

since most MPVs with five or fewer seating positions are sport utility vehicles (SUVs), we will refer to these MPVs as "SUVs".) In its petition for reconsideration of NHTSA's requirement for three anchorages, the Alliance stated that Transport Canada has required only two tether anchorages for SUVs, because of manufacturers' submissions to Transport Canada "which stated that the seating configurations and vehicle design constraints made the mandate of three tether anchors in the rear seat impracticable for such vehicles." The Alliance also stated that some manufacturers state in their owner's manual not to install child restraints in the center position because those seating positions tend to be smaller in area. Thus, the Alliance asked that we amend our standard to require only two tether anchorages for SUVs with 5 or fewer seating positions.

NHTSA denied this request in the agency's August 1999 response to petitions for reconsideration (64 FR at 47570). The agency noted that manufacturers had not submitted any information to NHTSA that justified why SUVs, as a vehicle class, should have fewer tether anchorages than passenger cars or why a third tether anchor in the rear seat of these vehicles was impracticable. Further, the agency noted that SUVs were used as passenger-carrying vehicles, were increasing in popularity, and were used to carry children. Based on this information, NHTSA denied the request of the petitioners and retained the requirement for three tether anchorages. However, to provide manufacturers with lead-time to design and manufacture SUVs with three anchorages, the agency permitted manufacturers the option of installing only two tether anchorages during the interim period during which they could meet Transport Canada's requirements for tether anchorages. The interim period ends August 31, 2004.

The Alliance petitioned for reconsideration of this denial (NHTSA 99-6160-6). It stated that some SUV vehicle owner's manuals state that the center seat is not recommended for child restraint installation because the seat does not meet the provisions of the Society of Automotive Engineers (SAE) Recommended Practice J1819, "Securing Child Restraint Systems in Motor Vehicle Rear Seats," due to a small center seating area. The petitioner stated that installing the third tether anchorage, and providing step-by-step instructions in the owner's manual for using the tether anchorage as required by a related provision of Standard No. 225, would be in direct conflict with the

recommendation not to install a child restraint in that seating position. It said that "(c)ustomer confusion and dissatisfaction will result."

NHTSA has decided not to change its requirement that three tether anchorages must be installed in all passenger vehicles with three or more rear designated seating positions (including SUVs). Currently, SUVs comprise about half of the new vehicles purchased each year and have increased in popularity as family vehicles. While some child restraints might not be able to fit in the small center seating position on some of the smaller SUVs, some other child restraints might be able to fit the position, especially if a parent is intent on making it fit. Many parents are likely to try very hard to install child restraints in the center rear seating position, as the center seat is generally safer than the outboard positions in nearside side impacts. Tethering a child restraint in those narrow center seating positions will better secure it in a crash. Also, the center rear seating position on larger SUV's with 5 designated seating positions could readily fit a child restraint. Thus, this document retains the requirement for three tether anchorages.

ii. Location of Tether Anchorages. The March 1999 final rule also specified that, in each vehicle with a rear designated seating position other than an outboard designed seating position, at least one tether anchorage must be at such a designated seating position. The Alliance petitioned for reconsideration of that requirement as it applied to MPVs with six or more designated seating positions. The petitioner stated that the requirement was not practical for some of these MPVs because "a child restraint installed in the center position will block ingress/egress for the third row outboard seating position in certain vehicles." In its August 1999 response NHTSA denied the request, explaining its reasons, set forth in the preceding section, for requiring a tether in a center seating position. The agency also noted that, "As for practical problems with blocking ingress/egress for the third row, we believe the tether can be located to avoid such blockage. For example, the tether anchor could be attached to the ceiling or to the back of the lower part of the seat structure." 64 FR at 47570, footnote 9.

The Alliance petitioned for reconsideration of this denial (Docket 99-6160-6). The petitioner explained that it was referring to two types of vehicles. For both vehicles, the petitioner believed that the center seating position was not likely to be the position where a child restraint would

be fastened and that the center position on these vehicles should therefore be excluded from having a tether anchorage.

First were large SUVs that had three or more rows of seats, such as the seven- and eight-passenger versions of DaimlerChrysler's Dodge Durango. These vehicles feature a 3-passenger second row (split 40/20/40 percent) and a 2-passenger third row. The second row seats occupy the full width of the vehicle. No aisle is provided for access to the rear seats, which is obtained by folding the seatback of the outboard 40% seat and "tumbling" the folded seat forward and out of the way. The petitioner explains that the only center seating position is the 20% portion of the second row. It believes that this seating position is not suited to a child restraint, because a restraint in the position overlaps the two inboard edges of the outboard seats, preventing them from folding to allow access to the rear seating positions. A child restraint in that position would also block the belt buckles in the outboard seating positions, so passengers seated outboard would not be able to buckle their seat belts. The second type of vehicle was a vehicle in which there is a middle seating position whose seatback is divided into two or more sections that may be folded independently of each other. The division between two sections lies substantially along the seating reference plane of the middle seating position.

NHTSA has decided to deny this request. The March 1999 final rule required a tether anchorage at a center seating position on vehicles that have a center rear seating position to address the concerns of commenters to the NPRM that such a seating position should have an improved means of attaching a child restraint. (As noted above, the rule does not require that a LATCH system be installed in a center position, because some vehicle rear seats might not be wide enough to accommodate two LATCH systems side-by-side.) NHTSA continues to believe that many parents will want to place their child in a center seating position, and will do so on a vehicle such as the Durango, particularly if the family is transporting just one child. A child is generally safer in the center seat than in an outboard position closest to a side impact. Equipping the center position with a tether anchorage provides these parents the option of using the center position and ensures that if the position were used, the benefits of a tether would be available to the restrained child. Without a tether anchorage at that