

Other Service (Commuter, Charter, or Tour)

\$ _____ for # _____ New Over-the-road Buses
 \$ _____ for # _____ Retrofits
 \$ _____ for # _____ Employees—Training

*B. Document Matching Funds, including Amount and Source:**C. Describe Project, including Components to be funded, i.e., Lifts, Tie-downs, Moveable Seats, etc. and/or Training:**D. Provide Project Time Line, including Significant Milestones such as Date of Contract for Purchase of Vehicle(s), and actual or expected delivery date of vehicles:**E. Project Evaluation Criteria—Projects will be evaluated according to the following criteria:*

The identified need for over-the-road bus accessibility for persons with disabilities in the areas served by the applicant. (20 points)

The extent to which the applicant demonstrated innovative strategies and financial commitment to providing access to over-the-road buses to persons with disabilities. (20 points)

The extent to which the over-the-road bus operator acquired equipment required by DOT's over-the-road bus accessibility rule prior to the required time-frame in the rule. (20 points)

The extent to which financing the costs of complying with DOT's rule presents a financial hardship for the applicant. (20 points)

The impact of accessibility requirements on the continuation of over-the-road bus service with particular consideration of the impact of the requirements on service to rural areas and for low-income individuals. (20 points)

Appendix B—FTA Regional Offices

Region I—Massachusetts, Rhode Island, Connecticut, New Hampshire, Vermont and Maine

Richard H. Doyle, FTA Regional Administrator, Volpe National Transportation Systems Center, Kendall Square, 55 Broadway, Suite 920, Cambridge, MA 02142-1093, (617) 494-2055

Region II—New York, New Jersey, Virgin Islands

Letitia Thompson, FTA Regional Administrator, One Bowling Green, Room 429, New York, NY 10004-1415, (212) 668-2170

Region III—Pennsylvania, Maryland, Virginia, West Virginia, Delaware, Washington, DC

Herman Shipman, Acting FTA Regional Administrator, 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124, (215) 656-7100

Region IV—Georgia, North Carolina, South Carolina, Florida, Mississippi, Tennessee, Kentucky, Alabama, Puerto Rico

Jerry Franklin, FTA Regional Administrator, 61 Forsyth Street, S.W., Suite 17T50, Atlanta, GA 30303, (404) 562-3500

Region V—Illinois, Indiana, Ohio, Wisconsin, Minnesota, Michigan

Joel Ettinger, FTA Regional Administrator, 200 West Adams Street, 24th Floor, Suite

320, Chicago, IL 60606-5232, (312) 353-2789

Region VI—Texas, New Mexico, Louisiana, Arkansas, Oklahoma

Robert Patrick, FTA Regional Administrator, 819 Taylor Street, Room 8A36, Ft. Worth, TX 76102, (817) 978-0550

Region VII—Iowa, Nebraska, Kansas, Missouri

Mokhtee Ahmad, Regional Administrator, 901 Locust Street, Suite 404, Kansas City, MO 64106, (816) 329-3920

Region VIII—Colorado, North Dakota, South Dakota, Montana, Wyoming, Utah

Lee Waddleton, FTA Regional Administrator, Columbine Place 216 16th Street, Suite 650, Denver, CO 80202-5120, (303) 844-3242

Region IX—California, Arizona, Nevada, Hawaii, American Samoa, Guam

Leslie Rogers, FTA Regional Administrator, 201 Mission Street, Suite 2210, San Francisco, CA 94105-1831, (415) 744-3133

Region X—Washington, Oregon, Idaho, Alaska

Richard Krochalis, FTA Regional Administrator, Jackson Federal Building, 915 Second Avenue, Suite 3142, Seattle, WA 98174-1002, (206) 220-7954

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DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration**

[Docket No. NHTSA 2002-15644 Notice 2]

Freightliner LLC; Grant of Application for Decision for Determination of Inconsequential Non-Compliance

This notice grants the application by Freightliner LLC (Freightliner) on behalf of Thomas Built Buses, Inc. (Thomas) of High Point, North Carolina, to be exempted from the notification and remedy requirements of 49 U.S.C. 30118 and 30120 for a noncompliance with 49 CFR 571.205, Federal Motor Vehicle Safety Standard (FMVSS) No. 205, "Glazing Materials." Freightliner has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Responsibility and Reports." Pursuant to 49 CFR Part 556, "Exemption for Inconsequential Defect or Noncompliance," Freightliner has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301, "Motor Vehicle Safety." The basis of the grant is that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published August 19, 2003, (68 FR 49841) affording an opportunity for

comment. The comment closing date was September 18, 2003. No comments were received.

From September 22, 2002 to February 24, 2003, Freightliner manufactured 700 Thomas Built Conventional, MPV-EF and HDX buses with driver side windows that do not meet the labeling requirements of paragraph S6 of FMVSS No. 205. The driver side windows were not marked with the "DOT" symbol, manufacturer's number and the AS 2 code mark.

FMVSS No. 205, paragraph S6, "Certification and marking," requires that each piece of glazing material shall be marked in accordance with Section 6 of the American National Standard "Safety Code for Safety Glazing Materials for Glazing Materials for Glazing in Motor Vehicles Operating on Land Highways" Z-26.1-1977, January 26, 1977, as supplemented by Z26.1a, July 3, 1980 (ANS Z26). This specifies all safety glazing materials for use in accordance with this code shall be legibly and permanently marked in letters and numerals at least 0.070 inch (1.78 mm) in height, with the words "American National Standard" or the characters "AS" and, in addition, with a model number that will identify the type of construction of the glazing material. The glazing materials shall also be marked with the manufacturer's distinctive designation or trademark. In addition, FMVSS No. 205, paragraph S6.2 requires that each piece of glazing material be marked with the symbol "DOT." Freightliner stated that the noncompliance consists of the driver side windows not being marked with the "DOT" symbol, manufacturer's number and the AS 2 code mark.

According to Freightliner, the manufacturer of the window, Double Eagle Window MFG, LLC, notified Freightliner on April 15, 2003 of the labeling noncompliance. Freightliner submitted a compliance test report indicating that the tempered glass parts in question were in full compliance with 49 CFR 571.205 except for labeling.

NHTSA has reviewed Freightliner's application and, for the reasons discussed in this paragraph, concludes that the noncompliance of the Freightliner driver side windows is inconsequential to motor vehicle safety. Freightliner has provided documentation indicating that the driver side windows do comply with all other safety performance requirements of the standard except labeling requirements. Consequently, the noncompliance would not affect the purposes of FMVSS No. 205, which include reducing injuries from impacts to glazing surfaces, ensuring driver

visibility, and minimizing the possibility of occupants being thrown through the vehicle windows in collisions. Furthermore, it is unlikely that the labeling would result in inadvertent replacement of windows with the wrong glazing since all buses have AS 2 glazing in the driver side window (which is necessary for driver visibility). In addition, the affected vehicles are large buses that are typically operated by professional drivers, and maintenance and repairs are performed by experienced mechanics.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance it describes is inconsequential to motor vehicle safety.

Accordingly, the application is granted, and the applicant is exempted from providing the notification of the noncompliance that is required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

The applicant is hereby informed that all products manufactured on and after the date it determined the existence of this noncompliance must fully comply with the requirements of FMVSS No. 205.

Authority: 49 U.S.C. 30118(b), 30120(h), delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: November 18, 2003.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2003-15154; Notice 2]

General Motors North America, Grant of Application for a Decision of Inconsequential Noncompliance

General Motors North America (GM), has determined that approximately 251,000 model year 2003 Silverado/Sierra pickup trucks, Tahoe/Suburban/Escalade sport utility vehicles, and Savanna/Express vans do not comply with either paragraph S5.3.3(a) of Federal Motor Vehicle Safety Standard (FMVSS) No. 105, or paragraph S5.5.3 of FMVSS No. 135. The Silverado/Sierra pickup trucks and the Savanna/Express vans are required to comply with FMVSS No. 105, while the Tahoe/Escalade/Suburban sport utility vehicles are required to comply with FMVSS No.

135, based on gross vehicle weight ratings (GVWR).

Pursuant to 49 U.S.C. 30118(d) and 30120(h), GM has applied for a determination that the noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Notice of receipt of GM's application was published in the **Federal Register** on June 5, 2003 with a 30-day comment period (68 FR 33758). NHTSA received no comments on this application.

Specifically, the red "Brake" telltale, if illuminated, will be extinguished for the duration of an Antilock Brake System (ABS) activation event that involves the front wheels. Stated briefly, the "Brake" telltale will not be illuminated while ABS is modulating the front brakes. Both FMVSS Nos. 105 and 135 require that the "Brake" telltale, once activated, remain illuminated until the problem that activated the telltale is resolved.

The brake system malfunctions that can cause illumination of "Brake" telltale can result in brake system failure, therefore, it is important that the "Brake" telltale be visible to the driver whenever it is activated. A potential danger of this noncompliance is that the "Brake" telltale may be activated while the ABS is modulating the front brakes, which would momentarily prevent the illumination of the telltale. Also, if the telltale is extinguished for any length of time, the driver may believe the brake system problem has been corrected.

GM considers the momentary extinguishing of the "BRAKE" telltale while ABS is cycling to be inconsequential to motor vehicle safety. According to GM, malfunctions of the foundation brake system that results in "Brake" telltale illumination are rare events and the combination of "Brake" telltale illumination with a simultaneous ABS activation is extremely unlikely.

The owner's manual of the noncompliant vehicles includes the following text regarding the "BRAKE" telltale:

"If the light comes on while you are driving, pull off the road and stop carefully. You may notice that the pedal is harder to push. Or, the pedal may go closer to the floor. It may take longer to stop. If the light is still on, have the vehicle towed for service. CAUTION: Your brake system may not be working properly if the brake system warning light is on. Driving with the brake system warning light on can lead to an accident. If the light is still on after you've pulled off the road and stopped carefully, have the vehicle towed for service."

According to GM, the instructions and caution are intended to prompt drivers to take immediate corrective action when the "BRAKE" telltale is illuminated, which would minimize the likelihood that the vehicle would experience ABS cycling subsequent to initial illumination of the telltale.

GM further supported the position that the noncompliance is inconsequential to motor vehicle safety by pointing out that S5.3.4 of FMVSS 105 allows the subject "BRAKE" telltale to be "steady burning or flashing." The corresponding language in S5.5.4 of FMVSS 135 is "continuous or flashing". This explicit regulatory allowance for flashing demonstrates that momentary absence of telltale illumination is not per se a safety issue.

According to GM, the "Brake" and "ABS" telltales on the subject vehicles otherwise comply with all applicable provisions of paragraph S5.3 of FMVSS 105 and paragraph S5.5 of FMVSS 135 and GM is not aware of any crashes, injuries, owner complaints or field reports related to this condition.

The agency has reviewed paragraph S5.3 of FMVSS No. 105 and paragraph S5.5 of FMVSS No. 135, and concurs with the GM's decision that the extinguishment of the "Brake" telltale during an activation of the ABS would constitute a noncompliance with both standards. We do not have data to define the frequency of brake system malfunctions that activate the "Brake" telltale. Nevertheless, we believe that except in rare instances where fluid lost during a brake application would cause the "Brake" telltale to illuminate, the telltale would already be illuminated prior to the driver making a stop that engaged the ABS. The color red of the "Brake" telltale is one that requires immediate attention and is consistent with the red lamp in a traffic signal that directs the driver to stop.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance is inconsequential to motor vehicle safety.

Accordingly, the application is granted and the applicant is exempted from providing the notification and remedy requirements of 49 U.S.C. 30118 and 49 U.S.C. 30120, respectively. (49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: November 18, 2003.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

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