

Issued: May 8, 2001.

Stephen R. Kratzke,

*Associate Administrator for Safety
Performance Standards.*

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of a Petition for a Defect Investigation and for Rulemaking, DP00-005

AGENCY: National Highway Traffic
Safety Administration (NHTSA),
Department of Transportation.

ACTION: Denial of petition for a defect
investigation and for rulemaking.

SUMMARY: This notice sets forth the
reasons for the denial of a petition
submitted to NHTSA under 49 U.S.C.
30162, requesting that the agency
investigate an alleged safety-related
defect in certain Ford pickup trucks and
to begin a rulemaking proceeding. The
petition is hereinafter identified as
DP00-005.

FOR FURTHER INFORMATION CONTACT: For
defects issues, Peter C. Ong, Office of
Defects Investigation, NHTSA, 400
Seventh Street, SW., Washington, DC
20590. Telephone: (202) 366-0583. For
rulemaking issues, Michael Huntley,
Office of Safety Performance Standards,
Telephone: (202) 366-0029.

SUPPLEMENTARY INFORMATION: Dr. Carl E.
Nash (petitioner) submitted a petition to
NHTSA by letter dated September 1,
2000, requesting, among other things,
that a safety-related defect investigation
be initiated with respect to the
interaction of a vehicle seat belt in the
model year (MY) 1997 Ford Ranger
pickup truck and certain child safety
seats (CSS). Specifically, the petitioner
alleges that the 2-point, manually-
adjusting lap belt design located in the
center seating position of the MY 1997
Ford Ranger is defective because it does
not securely hold certain forward-facing
CSSs, such as the 1997 Cosco Touriva.
Since both the MY 1996 and 1997 Ford
Rangers have the same lap belt design
in the center seating position, they will
be the subject vehicles in this phase of
the analysis. Additionally, the petitioner
requests that a rulemaking be
considered to prohibit this type of lap
belt assembly from being used in any
passenger vehicles in the future.

A review of the agency's data files,
including information reported to the
DOT Auto Safety Hotline, does not
indicate any complaints about the lap

belt for the center seat on the subject
vehicles, including when that belt is
used with a CSS. Also, a review of the
data for complaints about the Cosco
Touriva CSSs showed no complaints
referring to CSS attachment or
installation problems when used in the
subject vehicles, or in any other
vehicles.

The subject vehicles have a 3-point
combination lap and shoulder belt
assembly and an air bags at the driver
and outboard passenger seating
positions, and a manually-adjusting lap
belt assembly at the center seating
position. The outboard passenger seat
belt assembly has a dual locking mode
belt retractor to help maintain belt
tension for both the occupants and a
CSS. The lap belt assembly for the
center seating position has a built-in
friction locking bar inside the latch
plate assembly to keep the belt tight, but
no retractor.

Instructions are given in the subject
vehicles' owner's guides,¹ describing
how to install a CSS in a seating
position with a combination lap and
shoulder belt, which is the outboard
seating position. According to those
instructions, the seat belt assembly is to
be engaged in the automatic locking
mode to ensure that the seat belt
remains tight when used to restrain a
CSS. The instructions also recommend
the use of a top tether strap with
forward-facing CSSs. The guide also
states that when using a rear-facing
infant CSS, the passenger air bag must
be turned off. No instructions are given
for the installation of a CSS in the center
seating position, although there is no
specific direction not to do so.

ODI personnel easily installed and
secured a Cosco Touriva CSS in the
outboard passenger seating position of a
subject vehicle following the
instructions provided in the vehicle's
owner's guide. It was difficult to install
the Touriva CSS in the center seating
position because the base of the CSS
was wider than the distance between
the seat belt latch plate assembly exit
point and the buckle assembly exit
point in the bench seat. ODI also
observed that when the latch plate end
was inserted into the buckle, the buckle
portion of the lap belt assembly
protruded 5-6 inches out from the seat
and was about the same height as the
height of the slot in the CSS for the seat
belt to pass through.

ODI personnel then checked the CSS
for tightness as prescribed in the

Touriva instruction manual:² "Tilt and
push the child restraint forward and to
both sides." The CSS moved and
loosened from the lap belt when it was
tilted in the side to side direction. It
appeared that the belt webbing could
form a 90° angle to the latch plate
assembly and prevent the engagement of
the friction locking bar in the belt
assembly of the vehicle. This inability of
the Touriva CSS to remain tightly
secured on the center seat was evident.

ODI personnel also installed another
forward-facing CSS, the Gerry One-Click
Model 691, in a subject vehicle. Again,
ODI personnel easily installed and
secured the One-Click CSS in the
outboard passenger seating position.
Due to its narrower base, it was also
easier to install and secure in the center
seating position than the Cosco Touriva
CSS. In the final check for proper fit/
tightness, the One-Click was "rocked
from side to side" as instructed in the
One-Click instruction manual,³ and it
remained tight and secured to the center
seat.

It was noted that even if the Cosco
Touriva CSS could have been securely
attached at the center seating position,
its left side intruded into the driver's
seating area, and therefore could
interfere with the driver's ability to
operate the vehicle. In addition, the
driver would not be able to readily
operate the floor-mounted shift lever
because it would be blocked by the left-
front corner of the CSS (approximately
60% of the subject vehicles were sold
with a floor-mounted shift lever).

Proper interaction and fit between a
vehicle and a CSS are very important.
NHTSA's child passenger safety
brochures advise parents and caregivers
that "Not all child seats can be installed
in all vehicles and all seating positions.
With numerous models of child seats,
almost 300 models of passenger
vehicles, and the wide range of belt
systems available today, correctly
installing a child seat can be
challenging." These brochures also
caution owners that "Vehicle seats and
seat belts are built for the comfort of
adults, not to secure a child car seat
correctly. Some child car seats cannot
be used safely in certain seating
positions."⁴ It is, therefore, imperative
that consumers check their vehicle
owner's manual and child restraint

² Cosco Touriva One-Guard models 02-014/02-015, Instruction Manual for a MY 1997 CSS, Page 7, Sections "Do You Have a Manual Belt?"

³ Evenflo/Gerry One-Click Model 691 CSS Owner's Manual, Page 11, Section "Manually Adjusted Belt and Locking Latch Plates."

⁴ NHTSA Publications DOT HS 809 011, "Buying a Safer Car for Child Passengers 2000," and DOT HS 808 302, "Are You Using It Right?"

¹ E.g., MY 1997 Ford Ranger Owner's Guide, First Printing, Pages 101-145 and MY 1996 Ford Ranger Owner's Guide, First Printing, Pages 9-40.

instruction manual to determine where to properly place and how to properly secure child safety seats.

NHTSA has published numerous other brochures on how to safely transport children. They describe other important vehicle-to-CSS interface issues and factors that need to be considered by parents and caregivers. The brochures are available on our NHTSA website⁵ or can be obtained by contacting the NHTSA Hotline.⁶

NHTSA agrees that the design of the lap belt assembly for the center seating position in the subject vehicles may make it difficult for CSSs similar to the Cosco Touriva to be installed securely and that children riding in an inadequately-secured CSS might not be properly protected in the event of a crash. However, these CSSs can be installed securely in the outboard passenger seating position as described in the vehicle owner's manual. (We note that the subject vehicles, when equipped with the optional passenger air bag, are equipped with switches that allow the driver to temporarily disable the passenger air bag when a child is present to assure that a deploying air bag will not injure the child.) In addition, there have been no consumer complaints regarding this alleged problem in the subject vehicles. For these reasons, NHTSA has no basis on which to conclude that this condition constitutes a safety-related defect. It is unlikely that NHTSA would issue an order concerning the notification and remedy of a safety-related defect at the conclusion of an investigation into this matter.

With respect to the petitioner's request that a rulemaking be commenced to consider prohibiting this type of lap belt assembly from being used in any passenger motor vehicles in the future due to its inability to securely hold certain models/sizes of CSSs, NHTSA has recently amended Federal Motor Vehicle Safety Standard (FMVSS) No. 213 and adopted a new FMVSS No. 225 to establish new anchorage and mounting requirements for vehicles and CSSs. FMVSS No. 225 was adopted in March 1999 and, when fully effective, will require passenger cars, SUVs, light-duty trucks, buses, and vans to be equipped with easy-to-use anchorage systems consisting of an upper tether anchorage and two lower anchorages designed to be used exclusively for securing CSSs. By requiring an independent child restraint anchorage

system, this standard will significantly improve the compatibility of vehicle seats and CSSs. As of September 1, 2000, 80% of new vehicles were required to be equipped with the user-friendly upper tether anchorages and by September 1, 2001, 80% of new vehicles will also be equipped with the lower restraint anchorages. All passenger cars manufactured after September 1, 2002, will be equipped with both the upper tether and lower restraint anchorages. All CSSs manufactured after September 1, 2002 will be required to have hardware to attach to these standardized anchorages, and will also be required to be attachable to the vehicle via the vehicle's seat belt system, as is currently done, since the pre-existing fleet will not have the new anchorages. We note, however, that FMVSS No. 225 only requires the new, standardized anchorages at certain seating positions, which vary depending on the type of vehicle, so it is crucial that consumers consult their vehicle owner's manual and their child restraint instruction manual to determine where and how to properly install their CSS. In view of these recent amendments, the compatibility problems noted by the petitioner will not occur in future vehicles, so there is no need for further regulatory action.

For the foregoing reasons, and in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition for a defect investigation and for rulemaking is denied.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Issued on: May 8, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

Kenneth N. Weinstein,

Associate Administrator for Safety Assurance.

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DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

Advisory Council on Transportation Statistics

AGENCY: Bureau of Transportation Statistics, Transportation.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to Section 10(A)(2) of the Federal Advisory Committee Act (Public law 72-363; 5 U.S.C. App.2) notice is hereby given of a meeting of the Bureau of Transportation Statistics

(BTS) Advisory Council on Transportation Statistics (ACTS) to be held Friday, June 1, 2001, 10 a.m. to 4 p.m. The meeting will take place at the U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC, in conference room 3200-3202 of the Nassif Building.

The Advisory Council, called for under Section 6007 of Public law 102-240, Intermodal Surface Transportation Efficiency Act of 1991, December 18, 1991, and chartered on June 19, 1995, was created to advise the Director of BTS on transportation statistics and analyses, including whether or not the statistics and analysis disseminated by the Bureau are of high quality and are based upon the best available objective information.

The agenda for this meeting will include, Director's programs update, indicators, outreach, performance measures, confidentiality, identification of substantive issues, review of plans and schedule, other items of interest, discussion and agreement of date(s) for subsequent meetings, and comments from the floor.

Since access to the DOT building is controlled, all persons who plan to attend the meeting must notify Ms. Lillian "Pidge" Chapman, Council Liaison, on (202) 366-1270 prior to May 25, 2001. Attendance is open to the interested public but limited to space available. With the approval of the Chair, members of the public may present oral statements at the meeting. Noncommittee members wishing to present oral statements, obtain information, or who plan to access the building to attend the meeting should also contact Ms. Chapman.

Members of the public may present a written statement to the Council at any time.

Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Ms. Chapman (202) 366-1270 at least seven days prior to the meeting.

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Ashish Sen,

Director.

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⁵ NHTSA Website at <http://www.nhtsa.dot.gov/people/injury/childps/>.

⁶ NHTSA Hotline at 1-888-DASH-2-DOT (1-888-327-4236).