



October 19, 2020

Mr. James Owens
Acting Administrator
National Highway Traffic Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, S
Washington, DC 20590-0001

RE: Docket No: NHTSA-2020-0075–Temporary Exemption Petitions: Shoulder Belt Requirement for Side-Facing Seats on Motorcoaches

Dear Deputy Administrator Owens:

The American Bus Association wishes to submit the following comments to the National Highway Traffic Safety Administration’s (NHTSA) Notice of receipt of a petition for a temporary exemption; shoulder belt requirement for side-facing seats on motorcoaches request for comment, Docket No. NHTSA-2020-0075, as published in the Federal Register on August 20, 2020.

We strongly support NHTSA granting the Petitioners an exemption from the shoulder belt requirement for side-facing or perimeter seats on motorcoaches.

ABA is the leading trade association for private and over-the-road passenger operators who transport the public and serve the motorcoach industry. Our Association has represented the private motor coach industry, an industry dominated by small, and family owned businesses, for over 90 years. We have over 800 bus operating company members consisting of large and small fleets, intercity and charter and tour operators, and rural and urban operations, in addition to tour and travel operators. Our motorcoach operator members provide all manner of passenger services, including intercity scheduled service, charter and tour operations, subcontracted public transit service, and employee shuttle services.

ABA is also home to the Entertainer Motorcoach Council, of which all of the 13 Petitioners are members and active participants. The mission and purpose of the Entertainer Motorcoach Council (EMC) is to inspire a level of confidence in the safety, reliability, and quality of service for the operations of entertainer coaches employed on a charter or lease basis; actively promote the high-quality services of EMC members; and more. These services are generally provided for the entertainer and political campaign markets, specifically those needing tour accommodations while they travel on the road from one performance venue or campaign stop to another.

Entertainer Motorcoaches are Unique Vehicles

Entertainer motorcoaches are a unique form of transportation specifically designed, customized and manufactured for use by small groups such as music bands or political candidates. Although constructed on the same bus chassis or platform as a 55-passenger over-the-road bus or motorcoach, entertainer motorcoaches generally are customized in two or more manufacturing stages from an “incomplete vehicle” and finished to seat fewer than 16 persons, while providing the interior amenities more closely associated with a “motor home.”

Amenities in entertainer motorcoaches typically include couch-like perimeter seating, galleys, tables, showers, bunk beds, satellite television, a cooking area with counter tops, and refrigeration units. Entertainer motorcoaches do not fully fit the definition of an over-the-road bus as discussed in the motorcoach seatbelt notice of proposed rulemaking (NPRM), nor do they fully fit the definition of a “motorcoach” as discussed in the final rule (NHTSA-2013-0121).

Perimeter Seating Seatbelt Configurations Have Never Been Crash-Tested

Entertainer motorcoaches are unique vehicles. These vehicles, which typically include side-facing, perimeter seating are custom built in small quantities, rather than mass produced. Fewer than 100 entertainer motorcoaches are manufactured each year. In accordance with the Federal Motor Vehicle Safety Standards (FMVSS), 3-point seatbelts are required to be installed at each designated seating position (FMVSS 209) in all new second stage vehicles manufactured after November 28, 2017.

However, motorcoach seats and these standards have never been tested for use in sideways-facing seats. The seatbelts and their anchorages were only crash and static pull-tested for use in forward-facing seats (FMVSS 210). As set out in the final rule that established this motorcoach seatbelt requirement, comments submitted by American Seating claimed that lap/shoulder belts “may cause serious neck injuries when applied to side-facing passenger seating positioning.” 78 *Fed. Reg.* 70474, 70447 (November 25, 2013).

Side-Facing Seats May Lead to More Seatbelt-Related Injuries

NHTSA has also stated concern that shoulder belts may cause serious neck injuries when applied to side-facing seats. In the final rule on motorcoach seatbelts, the Agency states that it is “aware of simulation data that are indicative of potential carotid artery injury when the neck is loaded by the shoulder belt.” 78 *Fed. Reg.* at 70448, and note 108, citing Fildes, B., Diggs, K., “*Occupant Protection in Far Side Crashes*,” *Monash University Accident Research Center, Report No. 294, April 2010, pg. 57.*

NHTSA conducted no crash testing on the impact or potential injuries to passengers using lap/shoulder belts on motorcoaches in side-facing seats before imposing the requirement in the 2013 final rule. Nor has the Agency conducted any formal testing of side-facing seats since the final rule was published. Thus, there is no available credible data that supports requiring a Type-2 belt at side-facing seating positions.

As a result, we are concerned that serious injury to passengers could result from good faith efforts made by operators and manufacturers to comply with the current motorcoach seatbelt rule without this temporary exemption.

Petitioners Request for an Exemption Should be Granted

ABA concurs with NHTSA's stated concern related to side-facing perimeter seating on motorcoaches, particularly for entertainer motorcoaches which most commonly use this seating configuration for all of their commercial entertainer buses on the road. In addition, ABA agrees with the Agency's assertion that manufacturers of over-the-road buses featuring side-facing seats should be encouraged to pursue an exemption from the 3-point seatbelt requirements and thus supports the request of the Petitioners as well as other analogous companies in this market space.

"Given that there are unknowns about shoulder belt loading of an occupant's neck on a side-facing seat, and in view of the small number of side-facing seats on the buses in question, manufacturers of over-the-road buses seeking to install lap belts on side-facing seats may petition NHTSA for a temporary exemption from the requirement to install lap/shoulder belt at side-facing seats, under 49 CFR part 555." - 78 Fed. Reg. 70448 (November 25, 2013).

We hope that this petition would be approved and granted, as the petition published under NHTSA-2019-0019 for the Hemphill Brothers Leasing Co. was similarly granted. If this petition is not granted, an imbalance will be created within the entertainer motorcoach marketplace, where only one final-stage manufacturer will be able to complete vehicles for the entertainer motorcoach market.

Again, ABA **strongly supports NHTSA granting** the Petitioners an exemption from the lap/shoulder belt requirements for side-facing or perimeter seats on motorcoaches. We also look forward to continuing our strong partnership with NHTSA to ensure the safety of the traveling public.

Sincerely,



Brandon Buchanan
Director of Regulatory Affairs