



AMERICAN  
PUBLIC  
TRANSPORTATION  
ASSOCIATION

October 18, 2010

U.S. Department of Transportation  
Docket Management Facility  
1200 New Jersey Avenue, SE.,  
West Building, Rm. W12-140  
M-30, Ground Floor  
Washington, DC 20590

**RE: Docket Number NHTSA-2010-0112**

Dear Docket Clerk:

On behalf of the more than 1,500 member organizations of the American Public Transportation Association (APTA), I write to provide comments on the National Highway Traffic Safety Administration's (NHTSA) Notice of Proposed Rulemaking (NPRM) on Federal Motor Vehicle Safety Standards; Motorcoach Definition; Occupant Crash Protection, published August 18, 2010, at 75 FR 50958.

### ***About APTA***

APTA is a non-profit international trade association of more than 1,500 public and private member organizations, including public transit systems; high-speed intercity passenger rail agencies; planning, design, construction and finance firms; product and service providers; academic institutions; and state associations and departments of transportation. More than ninety percent of Americans who use public transportation are served by APTA member transit systems.

### **Defining "Motorcoach"**

We appreciate NHTSA's extensive efforts to adequately define the term "motorcoach," your recognition of the distinct operating environment and characteristics of transit buses, and your attempt to ensure transit buses were effectively excluded from the motorcoach definition. The proposed language in section 571.3, however, would create confusion among public transportation agencies, bus manufacturers, and the riding public. The word "urban" differentiates services areas and funding programs administered by the Federal Transit Administration and its use in section 571.3 suggests the exemption would not apply to all buses used in fixed route

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transit with frequent stops. Moreover, cities operating route deviated service (i.e., service that conforms to riders' requests rather than a fixed route, although still operated with frequent stops in urban or other areas) would not necessarily be covered. Finally, the phrase "frequent stops" could be interpreted to exclude express service (i.e., urban transit service with less frequent stops than other routes, although still operated on city streets).

As an alternative, we suggest altering the relevant portion of section 571.3 to read "a transit bus designed and procured for operation in public transportation other than an over-the-road bus as defined by the U.S. Department of Transportation." This would allow reference to 49 CFR 37.3 and ensure commuter coaches designed and procured for use in highway service would be equipped with seat belts, effectively exclude transit buses designed and procured for low speed, frequent stop environments from the seat belt requirements as intended, and eliminate confusion in the public transportation industry.

### **Retrofitting Used Buses**

We do not believe it is feasible to require retrofitting existing buses. As observed in the NPRM, design variation, construction, and materials would necessitate analysis of individual coaches. The costs of this analysis alone, as well as the retrofit costs for some portion of the fleets, could be devastating to public transportation commuter services. Were public transportation agencies economically forced to curtail commuter services, those riders would most likely revert to automobiles, with far greater risk than riding a coach operated by a public transportation agency, even without seat belts. The net effect would be a decrease in safety, much as the NPRM acknowledges would occur if seat belt requirements were extended to school buses.

We appreciate the opportunity to assist the NHTSA in this important endeavor. For additional information, please contact James LaRusch, APTA's chief counsel and vice president corporate affairs, at (202) 496-4808 or [jlarsch@apta.com](mailto:jlarsch@apta.com).

Sincerely yours,



William Millar  
President

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