



SURVIVAL FACTORS ATTACHMENT

The NHTSA's Email Response on Bus Classification

Bryce Canyon City, UT

HWY19MH012

(4 pages)

From: [Peters, Sara](#) [REDACTED]
To: [Kaminski, Ron](#) [REDACTED]
Cc: [Sweeney](#) [REDACTED]; [Beckjord](#) [REDACTED]; [Bragonier](#) [REDACTED]; [Bagnard](#) [REDACTED]; [Bayless](#) [REDACTED] (NHTSA); [Perrot](#) [REDACTED]
Subject: Re: NTSB HWY19MH012 Bryce Canyon Clarification of Bus Type
Date: Monday, July 20, 2020 8:43:00 PM
Attachments: [image003.png](#)

[CAUTION] This email originated from outside of the organization. Do not click any links or open attachments unless you recognize the sender and know the content is safe.

Hi Ron:

Answers to your questions are below. Best,
Sara

1. Date of Manufacture for FMVSS 571.208 S4.4: How does NHTSA define the date of manufacture and does the applicability date of this standard change for those vehicles with multistage construction?

Response: In this case, the certification labels indicate the vehicle was built in two or more stages and the last operation performed occurred in February 2017. Section 571.8(b) of Part 571 specifies that the compliance date for multistage vehicles built after 2005 is one year later than the compliance date for vehicles not built in stages. Over the road buses like the one involved in this crash were required to have seat belts in the passenger seating positions on November 28, 2016. However, because this bus was altered and manufactured in two or more stages, it was not required to have these seat belts until November 28, 2017. The alterer certification label says it was built in February 2017. Therefore, it was not required to have the belts.

2. According to the regulation, an “over-the-road” bus is a bus characterized by an “elevated passenger deck” located over a “baggage compartment”. Based on the exterior photo and Build documents, would NHTSA consider this bus an over-the-road bus? It was a body-on-frame design, there was an under-floor luggage rack (60 inches wide by 24 inches in height as shown in photo) and it had a large rear luggage compartment. Based on the photos and Build documents, would NHTSA consider this bus an over-the-road bus?

Response: Yes, we believe this is an over-the-road bus.

3. Has NHTSA studied any FARS data from 2009 to 2018 (the final rule data was 2000-2009 data) – to see if any “other than over-the-road” buses weighing exactly 26,000lbs and under have been involved in crashes that would change the data (and thus the delineation for occupant protection) from the final rule? (Because the rule stated the weight for 3-point seatbelts was greater than 26,000lbs for body-on-frame style buses.

Response: We have not observed this in our crash data.

4. What is the acceptable method for a vehicle manufacturer establishing GAWR and GVWR?

Response: For purposes of the FMVSS, the terms are defined in 49 CFR 571.3. Our regulation on certifying vehicles' compliance with the FMVSS (49 CFR part 567) includes requirements that manufacturers must label vehicles with the vehicle's GVWR and GAWR. There, the terms are defined with a bit more specificity. See 49 CFR sections 567.4(g)(3) and 567.4(g)(4).

From: Kaminski Ronald <[REDACTED]>
Sent: Tuesday, June 23, 2020 6:36 PM
To: Peters, Sara (NHTSA)
Cc: Sweeney Meg; Beckjord Michele; Bragonier Brian; Bagnard Mark
Subject: NTSB HWY19MH012 Bryce Canyon Clarification of Bus Type

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Sara,

My name is Ron Kaminski and I'm a Survival Factors Investigator in the Office of Highway Safety with the NTSB.

During a recent discussion of one of our crash investigations, some questions arose regarding bus classification and clarification of the bus manufacture date related to the applicability of federal regulations. Julie Perrot recommended that I reach out to you for some answers. In the past, Shashi Kuppa has been helpful in addressing these types of questions.

According to the VIN, the crash-involved vehicle was a 2017 Freightliner cab with an Embassy 37-passenger bus body with a GVWR of exactly 26,000 lbs. The GAWR was 27,500 lbs. or 1,500 lbs. higher than GVWR which seems unusual but is common with medium-size buses we have investigated in the past. The bus was equipped with lap belts in all rear passenger seating positions.

I have attached several Build documents as well as several photos. My areas for questions are below:

1. Date of Manufacture for FMVSS 571.208 S4.4: How does NHTSA define

the date of manufacture and does the applicability date of this standard change for those vehicles with multistage construction?

2. According to the regulation, an “over-the-road” bus is a bus characterized by an “elevated passenger deck” located over a “baggage compartment”. Based on the exterior photo and Build documents, would NHTSA consider this bus an over-the-road bus? It was a body-on-frame design, there was an under-floor luggage rack (60 inches wide by 24 inches in height as shown in photo) and it had a large rear luggage compartment.

3. Has NHTSA studied any FARS data from 2009 to 2018 (the final rule data was 2000-2009 data) – to see if any “other than over-the-road” buses weighing exactly 26,000lbs and under have been involved in crashes that would change the data (and thus the delineation for occupant protection) from the final rule? (Because the rule stated the weight for 3-point seatbelts was greater than 26,000lbs for body-on-frame style buses.

4. What is the acceptable method for a vehicle manufacturer establishing GAWR and GVWR?

Based on the photos and Build documents, would NHTSA consider this bus an over-the-road bus?

We appreciate your help and we will likely have some follow-up questions after receiving your response.

Regards,

Ron K.



Ronald A. Kaminski
Sr. Survival Factors Inv.
NTSB Highway Central Go-Team

[Redacted] Fax

CONFIDENTIALITY NOTICE - THIS E-MAIL TRANSMISSION MAY CONTAIN