



August 15, 2011

The Honorable David Strickland
Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: **Petition for a temporary exemption from Federal Motor Vehicle Safety Standard (FMVSS) No. 126, Electronic Stability Control Systems**

Dear Mr. Strickland,

In accordance with 49 U.S.C. 30113 and the procedures in 49 CFR Part 555, Wheego Electric Cars, Inc. ("Wheego") hereby petitions for a temporary exemption from the electronic stability control ("ESC") requirements of FMVSS No. 126. The basis for the application are that the exemption would make the development or field evaluation of a low-emission vehicle easier and would not unreasonably lower the safety level of that vehicle under 49 USC 30113(b)(3)(B)(iii). Wheego is requesting an exemption for the LiFe model for a period from September 1, 2011 to August 1, 2012 for no more than 1,000 vehicles.

SUMMARY

Wheego Electric Cars, Inc. is a Delaware corporation with its headquarters at 888 3rd Street NW, Atlanta, GA 30318. After a few years of development, Wheego began manufacturing and selling low speed electric vehicles in the U.S. in June of 2009. In April 2011, Wheego started manufacturing and selling its first all-electric passenger car, the 2-door, 2-seat LiFe. Wheego is also currently developing a yet to be named 4-door passenger vehicle for sale in late 2012.

On February 11, 2011, Wheego was granted a temporary waiver from the advanced airbag requirements for the LiFe until February 2013 but it otherwise meets all current FMVSS requirements for a passenger car. Wheego plans to sell approximately 1200 LiFes in the next year.

As a small start up manufacturer, Wheego has met many challenges in developing an all-electric car. Although there have been delays in obtaining an airbag waiver and subsequent funding, Wheego is now in a position to make great strides over the next year in providing electric vehicles for the growing American car market.

On September 1, 2011, all vehicles sold in the United States will be required to have electronic stability control. Although Wheego initially planned to develop

ESC for the LiFe, delays in funding and subsequent development have made it impossible to meet the September 1, 2011 deadline. Wheego is asking for a temporary exemption from the ESC requirements until August 1, 2012, for up to 1000 cars, so that that it can continue its development and evaluation of low-emission cars.

During this 11 month period, Wheego could continue to manufacture and sell the LiFe, which would help fund continued development of ESC and advanced airbags for the LiFe and other vehicles that Wheego plans to offer to the American market.

APPLICATION FOR EXEMPTION

Wheego is requesting a temporary exemption from Federal Motor Vehicle Safety Standard (FMVSS) No. 126, Electronic Stability Control Systems (49 CFR 571.126) for an 11 month period from September 1, 2011 to August 1, 2012 for up to 1000 LiFe model vehicles.

1. The Wheego LiFe is a Low Emission Vehicle

A low-emission vehicle is defined in 49 U.S.C. § 30113(a) as “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.” Section 202 of the Clean Air Act sets U.S. emission standards based on typical gasoline burning vehicles using internal combustion engines. The Wheego LiFe is an all-electric vehicle that utilizes electric energy stored in a battery pack that powers an electric motor. The LiFe has no emissions and is eligible for an exemption as a low-emission vehicle as defined by 49 U.S.C. 30113(a).

In addition, the LiFe has been certified as a Zero Emission Vehicle, meeting the Applicable Exhaust Emission Standards: Federal Tier 2 Bin 1, ZEV, ILEV by the U. S. Environmental Protection Agency (Certificate Number: BWHE000.0115-001, Issued 12/17/2010). NHTSA has also recognized that the LiFe qualifies as a low-emission vehicle in granting Wheego’s previous request for a temporary exemption (Grant of Exemption to Wheego, 76 Fed. Reg. 7901, February 11, 2011).

2. A Temporary Exemption Would Not Unreasonably Degrade the Safety or Impact Protection of the Vehicle

Without ESC, the impact protection of the LiFe is not degraded at all. The Wheego Life is based on an all steel uni-body chassis and meets all FMVSS other than the advanced airbag requirements. The LiFe is equipped with driver and passenger airbags and includes a passenger side cut off switch to help

minimize the risks posed by air bags to infants, children, and other occupants in low-speed crashes. Because ESC is designed to help avoid crashes, impact protection of the LiFe should not be affected.

The overall safety of the LiFe is not unreasonably degraded. In addition to impact protection systems such as safety belts and airbags, the LiFe has other advanced safety equipment. The LiFe has anti-lock brakes ("ABS") that work to prevent loss of control, one purpose of ESC, by preventing the wheels from locking up and the tires from skidding during braking. The standard tires for the LiFe (Triangle Talon Sport TR918) are wide with wide, circumferential grooves that provide rapid water evacuation for superior wet traction. The asymmetric tread design also delivers exceptional handling and stability.

The LiFe is also limited to a top speed of 65 mph, which may contribute to a reduction in crashes associated with high speeds. The LiFe also has a low and stable center of gravity with 762 pounds of batteries located in the battery box below the floorboard of the vehicle. All of these factors allow the LiFe to operate safely in wet or icy conditions. The LiFe's design as a limited range (100 miles) and limited speed commuter car will help to insure that it is less likely to be involved in the type of high speed or rollover accident that ESC is designed to help prevent. Wheego does not believe that the exemption would unreasonably degrade the overall safety of the LiFe, especially for such a limited time and for a limited number of vehicles.

NHTSA has previously recognized (Grant of Exemption to Wheego, 76 Fed. Reg. 7902, February 11, 2011) that "Given the relatively small number of vehicles that will be produced during the two-year exemption and the above discussion, we believe that the requested exemption would have a negligible effect on motor vehicle safety." Here is Wheego is asking for a shorter period (11 months) and much lower number of vehicles (1,000).

Under the requirements of 49 CFR 555.6 (c)(2), Wheego has not designed vehicles that conform to FMVSS No. 126 and is not able to show testing results substantiating certification with the standard. Further Wheego has not conducted any tests demonstrating that the Wheego LiFe has specifically failed the electronic stability control requirement because it has not installed an electronic stability control system specifically designed to meet those requirements.

3. The Exemption Would Make the Development or Field Evaluation of a Low-Emission Vehicle Easier

Despite its small size and limited funding Wheego has been able to deliver a safe, affordable, all-electric car. Starting with the LiFe as the first step, it is Wheego's plan to develop a full line of all-electric zero emission vehicles and to help meet the growing demand of the American car-buying public for low-

emission vehicles that are clean and do not rely on foreign oil. With the LiFe, Wheego has been able to develop an affordable electric car that is fun to drive. With more cars on the road, Wheego will be able to use consumer feedback and other testing and evaluation to improve on design and efficiency to use in future cars. Improvement can be made on charging and battery management as well as safety systems associated with low-emission cars.

Without the exemption, Wheego would not be able to produce enough cars and revenue to sustain this development or launch a new vehicle. Wheego would not be able to substitute simulation for the real world data coming from its cars in use on the road. Wheego needs to be able to sell about 1200 of its first generation cars in order to continue to improve and develop cars affordable electric cars that people will buy. The exemption would make that development possible.

Wheego's success can only add to the overall development of low-emission vehicles as a whole, by encouraging other manufacturers to build electric cars and demonstrating their viability to consumers.

4. Wheego Intends to Conform With Standard 126 at the End of the Exemption Period.

Wheego's purpose for asking for the temporary exemption is to have more time to develop an effective ESC system for the LiFe. By granting the exemption, Wheego would be able to continue to sell low-emission cars and continue development work on the LiFe model so that it will comply with all FMVSS standards including ESC and advanced airbags. Wheego intends for the LiFe to conform to the ESC standard (49 CFR 571.126) at the end of the exemption period.

5. Wheego is Asking for an 11-month Exemption For Up to 1,000 cars

Wheego will not sell more than 2,500 exempted vehicles in the United States in any 12-month period for which an exemption may be granted pursuant to this paragraph and is in fact asking for a smaller number (1,000) and shorter time period (11 months) for the exemption.

6. Granting of the Exemption Would Be in the Public Interest

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. (Grant of Exemption to Wheego, 76 Fed. Reg. 7902, February 11, 2011) In granting Wheego's previous petition, NHTSA recognized that all three of these public interest considerations would be served by granting Wheego's petition.

It has been widely reported that there is a limited supply of affordable electric cars currently available in the United States today. Both Chevrolet (Volt) and Nissan (Leaf) have reported waiting lists. By granting this exemption, more electric cars could be sold in the U.S. and it is quite possible that the LiFe could be the only affordable electric car available for purchase at a dealership for the near future. This would help provide consumer choice for a product that is highly in demand.

It has always been one of Wheego's goals in building electric cars to try to help reduce the U.S. dependence on foreign oil and reduce harmful emissions from cars. Wheego will accomplish this by developing alternative energy vehicles and further serving the public interest.

Granting Wheego's petition will allow Wheego to continue development, grow the company and employ more people in the United States. Without the petition, further delay in developing and selling cars would prevent Wheego from hiring more people for an extended period of time. More jobs are extremely important during the current economic crisis and especially in the growth industry of alternative fuels. Allowing more Wheego cars to be built and sold means more work manufacturing cars, manufacturing parts, delivering cars, selling and servicing cars. For these reasons, Wheego believes that it would be in the public interest to grant the petition.

For all of the foregoing reasons, Wheego respectfully requests NHTSA grant this petition for temporary exemption from the electronic stability control ("ESC") requirements of FMVSS No. 126. Wheego also understands the circumstances under which it is asking for an exemption two weeks before the new requirements take effect. Wheego asks that NHTSA move as quickly as possible under the circumstances.

Please contact me at (678) 904-4795 or les@wheego.net if you have any questions or need additional information. Thank you for your prompt consideration.

Sincerely,

A handwritten signature in purple ink, appearing to read "Les Seagraves".

Les Seagraves
VP Product and Legal
Wheego Electric Cars, Inc.