

§ 1037.631

40 CFR Ch. I (7–1–13 Edition)

(d) *Off-road exemption.* All the provisions of this section apply for vocational tractors exempted under § 1037.631, except as follows:

(1) The vehicles are required to comply with the requirements of § 1037.631 instead of the requirements that would otherwise apply to vocational vehicles. Vehicles complying with the requirements of § 1037.631 and using an engine certified to the standards of 40 CFR part 1036 are deemed to fully conform to all requirements applicable to vocational vehicles under this part.

(2) The vehicles must be labeled as specified under § 1037.631 instead of as specified in paragraph (b)(3) of this section.

§ 1037.631 Exemption for vocational vehicles intended for off-road use.

This section provides an exemption from the greenhouse gas standards of this part for certain vocational vehicles intended to be used extensively in off-road environments such as forests, oil fields, and construction sites. This section does not exempt the engine used in the vehicle from the standards of 40 CFR part 86 or part 1036. Note that you may not include these exempted vehicles in any credit calculations under this part.

(a) *Qualifying criteria.* Vocational vehicles intended for off-road use meeting either the criteria of paragraph (a)(1) or (a)(2) of this section are exempt without request, subject to the provisions of this section.

(1) Vehicles are exempt if the tires installed on the vehicle have a maximum speed rating at or below 55 mph.

(2) Vehicles are exempt if they were primarily designed to perform work off-road (such as in oil fields, forests, or construction sites), and they meet at least one of the criteria of paragraph (a)(2)(i) of this section and at least one of the criteria of paragraph (a)(2)(ii) of this section.

(i) The vehicle must have affixed components designed to work in an off-road environment (*i.e.*, hazardous material equipment or off-road drill equipment) or be designed to operate at low speeds such that it is unsuitable for normal highway operation.

(ii) The vehicle must meet one of the following criteria:

(A) Have an axle that has a gross axle weight rating (GAWR) of 29,000 pounds.

(B) Have a speed attainable in 2 miles of not more than 33 mph.

(C) Have a speed attainable in 2 miles of not more than 45 mph, an unloaded vehicle weight that is not less than 95 percent of its gross vehicle weight rating (GVWR), and no capacity to carry occupants other than the driver and operating crew.

(b) *Tractors.* The provisions of this section may apply for tractors only if each tractor qualifies as a vocational tractor under § 1037.630.

(c) *Recordkeeping and reporting.* (1) You must keep records to document that your exempted vehicle configurations meet all applicable requirements of this section. Keep these records for at least eight years after you stop producing the exempted vehicle model. We may review these records at any time.

(2) You must also keep records of the individual exempted vehicles you produce, including the vehicle identification number and a description of the vehicle configuration.

(3) Within 90 days after the end of each model year, you must send to the Designated Compliance Officer a report with the following information:

(i) A description of each exempted vehicle configuration, including an explanation of why it qualifies for this exemption.

(ii) The number of vehicles exempted for each vehicle configuration.

(d) *Labeling.* You must include the following additional statement on the vehicle's emission control information label under § 1037.135: "THIS VEHICLE WAS EXEMPTED UNDER 40 CFR 1037.631."

§ 1037.640 Variable vehicle speed limiters.

This section specifies provisions that apply for vehicle speed limiters (VSLs) that you model under § 1037.520. This does not apply for VSLs that you do not model under § 1037.520.

(a) *General.* The regulations of this part do not constrain how you may design VSLs for your vehicles. For example, you may design your VSL to have a single fixed speed limit or a soft-top speed limit. You may also design your VSL to expire after accumulation of a