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U.S. Department of Transportation
Docket Management Facility
1200 New Jersey Avenue SE
West Building, Ground Floor, Room W12-140
Washington, D.C. 20590-0001

Re: Docket No. NHTSA-2012-0036

The Truck and Engine Manufacturers Association ("EMA") hereby submits additional comments on the supplemental notice of proposed rulemaking ("SNPRM") titled *Federal Motor Vehicle Safety Standards; Seat Belt Assembly Anchorages* that the National Highway Traffic Safety Administration ("NHTSA" or the "Agency") published several years ago in the Federal Register. See, 80 Fed. Reg. 11,148 (March 2, 2015). Specifically, these comments are in response to the additional technical reports that NHTSA made available subsequent to issuing the SNPRM. See, 83 Fed. Reg. 16,280 (April 16, 2018).

EMA represents the world's leading manufacturers of heavy-duty engines and commercial motor vehicles with a gross vehicle rate rating ("GVWR") greater than 10,000 pounds. EMA member companies design and manufacture highly customized medium- and heavy-duty vehicles to perform a wide variety of commercial functions, including interstate trucking, regional freight shipping, local parcel pickup and delivery, refuse hauling, and construction. The vehicles that EMA member companies produce include seat belt anchorages certified to comply with the Federal Motor Vehicle Safety Standard (FMVSS) No. 210 – *Seat belt assembly anchorages*. Accordingly, EMA and its members have a direct and significant stake in the FMVSS No. 210 SNPRM and in any resulting changes to the requirements related to testing and certification of seat belt assembly anchorages.

The SNPRM followed a March 2012 notice of proposed rulemaking ("NPRM") that proposed amending FMVSS No. 210 to specify a new force application device ("FAD") for use as a testing interface to transfer loads to the seat belt anchorages during certification tests. See, 72 Fed. Reg. 19,155 (March 30, 2012). The NPRM proposed the FAD to take the place of the pelvic and upper torso body blocks that currently are required by the standard. In the SNPRM, NHTSA proposed to amend the FMVSS No. 210 test procedure to specify zones within which the existing body blocks must be positioned during certification testing. Additionally, the SNPRM stated that the Agency was still considering amending the standard to require use of the FAD for certification testing, and the SNPRM also included the possibility of incorporating the FAD as an optional

compliance tool. It is noteworthy that neither the NPRM nor the SNPRM identify any deficiency in the safety of seat belt assembly anchorages that are certified to the existing FMVSS No. 210 procedures. Moreover, the rulemaking does not identify any improved level of safety that would be achieved by the new procedures.

The Additional Technical Reports Do Not
Alleviate the Concerns in our Previous Comments

In our original comments on the NPRM, we highlighted several significant concerns with the Agency's proposal to specify the FAD. See, Docket ID No.: NHTSA-2012-0036-0011. We reiterated our concerns with the Agency's technical basis for the rulemaking in our comments on the SNPRM. See, NHTSA-2012-0036-0028. In those comments we pointed out that the test data and technical documentation included in the rulemaking only addressed testing of the FAD in vehicles with GVWRs below 10,000 pounds. In contrast, FMVSS No. 210 specifies seat belt anchorage requirements for a broad range of motor vehicles, including the medium- and heavy-duty trucks. Heavy-duty vehicles have substantially different seats, seat belts, and seat belt anchorages than light-duty vehicles. Compared to light-duty vehicles, heavy-duty trucks utilize larger cabs, air-suspension seats, upright seating configurations, and unique seat belts and seat belt system anchorages. Accordingly, changes to the FMVSS No. 210 certification test procedures designed to work for passenger cars may not work for heavy trucks. The important concerns raised in our previous comments remain valid, despite the new technical reports that NHTSA added to the rulemaking record.

The Addition Technical Reports Do Not Provide a Basis
for Establishing New Regulatory Requirements for Heavy Trucks

Even with the additional technical reports, the rulemaking record does not contain any data on the medium- and heavy-duty trucks built by EMA's member companies. In fact, the new technical reports only address passenger cars, and the passenger seats of a school bus and a motor coach. If NHTSA proceeds with conducting additional research on heavy-duty vehicles (as suggested in the SNPRM), the Agency should share its plans so that we may provide input to ensure that the research properly addresses the unique aspects of the broad range of heavy-duty vehicles. Because the rulemaking record does not include data to support the feasibility of new requirements for regional or line-haul tractors, refuse trucks, construction trucks, parcel delivery step vans, or many other applications in the broad range of medium- and heavy-duty vehicles that would be affected, the rulemaking record is insufficient for NHTSA to proceed to a final rule that would affect those vehicles.

The Rulemaking Record Fails to Identify a Safety Benefit
and Grossly Underestimates the Increased Certification Costs

Since the rulemaking record does not include the results of any testing or analysis of medium- and heavy-duty trucks, NHTSA cannot possibly know whether it is feasible to establish requirements for FADs or body block zones for those vehicles. Further, even if it were possible to establish appropriate requirements for FADs or body block zones for all seat and seat belt assembly configurations in all heavy-duty vehicles, it would be very expensive to re-certify all

existing vehicles to comply with the new requirements. Moreover, should the testing to the new requirements identify necessary changes to the seat belt anchorage systems and/or the cab structures to maintain compliance, truck manufacturers would be forced to undertake extremely expensive vehicle and component redesigns, along with associated tooling and production changes – all to achieve no identified safety benefit.

The Rulemaking Record Does Not Include
Draft Regulatory Language for Review and Comment

The SNPRM proposes amending FMVSS No. 210 to specify zones within which the existing pelvic and upper torso body blocks must be positioned during a certification test. The proposal references the body block zone requirements in FMVSS No. 222 – *School bus passenger seating and crash protection*. However, the FMVSS No. 222 requirements apply to rigid school bus bench seats that are much different than the air suspension seats used in heavy trucks. Therefore, the rulemaking record is insufficient, it does not provide proposed regulatory language applicable to the driver's seats of medium- and heavy-duty trucks, and therefore EMA and its members have no opportunity to assess and provide comment on the proposed amendments to FMVSS No. 210. NHTSA must provide an opportunity for EMA and its members, and other stakeholders, to review and provide comments on the actual regulatory language and the specific testing requirements that the Agency is proposing to adopt.

Conclusion

The rulemaking record currently is inadequate for NHTSA to proceed with the proposed changes to FMVSS No. 210 for vehicles with a GVWR greater than 10,000 pounds. Should the Agency proceed, it must conduct testing on those vehicles and make those test results available for review and comment. Additionally, The Agency would need to make available for review and comment the proposed regulatory language for any amendments to FMVSS No. 210. If NHTSA proceeds with amending FMVSS No. 210 based only on the existing rulemaking record, which includes technical reports and analysis that do not include medium- and heavy-duty trucks, the Agency must exempt vehicles with a GVWR greater than 10,000 pounds from the new requirements.

We appreciate the opportunity to provide these comments. Please do not hesitate to contact Timothy Blubaugh at (312) 929-1972, or at tblubaugh@emamail.org, if you have any questions.

Respectfully submitted,

TRUCK & ENGINE
MANUFACTURERS ASSOCIATION