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#### List of Subjects in 40 CFR Part 372

Environmental protection, Chemicals, Community right-to-know, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements, Superfund, Toxic chemicals.

Dated: February 24, 1999.

**Susan H. Wayland,**

*Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

[FR Doc. 99–5495 Filed 3–4–99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[DOT Docket No. NHTSA–99–5157]

RIN 2127–AH03

### Federal Motor Vehicle Safety Standards; Bus Emergency Exits and Window Retention and Release

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this document, NHTSA proposes to amend the Federal Motor Vehicle Safety Standard on bus emergency exits and window retention and release by regulating the location of the anchorages for wheelchair securement devices. NHTSA is issuing this proposal to ensure that wheelchair securement anchorages and devices cannot be installed, and wheelchairs cannot be secured, in locations where they will block access to any exit needed for school bus evacuation in the event of an emergency. This proposal applies to school buses in which wheelchair positions are provided. Nothing in this rulemaking would require that wheelchair positions be provided.

**DATES:** You should submit your comments early enough to ensure that Docket Management receives them not later than May 4, 1999.

**ADDRESSES:** You should mention the docket number of this document in your comments and submit your comments in writing to: Docket Management, Room PL–401, 400 Seventh Street, S.W., Washington, D.C., 20590.

You may call the Docket at 202–366–9324. You may visit the Docket from 10:00 a.m. to 5:00 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** For non-legal issues, you may call Mr. Charles Hott, Office of Crashworthiness Standards at (202) 366–0247. His FAX number is (202) 493–2739.

For legal issues, you may call Ms. Dorothy Nakama, Office of the Chief Counsel at (202) 366–2992. Her FAX number is (202) 366–3820.

You may send mail to both of these officials at National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C., 20590.

#### SUPPLEMENTARY INFORMATION:

#### Background

NHTSA has long recognized the safety need for school buses to provide means for readily accessible emergency egress in the event of a crash or other emergency. The agency addressed this safety need by issuing Safety Standard No. 217, *Bus Emergency Exits and Window Retention Release* (49 CFR Section 571.217). Standard No. 217 includes emergency exit requirements for school buses. The standard requires that all new school buses have either (1) one rear emergency door, or (2) one emergency door that is located on the vehicle's left side, in the rear half of the bus passenger compartment, and that is hinged on its forward side and one push-out rear window. (See S5.2.3.1)

As a result of incidents like the 1988 Carrollton, Kentucky, tragedy, in which 27 persons died in a school bus fire following a crash, NHTSA amended Standard No. 217 (November 2, 1992, 57 FR 49413) by revising the minimum requirements for school bus emergency exits, requiring additional emergency exit doors on school buses, and improving access to school bus emergency doors. In the final rule, the agency stated that the preferred method of providing access to side emergency exit doors was through creating a dedicated aisle, and thus, S5.4.2.1(2) and Figures 5B and 5C were added to the standard to require a 30 centimeter (12 inch) wide aisle to provide access to side emergency exit doors.

In a final rule published on January 15, 1993 (58 FR 4586), NHTSA amended

Standard No. 222, *School bus passenger seating and crash protection* (49 CFR Section 571.222) by promulgating minimum safety requirements for school buses designed to transport persons in wheelchairs. Wheelchair securement devices and occupant restraint systems provided in these school buses must meet specified performance requirements. One requirement is that the wheelchair securement anchorages at each wheelchair securement location must be situated so that a wheelchair can be secured in a forward-facing position. Another is that wheelchair securement devices must secure wheelchairs at two points on the front of each wheelchair and two points on the rear (see S5.4.1.2). The amendments to Standard No. 222 did not address the location of wheelchair securement anchorages within the school bus itself.

In April 1996, the State of New York's Department of Transportation (NYDOT) asked whether wheelchair positions must meet the clearance specifications in S5.4.2.1 (*School bus emergency exit opening*) of Standard No. 217. According to NYDOT, some school districts in New York have requested to purchase school buses whose wheelchair anchorages are placed in front of emergency exits. This is done apparently to maximize the number of seating positions on the school bus. The alternative would be to remove school bus seats to make room for the anchorages. Use of these wheelchair anchorages may result in wheelchairs being placed so as to block the aisle to the emergency exit. New York's regulations do not prohibit a school bus emergency exit from being blocked with a wheelchair while the bus is in motion. NYDOT officials provided schematics from three different bus manufacturers showing wheelchair anchorages placed in front of emergency exits.

The agency has interpreted the existing requirements in Standard No. 217 to permit wheelchair anchorages adjacent to emergency exits. In response to a letter from Thomas Built Buses asking if it would be a violation of Standard No. 217 to place a wheelchair anchorage within the clearance area specified by S5.4.2.1 for the rear emergency exit door, the agency stated, in a letter of October 28, 1977, that:

NHTSA will measure the opening using the prescribed parallelepiped device as the vehicle is constructed in its unloaded condition. Since the wheelchair would not be present when the vehicle was in its unloaded condition, your location of the wheelchair would not violate the standard.

While this interpretation is consistent with other interpretations discussing the conditions under which NHTSA will

conduct compliance tests, NHTSA is concerned that it could lead to safety problems.

#### **Access to Side Door Emergency Exits and Rear Door Emergency Exits**

Since the initial adoption of the school bus standards, NHTSA has conducted rulemaking on two separate occasions to ensure the availability and accessibility of school bus exits.

##### *Rear Emergency Exit Door*

Access to the rear emergency exit door was established in a final rule of January 27, 1976 (41 FR 3871). The rule established a 45 inch x 25 inch x 12 inch (1143 mm x 610 mm x 305 mm) space in the rear emergency exit door for school buses with a gross vehicle weight rating over 4536 kg (10,000 lb.).

##### *Side Emergency Exit Doors*

Side door emergency access requirements were established in a final rule of November 2, 1992 (57 FR 49413). In specifying a minimum dedicated aisle of at least 30 cm, the rule prohibited the placement of any seats within the aisle unless the seats have bottoms that automatically flip up when unoccupied and assume a vertical position outside the aisle.

In the March 15, 1991 NPRM (56 FR 11153) that preceded the November 1992 final rule, NHTSA had considered establishing for side doors a partially dedicated aisle similar to that for rear emergency exit doors. It would have created a partially dedicated aisle by requiring the unobstructed passage of a parallelepiped of identical size (45 inch x 25 inch x 12 inch) (1143 mm x 610 mm x 305 mm) as the rear door opening 12 inches (305 mm) into the passenger compartment. NHTSA recognized that the 1143 mm x 610 mm x 305 mm alternative would have improved access to the side emergency exit door, but would eliminate two seating positions, one next to the side door, and the one immediately behind that position. Further, under Standard No. 222, *School bus passenger seating and crash protection*, it would have been necessary to provide a barrier in front of the first seating position located next to the side of the bus and to the rear of the side door. NHTSA expressed its belief that the cost of implementing the 1143 mm x 610 mm x 305 mm parallelepiped option would be "considerable." (56 FR at 11160) Although some public commenters supported adopting the option for the side emergency exit door, the agency decided not to adopt it, concluding that "there is not sufficient justification or experience to require dedicated aisles." (57 FR at 49419).

#### **Safety Need; Proposal**

Although the agency conceded in its 1977 interpretation that the standard would permit a wheelchair anchorage to be located in an exit, it had not expected that anchorages would actually be installed in this way. The rules on rear and side exits established that such exits are essential to the safety of bus occupants. The information supplied by NYDOT suggests that an amendment to Standard No. 217 is necessary to ensure that wheelchairs cannot be secured in a way that defeats the purpose of the exit requirements.

NHTSA is accordingly proposing to amend Standard No. 217 to prohibit the placement of wheelchair securement anchorages in the aisle of an emergency exit.<sup>1</sup> In addition, for any side emergency exit door, NHTSA proposes to prohibit placement of any anchorage within 685 mm (25 inches) on either side from the center of the school bus aisle. This aspect of NHTSA's proposal for side emergency exits is intended to prevent the placement of anchorages at locations where they could be used to secure a wheelchair directly in front of the emergency exit. NHTSA is concerned that persons in wheelchairs may be injured by persons evacuating the bus. Together, these prohibitions would prevent wheelchair securement anchorages and devices from being installed, and wheelchairs from being secured, in a location where they would block access to an emergency exit.

As an alternative to an anchorage location requirement, NHTSA is requesting comments on whether an information requirement would achieve the same result. Rather than proposing a broad prohibition against installing any wheelchair securement anchorages in a zone on either side of an exit, NHTSA's goals might be achieved by labels. Possible regulatory text for the warning to be placed next to each emergency exit is set forth below:

**WARNING: It is unsafe to secure a wheelchair in a location where the wheelchair blocks the aisle to an exit.**

NHTSA notes that the proposed changes in this notice of proposed rulemaking would only apply to those school buses in which wheelchair securement locations are provided. Nothing in this proposal would require that a school bus have a wheelchair securement location or that a manufacturer provide a wheelchair securement location on a school bus.

<sup>1</sup> NHTSA notes that since it can regulate only how new school buses are manufactured, and not how school buses are used, it cannot take the approach of proposing to specify where school bus operators place wheelchairs in a school bus.

This proposal does not apply to wheelchair lift doors that are not considered emergency exits.

NHTSA seeks public comment—

1. On the extent to which school buses have been or are being designed so that wheelchairs can be secured so as to hinder access to any emergency exit.

2. On whether the proposed regulatory language would achieve the desired result of preventing wheelchair securement anchorages and devices and wheelchairs from being positioned so that they block access to the emergency exit.

3. On whether the proposed regulatory language could be more narrowly crafted so that, for instance, it would not prohibit wheelchair securement anchorages from being installed just forward of a side emergency exit if the wheelchair securement devices attached to those anchorages could be used only for the purpose of installing a wheelchair forward of those anchorages, and thus forward of the exit aisle as well. An example of such language is set forth below:

"A school bus shall not have a wheelchair securement device that can be used, in combination with other wheelchair securement devices installed in the bus, to secure a wheelchair so that any portion of the wheelchair is located within the area defined—

(a) on the front side, by a transverse vertical plane tangent to the front edge of a side exit door,

(b) on the back side, by a transverse vertical plane tangent to the rear edge of that door,

(c) on the outboard side, by the plane of the doorway opening, and

(d) on the inboard side, by a longitudinal vertical plane passing through the longitudinal centerline of the bus."

4. On the extent to which seating capacity (both wheelchair and non-wheelchair) would be reduced in any school buses produced in the future if this proposal were made final.

5. Whether the need for safety would be met if, in lieu of the restrictions on wheelchair anchorages proposed in this NPRM, NHTSA were to require placing labels on schoolbuses with wheelchair locations that state it is unsafe to use a wheelchair securement device to secure a wheelchair in a location where the wheelchair blocks the aisle to an exit. Would the possibility of tort actions based on those labels effectively discourage the securing of wheelchairs in emergency exit aisles?

6. Should NHTSA both require a warning label and prohibit the installation of wheelchair securement

devices that make it possible to secure wheelchair in an area where it will block access to an emergency exit?

7. NHTSA seeks comment on whether these requirements should apply to all buses. If so, how can this be incorporated into the regulatory text? NHTSA is not aware of any other bus types that are manufactured with devices designed to secure wheelchairs that will block access to an emergency exit.

In addition to the above, the agency is also proposing to amend the regulatory text in S5.4.2.1(a)(1) to clarify that the bottom parallelepiped is to fit entirely within the door of the school bus. The current language specifies that the parallelepiped be in contact with the school bus floor at all times. Previous agency interpretations have indicated that this means that the rearmost surface of the parallelepiped be tangent to the plane of the rear emergency door opening.

#### Leadtime

NHTSA proposes that the proposed amendments, if made final, would take effect one year after the publication of the final rule. NHTSA believes one year is enough lead time for industry to make any necessary change. Manufacturers of school buses with wheelchair positions would be given the option of complying immediately with the new requirements. If this proposal were made final, NHTSA would encourage manufacturers to comply as soon as possible.

#### Regulatory Analyses and Notices

##### *Executive Order 12866 and DOT Regulatory Policies and Procedures*

Executive Order 12866, "Regulatory Planning and Review" (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees,

or loan programs or the rights and obligations of recipients thereof; or  
(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

We have considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rule is not considered a significant regulatory action under section 3(f) of the Executive Order 12866. Consequently, it was not reviewed by the Office of Management and Budget. This rulemaking document was not reviewed by the Office of Management and Budget under E.O. 12866, "Regulatory Planning and Review." The rulemaking action is also not considered to be significant under the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

For the following reasons, NHTSA believes that this proposal, if made final, would not have any cost effect on school bus manufacturers. When it amended Standard No. 222 to specify requirements for wheelchair securement anchorages and devices, NHTSA never envisioned that the anchorages would be placed so that wheelchair securement anchorages and devices or secured wheelchairs would block access to any exit. In analyzing the potential impacts of that rulemaking, NHTSA anticipated that vehicle manufacturers would, if necessary, remove seats to make room for securing wheelchairs in a forward-facing position and that, if necessary, additional buses would be purchased to offset the lost seating capacity. To the extent that vehicle manufacturers have not removed any seats and have instead installed wheelchair securement anchorages and devices in locations where the securing of wheelchairs will result in the blocking of exits, the agency overestimated the costs of that earlier rulemaking. If securement devices were being so installed, the impacts of adopting the amendments proposed in this notice would be to conform vehicle manufacturer practices to the assumptions made in the analysis of that earlier rulemaking.

Because the economic impacts of this proposal are so minimal, no further regulatory evaluation is necessary.

##### *Executive Order 12612*

We have analyzed this proposal in accordance with Executive Order 12612 ("Federalism"). We have determined that this proposal does not have sufficient Federalism impacts to warrant the preparation of a federalism assessment.

#### *Executive Order 13045*

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental, health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by us.

This rule is not subject to the Executive Order because it is not economically significant as defined in E.O. 12866. It does involve decisions based on health risks that disproportionately affect children on schoolbuses. However, this rulemaking serves to reduce, rather than increase, that risk.

#### *Executive Order 12778*

Pursuant to Executive Order 12778, "Civil Justice Reform," we have considered whether this proposed rule would have any retroactive effect. We conclude that it would not have such an effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

#### *Regulatory Flexibility Act*

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will

not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

The Administrator has considered the effects of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. § 601 *et seq.*) and certifies that this proposal would not have a significant economic impact on a substantial number of small entities. The rationale for this certification is that, as noted immediately above, NHTSA is not aware that any school bus manufacturer, or any small school bus manufacturer, is presently manufacturing school buses with wheelchair securement anchorages or devices that may result in blocking access to an emergency exit, or that any small school or school district has school buses with wheelchair securement anchorages or devices that may result in blocking access to an emergency door. Accordingly, the agency believes that this proposal would not affect the costs of the manufacturers of school buses considered to be small business entities. A small manufacturer could meet the new requirements by placing a wheelchair securement anchorage or device in a location other than in an exit aisle. Changing the placement of a wheelchair securement anchorage or device in this fashion might necessitate the removal of a seat in some cases. In those instances, there would be a small net loss of passenger capacity.

The Regulatory Flexibility Act does not, therefore, require a regulatory flexibility analysis.

#### *National Environmental Policy Act*

We have analyzed this proposal for the purposes of the National Environmental Policy Act and determined that it would not have any significant impact on the quality of the human environment.

#### *Paperwork Reduction Act*

Under the Paperwork Reduction Act of 1995 (PRA), a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This proposal does not propose any new information collection requirements. If we issue a final rule that requires a label, we will obtain the necessary clearance under the PRA.

#### *National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272) directs us to use voluntary consensus standards in our regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies, such as the Society of Automotive Engineers (SAE). The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

After conducting a search of available sources, we have determined that there are no available and applicable voluntary consensus standards that we can use in this notice of proposed rulemaking. We have searched the SAE's Recommended Practices applicable to buses, and have found no standards prohibiting placement of wheelchairs in front of emergency exit doors. We have also reviewed the National Standards for School Buses and School Bus Operations (NSSBSBO) (1995 Revised Edition). The NSSBSBO includes a subsection under "Standards for Specially Equipped School Buses" called "Securement and Restraint System for Wheelchair/Mobility Aid and Occupant." Paragraph 1.k. of this provision (on page 61) states: "The securement and restraint system shall be located and installed such that when an occupied wheelchair/mobility aid is secured, it does not block access to the lift door." Since this provision does not address blocking access to an emergency exit, we have decided not to use it in the rulemaking at issue.

#### *Unfunded Mandates Reform Act*

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires Federal agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than \$100 million in any one year (adjusted for inflation with base year of 1995). Before promulgating a NHTSA rule for which a written statement is needed, section 205 of the UMRA generally requires us to identify and

consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows us to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if we publish with the final rule an explanation why that alternative was not adopted.

This proposal would not result in costs of \$100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector. Thus, this proposal is not subject to the requirements of sections 202 and 205 of the UMRA.

#### *Regulation Identifier Number (RIN)*

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

#### **Comments**

##### *How do I Prepare and Submit Comments?*

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long. (49 CFR 553.21). We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

##### *How Can I Be Sure That My Comments Were Received?*

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

##### *How do I Submit Confidential Business Information?*

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR Part 512.)

##### *Will the Agency Consider Late Comments?*

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date. If Docket Management receives a comment too late for us to consider it in developing a final rule (assuming that one is issued), we will consider that comment as an informal suggestion for future rulemaking action.

##### *How Can I Read the Comments Submitted by Other People?*

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location.

You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

1. Go to the Docket Management System (DMS) Web page of the Department of Transportation (<http://dms.dot.gov/>).
2. On that page, click on "search."
3. On the next page (<http://dms.dot.gov/search/>), type in the four-digit docket number shown at the beginning of this document. Example: If the docket number were "NHTSA-1998-1234," you would type "1234." After typing the docket number, click on "search."
4. On the next page, which contains docket summary information for the docket you selected, click on the desired comments. You may download the comments. However, since the

comments are imaged documents, instead of word processing documents, the downloaded comments are not word searchable.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

#### **List of Subjects in 49 CFR Part 571**

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, it is proposed that the Federal Motor Vehicle Safety Standards (49 CFR Part 571), be amended as set forth below.

#### **PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS**

1. The authority citation for part 571 would continue to read as follows:

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

##### **§ 571.217 [Amended]**

2. Section 571.217 would be amended by adding in S4, in alphabetical order, the definitions of "wheelchair", "wheelchair securement anchorage", and "wheelchair securement device", by revising S5.4.2.1(a)(1) and by adding S5.4.3 to read as follows:

##### **§ 571.217 Standard No. 217; Bus emergency exits and window retention and release.**

\* \* \* \* \*

S4. \* \* \*

Wheelchair means a wheeled seat frame for the support and conveyance of a physically disabled person, comprised of at least a frame, seat, and wheels.

Wheelchair securement anchorage means the provision for transferring wheelchair securement device loads to the vehicle structure.

Wheelchair securement device means a strap, webbing or other device used for securing a wheelchair to the school bus, including all necessary buckles and other fasteners.

\* \* \* \* \*

S5.4.2.1 \* \* \*

(a) \* \* \*

(1) In the case of a rear emergency exit door, an opening large enough to permit unobstructed passage into the bus of a rectangular parallelepiped 1143 millimeters high, 610 millimeters wide, and 305 millimeters deep, keeping the 1143 millimeter dimension vertical, the 610 millimeters dimension parallel to

the opening, and the lower surface in contact with the floor of the bus at all times, until the rear most surface of the parallelepiped is tangent to the plane of the door; and

\* \* \* \* \*

S5.4.3 No portion of a wheelchair securement anchorage shall be located in a schoolbus such that:

(1) In the case of side emergency exit doors, any portion of the wheelchair securement anchorage is within the area

bounded by 435 mm (17 inches) forward and rearward of the center of the side emergency exit door aisle, as shown in Figure 6A.

(2) In the case of rear emergency exit doors, any portion of the wheelchair securement anchorage is within the space bounded by a rectangular parallelepiped that is 1143 mm high, 610 mm wide, and 305 mm deep and that is placed anywhere in the door opening, keeping the 1143 mm

dimension vertical, 610 mm dimension parallel to the opening, the lower surface in contact with the floor of the bus, and the rearmost surface tangent to the plane of the door opening, as shown in Figure 6B.

\* \* \* \* \*

3. Section 571.217 would be amended by adding after Figure 5C, Figure 6A and Figure 6B, to read as follows:

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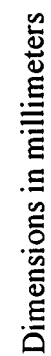


Figure 6A. Side Emergency Exit - No Wheelchair Anchorages within the shaded region

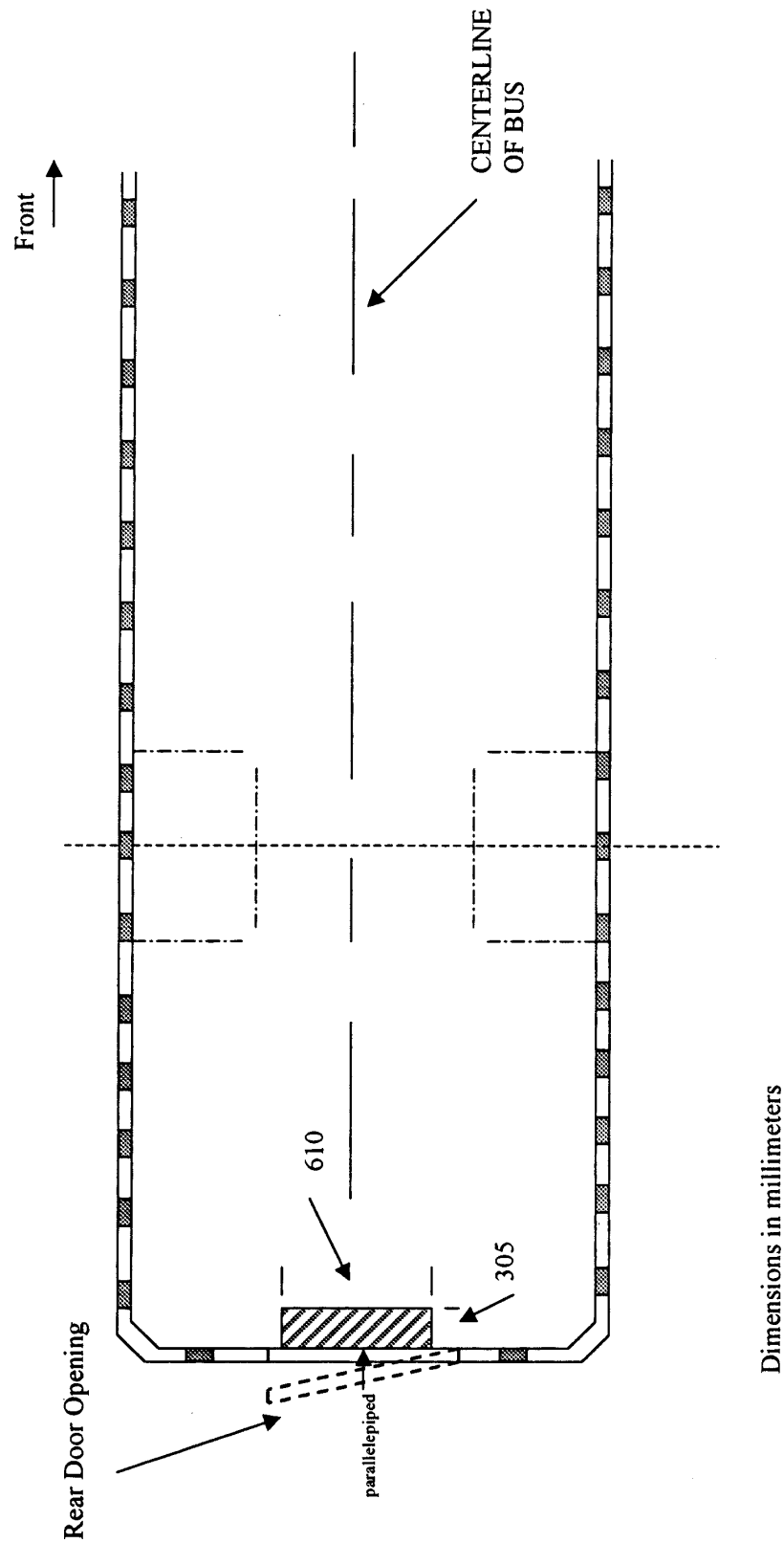


Figure 6B. Rear Door Emergency Exit - No Wheelchair Anchorages within the zone

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