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44 NJR 4(2)
Filed March 5, 2012

TRANSPORTATION

MOTOR VEHICLE COMMISSION

Equipment; Inspection Standards; Seats and Restraining Barriers; Windows and Windshields; Scope

Proposed Amendments: N.J.A.C. 13:20-30.9, 49C.32, 50B.23, 50B.30, 50B.33 and 50B.46, 50B.49, and 13:20-51.1

Authorized By: Motor Vehicle Commission, Raymond P. Martinez, Chair.

Authority: N.J.S.A. 39:2-3, 39:3-10, and 39:3-11.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2012-058.

Submit comments by June 15, 2012 to:

Steven E. Robertson, Director
Regulatory and Legislative Affairs
Motor Vehicle Commission
Attn: Regulatory and Legislative Affairs
225 East State Street
PO Box 162
Trenton, New Jersey 08666-0162

The agency proposal follows:

Summary

This notice of proposal is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5; since the notice is not listed in the agency rule-making calendar, the public comment period for this notice of proposal will be 60 days.

Subchapter 30, Inspection of School Buses, provides requirements for school bus inspections and maintenance. N.J.A.C. 13:20-30.9 requires vendor certification that a bus meets applicable standards. The Motor Vehicle Commission (MVC) proposes to clarify that the equipment subject to inspection must meet the standards for the year of its manufacture, not the model year of the bus, as the goal is for equipment to meet standards applicable to the date on which it was manufactured, regardless of the model year bus in which it is used.

Subchapter 49C, Body Standards for Buses Used for Pupil Transportation Manufactured June 1993 through December 2005, provides equipment requirements. N.J.A.C. 13:20-49C.32 contains requirements for seats and crash barriers. The MVC proposes to use the Federal standard for the flammability specifications of the occupant seats and remove the newly imposed requirement that the seat, seat back cushion, and restraining barrier be completely encapsulated. Complete encapsulation is an unnecessary step and not required by the Federal standards.

Subchapter 50B, Body Standards for School Buses Manufactured January 2006 and Thereafter, sets forth the physical requirements for school buses in this category. N.J.A.C.13:20-50B.23 provides requirements for warning lamps. The MVC is proposing to clarify that buses equipped with automatic service doors be equipped with emergency manual override switches to permit the driver to activate the red signal warning lamps prior to opening the door is applicable only to buses manufactured in February 2012 or

later. Buses manufactured prior to this date may have such switches, but are not required to. N.J.A.C. 13:20-50B.30 specifies standards for rub rails. The MVC proposes to clarify that the requirement the rub rails be continuous, including across luggage compartments, is applicable to buses manufactured in February 2012 or later.

N.J.A.C. 13:20-50B.33 provides rules for seats and restraining barriers. Subsection (f) prescribes the amount of space that is required between seats. As a stakeholder pointed out to the MVC, each manufacturer has different seat designs, and each design has to meet the Federal Motor Vehicle Safety Standards (FMVSS) performance requirements. As new seating designs become available, separate measured requirements in the rules that may differ from FMVSS could prevent certain bus manufacturers and certain types of seats from being used in New Jersey. This is not the intended result of the MVC measured standards. Therefore, the MVC proposes to amend subsection (f) to delete references to specific seat measurements and to allow the space between seats to be determined by the applicable FMVSS standards.

Subsection (i) contains standards for a drivers' seats and currently specifies that drivers' seats must meet the performance criteria in the School Bus Seat Upholstery Fire Block Test set forth by the National School Transportation Specifications and Procedures (NSTSP). The MVC proposes to amend subsection (i) by removing the phrase "performance criteria" and replacing it with "flammability requirements." Subsection (i) is amended to replace the existing standard of the NSTSP with the standard of FMVSS No. 302, Flammability of Interior Materials, which specifies burn resistance requirements for materials used in the occupant compartments of motor vehicles, as the standard for drivers' seats.

Subsection (j) provides measured standards for the space behind a driver's seat and requires a restraining barrier. This subsection currently sets the height and width measurement requirements for the restraining barriers. For uniformity, the MVC proposes to amend this subsection to replace the measured standards with FMVSS No. 222, which is incorporated by reference, as amended and supplemented.

N.J.A.C. 13:20-50B.46 currently requires that smaller windows for smaller buses whose body design does not allow for full side windows be operational. The MVC proposes to amend paragraph (a)1 to allow a window smaller than a full side window to be directly aft the side emergency door and rearmost side windows, and also to remove the requirement that the smaller window be operational.

N.J.A.C. 13:20-50B.49 concerns wiring. The MVC proposes to clarify that the requirement that buses have a solenoid switch or electrical control system applies only to buses manufactured in February 2012 or later.

Subchapter 51, Standards for Type S School Vehicles, applies to Type S school buses and includes rules as to what type of vehicle may or may not be used for school transportation. N.J.A.C. 13:20-51.1 concerns the scope of the subchapter. This section sets weight limits as to what may be used for the transportation of children. In response to stakeholder interests, the MVC proposes an amendment to subsection (d) to delete the restriction against center aisles in Type S school vehicles. Subsection (d) would still maintain the existing weight restriction.

Subsection (e) currently provides that a motor vehicle that is identified as a truck in its statement of origin shall not be used for school transportation purposes. The MVC proposes to amend this subsection to also include the phrase "or vehicle identification

number (VIN),” to clarify that the vehicle may not be identified as a truck in the statement of origin or by the VIN. The MVC also proposes to add new subsection (f), which allows an exception for trucks that have been so identified, but modified. A vehicle that has been modified by a manufacturer-certified or factory-authorized conversion company, and that meets safety standards, may be used for student transportation, unless the manufacturer designates the vehicle as not for school use.

Social Impact

The proposed amendments have a positive social impact because they reflect the most current safety standards that provide for maximum safety in pupil transportation. These rules promote the public welfare by ensuring that students are transported to and from school and school-connected activities in school buses and vehicles that are properly equipped to safely provide transportation services.

Economic Impact

The proposed amendments do not appear to have a potential economic impact on school districts that provide transportation services for students, school bus chassis and body manufacturers, or school bus operators. The amendments designating rules applicable only to buses manufactured in February 2012 or later is to avoid the expense of retrofitting costs.

Federal Standards Statement

Executive Order No. 27 (1994) and P.L. 1995, c. 65, require that a State agency

that adopts, readopts, or amends rules that exceed Federal standards or requirements include in the proposed rulemaking a comparison with Federal law. The proposed amendments do not cause the rules to, or amend any rule that does, exceed Federal standards or requirements. Therefore, a Federal standards analysis is not required.

Jobs Impact

The Motor Vehicle Commission does not anticipate that any jobs will be generated or lost as a result of the proposed amendments.

Agriculture Industry Impact

The proposed amendments will have no impact on the agriculture industry.

Regulatory Flexibility Statement

The proposed amendments have been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules as amended impose no reporting, recordkeeping, or compliance requirements on school bus operators, some of which are small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on housing affordability in this State and there is an extreme unlikelihood that the amendments will evoke a change in the average costs associated with housing because the proposed amendments set forth

requirements and standards concerning school bus inspection, safety, and equipment.

Smart Growth Development Impact Analysis

The proposed amendments will have no impact on smart growth or on new construction in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the proposed amendments set forth requirements and standards concerning school bus inspection, safety, and equipment.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 30. INSPECTION OF SCHOOL BUSES

13:20-30.9 Standards

All equipment subject to inspection shall meet the standards[,] for the applicable [model year,] **date of manufacture** now or hereafter prescribed by Federal law or rule, New Jersey statute, or Motor Vehicle Commission rule. A vendor who sells or leases a school bus for the transportation of children shall issue a "Vendor Certification Statement" to the buyer or lessee, signed by an authorized agent or officer of the company, certifying that the school bus meets all Federal and State standards. The "Vendor Certification Statement" shall identify the school bus by make, model, year, and vehicle identification number. The vendor shall also file a copy of the "Vendor Certification Statement" with the Commission's Bus Inspection Unit at the time of

inspection. It is the sole responsibility of the buyer or lessee to insure that the school bus meets all Federal and State standards.

SUBCHAPTER 49C. BODY STANDARDS FOR BUSES USED FOR PUPIL
TRANSPORTATION MANUFACTURED JUNE 1993 THROUGH DECEMBER 2005

13:20-49C.32 Seats and crash barriers

(a) - (b) (No change.)

(c) The seat, seat back cushion, and restraining barrier [shall be completely encapsulated and] shall meet the performance criteria in [the School Bus Seat Upholstery Fire Block Test set forth in Appendix B of the NSTSP, 2010 Revised Edition (May 2010)] **FMVSS 302 (49 CFR 571.302)**, incorporated herein by reference, as amended and supplemented.

1. (No change.)

(d)-(g) (No change.)

SUBCHAPTER 50B. BODY STANDARDS FOR SCHOOL BUSES
MANUFACTURED JANUARY 2006 AND THEREAFTER

13:20-50B.23 Lamps and signals

(a) – (e) (No change.)

(f) Alternately flashing signal warning lamps shall be provided as follows:

1.-3. (No change.)

4. The system of red and amber signal warning lamps shall be wired so that the

amber signal warning lamps are energized manually, and the red signal warning lamps are automatically energized (with the amber signal warning lamps automatically deenergized) when the stop signal arm is extended and when the school bus service door is opened. An amber signal warning lamp cancel switch, easily accessible to the driver, shall be installed to allow the driver to cancel the amber signal warning lamps without using the master switch or opening the service door.

i. In addition to the above requirement, school buses **manufactured in February 2012 or later and** equipped with an automatic service door shall be equipped with an emergency manual override switch to permit the driver to activate the red signal warning lamps prior to opening the door.

5.-9. (No change.)

(g)-(j) (No change.)

13:20-50B.30 Rub rails

(a)-(h) (No change.)

(i) Rub rails **on buses manufactured in February 2012 or later** shall be attached on the full length of luggage compartment doors, in alignment with adjacent rub rails on the body of the vehicle.

13:20-50B.33 Seats and restraining barriers

(a)-(e) (No change.)

(f) The space between seats shall be [not less than 27 inches nor more than 31 inches as measured from the center of each front seat leg] **in accordance with FMVSS No.**

222 (49 CFR 571.222), incorporated herein by reference, as amended and supplemented.

(g)-(h) (No change.)

(i) The driver's seat shall be of the highback-type with a minimum seatback adjustment of 15 degrees and with a head restraint to accommodate a 5th percentile female and a 95th percentile adult male. The driver's seat shall meet the [performance criteria] **flammability requirements** in [the School Bus Seat Upholstery Fire Block Test set forth in Appendix B of the NSTSP, 2010 Revised Edition (May 2010)] **FMVSS No. 302 (49 CFR 571.302)**, incorporated herein by reference, as amended and supplemented, and shall be secured with nuts, bolts, and washers or flange-headed nuts. The space between the back of the driver's seat, in the rearmost position, and the front surface of the restraining barrier located directly behind the driver shall be in accordance with FMVSS No. 222 (49 CFR 571.222), incorporated herein by reference, **as amended and supplemented**, for barrier deflection.

(j) Every school bus shall be equipped with a restraining barrier located behind the driver's seat. Every school bus shall also be equipped with a restraining barrier forward of any designated seating position, excluding wheelchair positions, that does not have the rear surface of another school bus passenger seat in front of that position.

Restraining barriers shall be located [within a minimum of 28 inches and a maximum of 32 inches measured from the front of the seatback of the seat for which they are required. Restraining barriers shall be the same height and width as the back of the passenger seat for which they are required] **as prescribed in FMVSS No. 222 (49 CFR 571.222), incorporated herein by reference, as amended and supplemented.**

13:20-50B.46 Windows and windshields

(a) Each full side window shall provide an unobstructed emergency opening at least nine inches high and at least 22 inches wide, obtained by lowering the window.

1. When the body design does not accommodate the installation of a full side window, the window located directly in front of **or aft** the side emergency door and the rearmost side windows may be in accordance with the manufacturer's standard and [shall] **may** be operational. **A smaller window that may be operational may be located directly aft the side emergency door and the rearmost side windows.**

2. (No change.)

(b) – (h) (No change.)

13:20-50B.49 Wiring

(a) –(h) (No change.)

(i) [A] **Buses manufactured in February 2012 or later shall have a** heavy-duty solenoid switch or electronic control system [shall be installed] in the main electrical power supply line to the body circuits on each Type A, B, C, and D school bus. The solenoid switch shall be energized by the school bus ignition switch. Hazard and turn signal lamp circuits shall operate independently of the ignition switch.

SUBCHAPTER 51. STANDARDS FOR TYPE S SCHOOL VEHICLES

13:20-51.1 Scope

(a)- (c) (No change.)

(d) A motor vehicle with a GVWR of less than 3,000 pounds or more than 9,600 pounds GVWR shall not be used for the transportation of children to or from school or school-connected activities. [A motor vehicle with a center aisle shall not be used as a Type S school vehicle.]

(e) A motor vehicle with a manufacturer's statement of origin **or vehicle identification number (VIN)** that identifies the vehicle as a truck shall not be used for the transportation of children to or from school or school-connected activities.

(f) A motor vehicle that has been modified and re-certified as a multi-purpose passenger vehicle by a manufacturer-certified or factory-authorized conversion company may be registered and used as a school vehicle as long as the vehicle meets all school bus vehicle safety standards and regulatory requirements, notwithstanding (e) above, unless the manufacturer designates the vehicle as not for school use.

[(f)] **(g)** (No change in text.)