

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT  
JUN - 6 2005  
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IN THE  
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FILED JUN - 6 2005  
CLERK

PUBLIC CITIZEN, INC.,  
THE GOODYEAR TIRE & RUBBER COMPANY,  
BRIDGESTONE/FIRESTONE NORTH  
AMERICAN TIRE, LLC,  
COOPER TIRE & RUBBER COMPANY,  
PIRELLI TIRE LLC, and  
TIRE INDUSTRY ASSOCIATION,

*Petitioners,*

v.

NORMAN Y. MINETA, in his official capacity as  
Secretary of the U.S. Department of Transportation;  
DR. JEFFREY W. RUNGE, in his official capacity  
as Administrator of the National Highway Traffic  
Safety Administration;  
U.S. DEPARTMENT OF TRANSPORTATION; and  
NATIONAL HIGHWAY TRAFFIC SAFETY  
ADMINISTRATION  
400 Seventh Street, S.W.  
Washington, DC 20590,

*Respondents.*

No. 05-1188

**PETITION FOR REVIEW**

Pursuant to 49 U.S.C. § 30161, and in accordance with Rule 15 of the Federal Rules of Appellate Procedure, Public Citizen, Inc., The Goodyear Tire & Rubber Company, Bridgestone/Firestone North American Tire, Inc., Cooper Tire & Rubber Company, Pirelli Tire LLC, and the Tire Industry Association hereby petition this Court for review of the final rule

issued by the National Highway Traffic Safety Administration (“NHTSA”), an agency within the U.S. Department of Transportation, in *Federal Motor Vehicle Safety Standards; Tire Pressure Monitoring Systems; Controls and Displays*, 67 Fed. Reg. 18136 (April 8, 2005). A copy of NHTSA’s decision, which includes the final rule, is attached to this Petition.

In the proceeding below, NHTSA adopted Federal Motor Vehicle Safety Standard No. 138, which will be codified at 49 C.F.R. § 571.138. NHTSA’s final rule purports to implement Section 13 of the Transportation Recall Enhancement, Accountability, and Document Act, Pub. L. No. 106-414, § 13, 114 Stat. 1800, 1806 (2000), reprinted in 49 U.S.C. § 30123 note (“TREAD Act”). Section 13 requires the agency to adopt a regulation “require[ing] a warning system in new motor vehicles to indicate to the operator when a tire is significantly under inflated.” *Id.*

NHTSA’s rule is inconsistent with statutory requirements, and the agency’s decision adopting this rule was arbitrary and capricious. NHTSA’s decision and its new rule should be invalidated or set aside by this Court.

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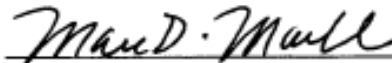
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Dated: June 6, 2005

Respectfully submitted,



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