires with an overall average failure rate of 8 percent. Since each section of a manufactured home usually contains 6 tires, a tire will fail on about 40 percent of the sections shipped each year. Multiple failures of tires are less common but are known to occur.

There was also substantial variability among these three companies concerning the causes of tire failure. One company indicated that foreign objects were the cause of 99 percent of tire failures, while the other companies indicated that substandard tires and tire overloading were the chief causes of tire failure. The other companies also noted that operating at excessive speed and other causes were less significant factors in tire failure.

There are no separate data as to the rate of failure due to tire overloading in relation to other factors, such as substandard tires, improper inflation, excessive heat, etc. The risk of tire failure due to overloading can be increased by operating the tire at reduced inflation, by the heat of the pavement, high speeds, mounting procedures and other practices which, if combined, may virtually assure tire failure. Hence, determining the percentage of failures attributable solely to tire overloading is difficult.

Data from one tire recycler, however, indicated that up to 70 percent of tires which are damaged can be recycled and reused after repair. This would suggest that foreign objects may have been the principal cause of tire failure rather than blow-outs due to overloading or other causes. The damage associated with blow-outs or causes other than foreign objects is generally too extensive to be repaired.

Based on the available information, HUD's best estimate is that 25 percent of reported failures can be attributed partly to tire overloading. HUD has reduced this estimate by half to account for failures due in part to aggravating factors, such as improper inflation or mounting. Therefore, assuming that 450,000 sections of manufactured homes are shipped this year (450,000 shipments $\times$ 0.40 (factor for shipments with at least one tire failure) $\times$ 0.125 (percentage attributable to tire overloading), tire overloading would be responsible for at least 22,500 tire blowouts.

C. The Average Number of Times That the Tire Is Used

There is no reporting mechanism or authoritative data on the number of times a tire is used. However, incomplete data from transporters indicate that tires are used an average of ten times before they are unable to pass the tread depth requirement.

V. Cost Estimates of Possible Options for the Protection of the Public and To Ensure the Safe Transport of Manufactured Homes

Based on the available information, there are four approaches which would substantially alleviate or eliminate the problem of overloading of tires. These four options are discussed below:

A. Option No. 1: Reduction of the Permissible Tire Overloading to 18 Percent

HUD has obtained data from suppliers on the cost to upgrade from the 7–14.5 tires to tires with a rated capacity of 2,540 lbs. Assuming that the design calls for 3,000 lbs. per tire, the degree of tire overloading would be reduced from 50 to 60 percent to 18 percent. The wholesale incremental cost estimates were determined by assuming that each transportable section uses six tires. The results are shown in Table B:

TABLE B

Type of tire	Wholesale cost of 8–14.5 10 ply (series E)	Wholesale cost of 7–14.5 8 ply (series D)	Increase in wholesale cost	Total incremental cost per section
NEW	$40	$30	$10	$60
USED	30	26	4	24
AVERAGE COST FOR UPGRADED TIRES MAN. HOME	.....	.....	.....	59

As shown in Table B, the cost for upgraded tires is relatively modest and this results in an average wholesale cost increase of nearly $60 per home. The average cost per home is based on the usage patterns of new versus used tires and the relative percentage of single (53 percent) and multi-section (47 percent) homes.

B. Option No. 2: Reduction of the Permissible Tire Overloading to 8 Percent

HUD has obtained data from suppliers on the cost to upgrade from the 7–14.5 tires to tires with a rated capacity of 2,790 lbs. Assuming that the design calls for 3,000 lbs. per tire, the degree of tire overloading would be reduced from 50 to 60 percent to 8 percent. The same assumptions concerning the number of tires per section, new and used tires, etc. have been made to permit comparison of the various options. The results are shown in Table C:

TABLE C

Type of tire	Wholesale cost of 8–14.5 12 ply (series F)	Wholesale cost of 7–14.5 8 ply (series D)	Increase in wholesale cost	Total incremental cost per section
NEW	$44	$30	$14	$84
USED	Not available in sufficient quantities.	26		
AVERAGE COST PER MAN. HOME				123.5

C. Elimination of Tire Overloading

1. Option No. 3: Addition of Another Axle and the Use of 8–14.5, 10 Ply Tires (Series E)

Another option is to require that the tires' rated capacity meet or exceed the live and dead load which will be applied to them. The manufacturer would probably have to use an additional axle to carry some of this load. The cost of this increased axle along with the upgraded tires is shown in Table D as follows:

TABLE D

Average cost of tires	Wholesale cost of new non-braking axles	Wholesale cost of used non-braking axles	
$59	$174	$139	
Total wholesale cost of tires and axles			$287

According to one source, the cost of the additional wheels and axles would be greater because half of the axles would be braking axles which are 25 percent more expensive than non-braking axles. However, discussions with suppliers and analysis of manufactured home designs indicated that the changes in the degree of tire overloading have no impact on the number of braking versus non-braking axles as this is a function of the vehicle's weight, not the strength of the tires. Therefore, HUD believes that the additional cost of nearly $287 is closer to the expected cost of the axle and tires.

2. Option No. 4: The Use of 9–14.5 12 Ply Series E and F Tires

Another alternative would be to upgrade the tires to 9–14.5, Series E and F tires which would involve little or no overloading with the use of a 6,000 lb. axle. Suppliers reported that because the 9–14.5 tires are being made only in small quantities, current prices would not be reliable indicators of unit costs at higher production levels. Therefore, it will be assumed that the cost of the 9–14.5 tires are double the cost of the 7–14.5 tires for these cost comparisons. The cost of these tires is shown in Table E:

TABLE E

Type of tire	Est. wholesale cost of 9–14.5 12 ply tires (series F)	Wholesale cost of 7–14.5 8 ply tires (series D)	Increase in wholesale cost	Total average cost per section
New	$60	$30	$30	$180
Used	Not available	26		
Average cost per man. home				265

D. Adjustment to Cost Increases Due to Multiple Usages

In estimating the useful life of the 8–14.5 and 9–14.5 tires, it is conservative to assume that these tires would be able to be used for at least the same number of trips as the current 7–14.5 tires. Therefore, the FHWA and HUD have assumed that the upgraded tires can also be used a total of ten times. Based on ten trips per tire and shipments of 450,000 transportable sections of manufactured homes each year, the estimated wholesale cost per transportation unit and the annual wholesale cost of each option is shown in Table F.

TABLE F.—COST PER TRANSPORTATION UNIT AND ANNUAL COSTS

OPTION NO. 1 (UPGRADE TO 8–14.5 SERIES E TIRES)	$6
TOTAL ANNUAL COST (WHOLESALE) FOR ALL HOMES	$2,700,000
OPTION NO. 2 (UPGRADE TO 8–14.5 SERIES F TIRES)	$12
TOTAL ANNUAL COST (WHOLESALE) FOR ALL HOMES	$5,400,000
OPTION NO. 3 (ADDITIONAL AXLE AND UPGRADED TIRES)	$29
TOTAL ANNUAL COST (WHOLESALE) FOR ALL HOMES	$13,050,000
OPTION NO. 4 (UPGRADE TO 9–14.5 SERIES F TIRES)	$27
TOTAL ANNUAL COST (WHOLESALE) FOR ALL HOMES	$12,150,000

VI. Discussion Concerning the Overloading of Tires and the Other Requirements of the Interpretative Bulletin

In addition to an examination of the various options, HUD has reviewed the basis of the 1976 decision to permit the overloading of manufactured home tires. The overloading of manufactured home tires was based on certain assumptions and conditions existing at the time the rule was promulgated. These assumptions are discussed below:

A. Single or Very Limited Use of Tires; Short Travel Distances

In 1976, it was a common practice to limit the use of the tires to one, or perhaps a few more trips so that the total distance traveled would be only about 500 miles. Based on such limited usage, it may be permissible to exceed the normal supplier recommendations.

However, the markets for manufactured homes have broadened beyond the 2- to 3-hour driving distance so that some companies are shipping units for distances in excess of 500 miles. This long distance shipping is substantially greater than the limited range which the original Interpretative Bulletin was based on.

In order to determine common travel distances for homes, HUD has analyzed data to determine the total distance traveled from factories in several Southern States to the retailers who received the homes. The data is summarized in Table G:

TABLE G

Number of shipments analyzed	Percent shipped 1–250 miles	Percent shipped 251–500 miles	Percent shipped more than 500 miles
30,000	50	40	10

In 50 percent of the cases, the home was shipped more than 250 miles and in 10 percent of the cases, the distance shipped was more than 500 miles. Therefore, the typical transportation patterns at the time the Interpretative Bulletin was issued have changed significantly. Secondly, these data understate the total travel distance since they are calculated on the distance from the factory to the retailer, not to the homeowner's site. More significantly, the data supplied by the transporters indicate that the average tire is used ten times before it is unable to be used further.

B. Increased Weight of Manufactured Homes

At the time the Interpretative Bulletin was issued, the typical weight of manufactured homes per square foot was in the range of 16 to 17 lbs. Over the years, the average weight of the homes has increased due to the use of heavier exterior roofing materials, heavier exterior and interior wall coverings, and the addition of roof and wall sheathing materials. According to information provided by the National Conference of States on Building Codes and Standards, Inc. (NCSBCS), the average weight of these homes is now 19 to 23 lbs. per square foot, or an average increase of over 25 percent.

Furthermore, the increase in the design standards for homes shipped into high wind areas (Federal Register Vol. 59, No. 10, published January 14, 1994) will further increase the weight of homes due to the strengthening of the roof and wall construction. In this new wind standard, the wind design pressure for homes placed in High Wind Zone 2 has been increased to 39 psf with a 47 psf design pressure in High Wind Zone 3. Therefore, in high wind areas, the increase in weight from 1976 to the present could be as much as 30 percent.

C. Increased Speed on the Highways

Tire research undertaken by HUD indicated that tire overloading would not degrade tire life and performance when homes were transported at 50 mph. During the mid-1970's, the speed of travel in the United States was limited to 55 mph. Accordingly, HUD concluded that the likely travel speeds would be consistent with the research results and that the overloading of tires would not result in a high percentage of tire failure.

In large areas of the southern and western United States, the speed limit has been increased to 65 mph. The 1994 Tire and Rim Association Yearbook has indicated that tires can be overloaded by 9 percent if the tires are operated at speeds less than 50 mph. Speeds of 65 mph impose substantially greater loads on tires and industry standards would not permit the overloading of the tires at high speeds.

VII. The Use of Products in Excess of the Manufacturer's Recommendations Is Contrary to Accepted Practice in Other Sections of the Standards

In many sections of the Manufactured Home Construction and Safety Standards, HUD has indicated that products included in manufactured homes should be used in accordance with the requirements of their listing and the supplier's installation instructions. While Subpart J does not specifically include requirements that the components be listed and certified, there are a number of other sections of the Standards (e.g. § 3280.304 etc.) where HUD has indicated that the component should be used in accordance with the manufacturer's design limitations for safe and effective operation.

HUD believes that the transportation system should be modeled after these other sections of the Standards that acknowledge the limitations established for listed products or the limitations determined by the supplier of the product. For this reason, HUD believes that significant overloading of the tires is a practice which is contrary to the collective judgement of the producers of these products and sound engineering practices because it permits the use of a product well beyond its design capacity. Such a direct violation of the listing or the supplier's usage instructions is not permitted in other sections of the Standards. Also, suppliers indicated that tire overloading of this magnitude is not permitted for any other commercial tire.

VIII. Conclusions and the Proposed Schedule for Modifying the Current Interpretative Bulletin

Based on the high rate of tire failure, the impact of tire failure on the structural integrity of the home and concerns about the safety of the travelling public on increasingly crowded public highways, HUD has concluded that the current overloading of manufactured home tires is no longer defensible. Secondly, HUD believes that the reasons for previously permitting the overloading do not reflect the current weights of manufactured homes, the multiple reuse of running gear equipment, and the experience of the transporters.

In addition, HUD is persuaded that the use of products substantially in excess of their design capacity is unsound and that the current degree of tire overloading and failure rates associated with increased travel speeds, less-than-ideal highway conditions, and heavier manufactured homes is not acceptable. Given today's conditions, the Interpretative Bulletin may be permitting practices which do not assure ''that the running gear assembly, as part of the chassis, shall be designed to perform, as a balanced system, in order to effectively sustain the designed loads set forth in § 3280.904(b)(3) and to provide for *durable dependable safe*

mobility of the manufactured home'' (emphasis added).

Therefore, HUD has concluded that elimination or substantial mitigation of tire overloading is needed. While the use of 9–14.5 Series F tires would be a possible option, these tires are not currently being produced. Therefore, a proposed rule which imposes such a requirement would require a long phase-in period. Also, the use of 9–14.5 Series F tires would be the most expensive option.

The 8–14.5 Series F tires can be produced with the same molds as 8–14.5 Series E tires which would shorten the necessary lead time. Series F tires, though, have not been produced in any quantity over the last several years and therefore, there are relatively few used tires that are available. Since most of the tires used to transport homes are used, this would further exacerbate a potential tire shortage and delay the implementation of a proposed rule. Hence, the available options have been narrowed to the acceptance of 18 percent overloading versus the elimination of tire overloading through the use of 8–14.5 Series E tires and an additional axle.

Absence of Authoritative Information Concerning This Subject

Definitive data on the effect of reducing the number of tire failures through the use of 8–14.5 Series E tires is not available. Evaluating the risk of allowing tire overloading by 18 percent versus no tire overloading is complicated by inadequate information on the causes of tire failure, the safety margins built into various tires, and the relative performance of new and used tires.

The Administration's policy in Executive Order 12866, Regulatory Planning and Review, requires that ''Agencies should assess costs and benefits, both quantifiable and non-quantifiable and choose the approach with the maximum net benefits.'' Based on the information included in Table F, 18 percent tire overloading would impose one-half of the cost of the elimination of tire overloading and might therefore be the best alternative at this time, since it provides the greatest benefits for the least added cost.

While Options 1 and 3 will entail some additional cost to home manufacturers, the use of slightly overloaded and properly inflated 8–14.5 Series E tires should substantially reduce the number of tire failures. The cost avoided by eliminating tire failures will be considerable since there are service calls, lost productivity due to the time it takes to change the tire, and even in some cases damage to the home. Knowledgeable sources indicated that the added cost for upgraded tires may be substantially or wholly offset by reduced service calls, longer tire life, and other benefits.

Therefore, FHWA and HUD are proposing to permit the overloading of manufactured home tires by not more than 18 percent for a period of two years from the effective date of the final rule and amended interpretative bulletin. During that two year period, both agencies would review any test and other technical data submitted by the manufactured housing industry and tire manufacturers concerning the relative performance of tires which are overloaded by 18 percent versus no tire overloading.

Unless both agencies are persuaded that the 18 percent overloading does not pose a risk to the traveling public and to the stability of the manufactured home, any overloading of tires beyond their design capacity would be prohibited after two years from the effective date of the final rule. FHWA and HUD encourage tire manufacturers and suppliers to submit all test and relevant information concerning the use of 8–14.5 Series E tires with an effective overloading of 18 percent.

Implementation Schedule for Changes in the Standards

Manufactured home production is likely to exceed 450,000 sections this year which will be a 20-year high for the industry. Since there are insufficient 8–14.5, Series E tires being produced, a sudden change in the tire requirements could result in shortages and disruption of manufactured housing shipments.

In a letter to Mr. Frank Williams, Director of the Florida Manufactured Housing Association, dated February 7, 1994, Goodyear Tire and Rubber indicated that the tire demand for 1994 would be 2,400,000 tires. Goodyear also indicated that should HUD eliminate the overloading of tires, thus prohibiting the use of the 7–14.5 tires, Goodyear could meet only 20 percent of the demand for 8–14.5 Series E tires.

Discussions with other tire industry officials indicated that producers would require a number of months to increase production to 90 percent of the expected 8–14.5 Series E tire demand. Other sources believed that adequate supplies of 8–14.5 Series E tires could be made available within 9 months. HUD has concluded that it is in the public interest to modify Interpretative Bulletin J–1–76 as soon as an adequate supply of 8–14.5 Series E tires is available. Therefore, these changes are proposed to be made effective nine months after the publication of the amended interpretative bulletin.

Upon the effective date, tire overloading would be reduced to a level not greater than 18 percent and the number of axles necessary to support the transportation of the home would be based on engineering analysis or testing as required by 24 CFR 3280.904. HUD would welcome comments from tire suppliers and producers as to the feasibility of this implementation schedule.

IX. Proposed Changes to Interpretative Bulletin J–1–76 of the Manufactured Housing Standards

HUD has determined that the following changes should be made to Interpretative Bulletin J–1–76:

1. Section C—''Axles'' would be deleted in its entirety because the Tables in that Section were based on higher service load factors of up to 50% for tires. In addition, there has been an increase of approximately 25% in design weights for currently produced manufactured homes than was originally assumed to develop the Tables.

Axles would be required to withstand the actual imposed dead load including all of the design loads outlined in § 3280.904(b)(3) without exceeding maximum allowable stresses for design axle life as recommended by the axle manufacturer. The manufacturer would determine the number of axles by engineering analysis or by testing as permitted in Section 3280.903(c).

Alternatively, if the manufacturer has submitted documented evidence of transportation experience, the minimum number of axles permitted by the experience record (weight slips, etc.) may not be less than the number of axles required to meet the above criteria. Also, the transportation experience must reflect the number of axles and tires that would be required under Subpart D of the Interpretative Bulletin as amended by this proposed rule.

2. Section D—''Tires, Wheels, and Rims'' would be revised as follows:

Tires shall be sized and fitted to axles in accordance with the gross axle weight rating determined by the manufactured home manufacturer. The permissible tire loading may be increased up to a maximum of 18 percent over the rated load capacity of the manufactured home tire as determined by the manufacturer of the tire. Used tires may also be sized in accordance with the above criteria whenever the tread depth is at least 2/32 of an inch as determined by a tread wear indicator. The determination as to whether a particular used tire is acceptable shall also include a visual

inspection for thermal and structural defects (e.g., dry rotting, excessive tire sidewall splitting, etc.). Wheels and rims shall be sized in accordance with the tire manufacturer's recommendations as suitable for use with the tires selected.

X. Proposed Amendments to the FMCSRs

The FHWA is proposing to amend 49 CFR 393.75 to make the FMCSRs consistent with the HUD's proposed amendments to Interpretative Bulletin J–1–76. Section 393.75(f)(1)(i) and (ii) would be redesignated as § 393.75(f)(1) and (2). The redesignated paragraphs would address all CMVs with the exception of manufactured homes. Section 393.75(f)(2) would also reinstate speed restrictions on CMVs operated on overloaded tires. The FHWA is proposing that vehicles with overloaded tires be prohibited from operating at speeds above 80 km/hr (50 mph). This speed ensures the safe operation of the vehicle while preventing conflicts with minimum speed limits in certain States. The 80 km/hr (50 mph) speed is consistent with the previous speed restriction which was rescinded in 1988.

The FHWA is not proposing limitations on the amount of tire overloading allowed for vehicles other than manufactured homes. The FHWA will examine that issue separately from this rulemaking and, if necessary, propose amendments in a future proceeding.

To address the issue of overloaded tires on manufactured homes, the FHWA is proposing a new paragraph. Section 393.75(g) would allow 18 percent overloading of manufactured home tires for a period of two years after the effective date of the final rule. Manufactured homes operating on tires overloaded by more than 9 percent would be restricted to a maximum speed of 80 km/hr (50 mph). This speed restriction is consistent with information contained in the 1994 Tire and Rim Association Handbook.

The FHWA notes that HUD is not proposing to include a speed restriction in the Interpretative Bulletin. While this would result in a difference between the revised Interpretative Bulletin and the amended FMCSRs, the FHWA and HUD do not believe this minor difference will create enforcement problems for the States. Since speed limits are not related to the HUD standards for components or elements of the manufactured housing units, the reinstatement of a speed restriction under § 393.75, and subsequent adoption by the States, would not be in conflict with the revised Interpretative Bulletin.

With regard to the tire pressure and inflation requirements currently found at § 393.75(f)(2) and (3), the FHWA proposes to include these provisions in a new paragraph, § 393.75(h). The FHWA is not proposing substantive changes to the requirements concerning tire pressure and inflation at this time.

XI. Proposed Effective Date for FHWA and HUD Amendments

The FHWA and HUD propose that these revisions to the Regulations and the Interpretative bulletin be made effective nine months after the publication of the final rule.

XII. Rulemaking Analysis and Notices

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the dockets at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable, but the FHWA and HUD may issue a final rule at any time after the close of the comment period. In addition to late comments, the FHWA will also continue to file in the docket FHWA MC–95–1 relevant information that becomes available after the comment closing date, and interested persons should continue to examine the docket for new material.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA and HUD have determined that this action is not a significant regulatory action within the meaning of Executive Order 12866. In addition, the FHWA has determined that this action is not significant within the meaning of Department of Transportation regulatory policies and procedures. This rule would, if adopted, establish tire loading limitations for manufactured homes transported in interstate commerce. This action would eliminate inconsistency between the FHWA and HUD requirements for manufactured homes. The FHWA and HUD have evaluated the economic impact of potential changes to the regulatory requirements concerning the safe transportation of manufactured homes and determined that the proposed standard is reasonable, appropriate, and the least costly and intrusive approach for the resolution of this issue.

Nevertheless, based on the information received in response to this notice, the FHWA and HUD intend to carefully consider the costs and benefits associated with various alternative requirements. Comments, information, and data are solicited on the economic impact of the potential changes.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA and HUD have evaluated the potential effects of this rulemaking proposal on small entities and determined that the proposed standard is reasonable, appropriate, and the least costly and intrusive approach for the resolution of this issue. The FHWA and HUD certify that this rulemaking does not have a significant economic impact on a substantial number of small entities. The FHWA and HUD solicit comments, information, and data on these impacts.

Executive Order 12612 (Federalism Assessment)

The FHWA has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612, *Federalism*, and determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The General Counsel of HUD, as the Designated Official under Section 6(a) of Executive Order 12612, has determined that the policies contained in this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order.

Specifically, the requirements of this rule are directed to manufacturers and do not impinge upon the relationship between the Federal government and State and local governments.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

The proposal in this document does not contain information collection requirements [44 U.S.C. 3501 *et seq.*].

National Environmental Policy Act

The FHWA has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and determined that this action would not have any effect on the quality of the environment.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50, which implement section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk at the above address.

Regulation Identification Numbers

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RINs contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

Executive Order 12606, The Family

The General Counsel of HUD, as the Designated Official under Executive Order 12606, The Family, has determined that this rule does not have potential for significant impact on formation, maintenance, and general well-being of families, and thus, is not subject to review under the Order. The rule involves requirements for transportation safety standards for manufactured homes. Any effect on the family would likely be indirect and insignificant.

List of Subjects in 24 CFR Part 3280

Fire prevention, Housing standards, Manufactured homes.

List of Subjects in 49 CFR Part 393

Highway safety, Highways and roads, Motor carriers, and Motor vehicle safety.

In consideration of the foregoing, the Department of Housing and Urban Development proposes to amend 24 CFR part 3280 and Interpretative Bulletin J–1–76, and the Department of Transportation, Federal Highway Administration proposes to amend 49 CFR part 393 as set forth below.

24 CFR Chapter XX

PART 3280—MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS

1. The authority citation for Part 3280 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 5301, and 5401.

2. Interpretative Bulletin J–1–76 published at 41 FR 53627 (December 7, 1976) would be amended as follows. (The Interpretative Bulletin is available from the Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 7th St. SW., Washington, DC 20410).

Section C. of the interpretative bulletin would be removed. Section D. would be redesignated as Section C. and would be revised to read as set forth below. Sections E. and F. would be redesignated as Sections D. and E.

* * * * *

C. Tires shall be sized and fitted to axles in accordance with the gross axle weight rating determined by the mobile home manufacturer. The permissible tire loading may be increased up to a maximum of 18 percent beyond the rated load capacity of the manufactured home tire as determined by the manufacturer of the tire. Used tires may also be sized in accordance with the above criteria whenever the tread depth is at least 2⁄32 of an inch as determined by a tread wear indicator. The determination as to whether a particular used tire is acceptable shall also include a visual inspection of thermal and structural defects (e.g., dry rotting, excessive tire sidewall splitting, etc.). Wheels and rims shall be sized in accordance with the tire manufacturer's recommendations as suitable for use with the tires selected. This provision will become effective nine months after the publication date of the final rule (insert publication date). This provision will expire (INSERT DATE TWO YEARS AFTER THE EFFECTIVE DATE OF THE AMENDED INTERPRETATIVE BULLETIN) unless extended by mutual consent of FHWA and HUD.

* * * * *

49 CFR Chapter III

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

4. The authority citation at the end of § 393.75 would be removed and the authority citation for 49 CFR part 393 would be revised to read as follows:

Authority: Section 1041(b) of Pub. L. 102–240, 105 Stat. 1914, 1993; 49 U.S.C. 31136 and 31502; 49 CFR 1.48.

5. Section 393.5 would be amended by adding the definitions of *manufactured home, length of a manufactured home,* and *width of a manufactured home,* placing them in alphabetical order, as follows:

* * * * *

Length of a manufactured home. The largest exterior length in the traveling mode, including any projections which contain interior space. Length does not include bay windows, roof projections, overhangs, or eaves under which there is no interior space, nor does it include drawbars, couplings or hitches.

* * * * *

Manufactured home. A structure, transportable in one or more sections, which in the traveling mode, is eight feet or more in width or forty feet or more in length or, when erected on site, is three hundred and twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. This term includes all structures which meet the above requirements except the size requirements and with respect to which the manufacturer files a certification pursuant to 24 CFR 3282.13 and complies with the standards set forth in part 24 CFR 3280.

* * * * *

Width of a manufactured home. The largest exterior width in the traveling mode, including any projections which contain interior space. Width does not include bay windows, roof projections, overhangs, or eaves under which there is no interior space.

6. Section 393.75 would be amended by revising paragraph (f), and by adding paragraphs (g) and (h) to read as follows:

§ 393.75 Tires.

* * * * *

(f) *Tire loading restrictions.* With the exception of manufactured homes, no motor vehicle shall be operated with tires that carry a weight greater than that marked on the sidewall of the tire or, in the absence of a marking on the sidewall of the tire, a weight greater than that specified for the tires in any of the publications of any of the organizations listed in FMVSS No. 119 (49 CFR 571.119, S5.1(b)) unless:

(1) The vehicle is being operated under the terms of a special permit issued by the State; and

(2) The vehicle is being operated at a reduced speed to compensate for the tire loading in excess of the manufacturer's rated capacity for the tire. In no case shall the speed exceed 80 km/hr (50 mph).

(g) *Tire loading restrictions for manufactured homes.* Effective (INSERT

DATE NINE MONTHS AFTER THE PUBLICATION DATE OF THE FINAL RULE), tires used for the transportation of manufactured homes (i.e., tires marked or labeled 7–14.5MH and 8–14.5MH) may be loaded up to 18 percent over the load rating marked on the sidewall of the tire or, in the absence of a marking on the sidewall of the tire, 18 percent over the load rating specified in any of the publications of any of the organizations listed in FMVSS No. 119 (49 CFR 571.119, S5.1(b)). Manufactured homes transported on tires overloaded by 9 percent or more must not be operated at speeds exceeding 80 km/hr (50 mph). This provision will expire (INSERT DATE TWO YEARS AFTER THE EFFECTIVE DATE OF THE FINAL RULE) unless extended by mutual consent of FHWA and HUD.

(h) *Tire inflation pressure.*

(1) No motor vehicle shall be operated on a tire which has a cold inflation pressure less than that specified for the load being carried.

(2) If the inflation pressure of the tire has been increased by heat because of the recent operation of the vehicle, the cold inflation pressure shall be estimated by subtracting the inflation buildup factor shown in Table 1 from the measured inflation pressure.

TABLE 1.—INFLATION PRESSURE MEASUREMENT CORRECTION FOR HEAT

Average speed of vehicle in the previous hour	Minimum inflation pressure buildup	
	Tires with 1,814 kg (4,000 lbs.) maximum load rating or less	Tires with over 1,814 kg (4,000 lbs.) load rating
66–88.5 km/hr (41–55 mph)	34.5 kPa (5 psi)	103.4 kpa (15 psi).

Issued on: March 15, 1996.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

Rodney E. Slater,

Federal Highway Administrator.

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