

John Fairchild recommended the adoption of a "performance standard for an interior warning device that specifies the vehicle's current operational status." Fairchild suggested that the device or label should at a minimum indicate whether the vehicle is in use as a school activity bus, Head Start AAV, or other type of service. Vehicles dedicated to a single use would need to provide "only the one appropriate indicator related to its defined activity."

The Department of California Highway Patrol recommended a warning label stating: "This vehicle is not intended for daily school-bus route use," that would be placed in a general location such as the driver's compartment where it would be easily visible by the driver or any passenger who enters or exits the vehicle.

NAIS "sees no harm" in placing a warning label, and suggested a label in the driver's view that "the MFSAB should not load or unload passengers if the passengers are not protected from traffic."

VAPT recommended that a warning label be placed in a prominent spot and that the label state: "No loading once the trip begins. No unloading until reaching the destination. [Head Start Only—monitor shall accompany students crossing the road.]" NSTA also supported the requirement for a warning label.

The Utah State Office of Education recommended a warning label near the front of the occupant compartment stating: "This Bus Is Not To Be Used To Bus Students To or From School or Home."

In the NPRM, NHTSA did not propose a specific warning label, but did ask for comments on this issue. In particular, NHTSA asked whether MFSAB manufacturers should be required to place a prominent warning near the front of the occupant compartment, warning the driver and passengers that the bus was not intended to be used to pick children up from and drop them off at places such as home and bus stops. If commenters believed that such a warning was appropriate, NHTSA asked for comment on standardized wording, size and other appearance requirements and location.

A number of commenters addressed the general question of whether or not a warning label was appropriate, without addressing the more specific questions. Commenters who did not believe a label was appropriate expressed concerns about such a label distracting attention from other warning labels or stated that State laws and liability concerns would prevent misuse of the MFSAB. Most of those supporting

a label did not give specific information about why a label would be helpful; however, a few did express concern about the possibility of misuse.

A few commenters provided specific comment about the form a warning label should take if required. One commenter, John Fairchild, recommended the adoption of a "performance standard for an interior warning device that specifies the vehicle's current operational status," *i.e.*, school activity bus, Head Start AAV, etc. Other commenters offered specific language indicating either that the MFSAB was not to be used for school bus routes or that there should be no unloading before reaching the final destination, but each commenter's suggested language differed from the others.

Only one commenter addressed the issues of size and location. Les Entreprises Michel Corbeil, Inc. indicated that if a warning label were found to be necessary, the "label should be as small as possible but clearly visible to the drivers and to passengers seated in at least the first three rows."

After carefully considering the public comments, NHTSA has decided not to specify a warning label in the final rule. NHTSA is not convinced that a warning label would be necessary to convey the message that the MFSAB should not be used for regular school bus use. As NASDPTS noted, using the MFSAB to transport students to and from school would violate laws in every state. Further, as many commenters pointed out, there are already a large number of labels in school buses. For these reasons, and because NHTSA did not propose a specific label, NHTSA has decided to monitor the use of the MFSAB. If misuse occurs, NHTSA will reconsider the warning label at a later date.

G. Passenger Restraints

U.S. Bus Corporation asked for clarification of whether the MFSAB with a GVWR of 10,000 pounds or less must meet passenger restraint system requirements in FMVSS No. 208, *Occupant crash protection* or in FMVSS No. 222, *School bus passenger seating and crash protection*. NHTSA's response is that as a school bus category, all MFSABs, including those that are 10,000 pounds GVWR or under, must meet FMVSS No. 222.

H. Emergency Exits

U.S. Bus Corporation also noted that FMVSS No. 217, *Bus emergency exits and window retention and release*, has different requirements for emergency exit windows and emergency exit doors for buses versus school buses. They

asked for clarification of which set of FMVSS No. 217 requirements the MFSAB must meet. Because the MFSAB would be a category of school bus, it would have to meet all of the emergency exit requirements specified in FMVSS No. 217 for school buses.

I. State Law Issues

Commenters offered these additional comments on issues that fall within the purview of State law.

Potential Misuse by Home to School Transportation Providers

In the NPRM, NHTSA explained that it proposed a size limitation on MFSABs because it was concerned about the possibility of misuse, *i.e.*, the possibility that schools would purchase school buses without traffic control devices as a means of saving money on buses used to pick children up from and drop them off at home. In its comments, NASDPTS addressed NHTSA's concern. NASDPTS stated that every State has laws that require school bus drivers to activate the warning lamps and stop signal arm whenever the school bus is stopped to pick up or discharge students on public roads. A driver failing to activate these devices would be in violation of State law. Further, if a school district used a MFSAB to transport children to and from school, it would be violating its State laws since it would be picking up or discharging students without activating warning lamps and the stop signal arm. NASDPTS noted: "Such actions would not only be punishable under state law, but would also expose the school district, school board, state department of education, etc. to extreme liability risks that would far outweigh any savings that might accrue from ordering a MFSAB rather than a "school bus.""

VAPT stated its belief that the possibility of misuse is lessened because state agencies that oversee the operations and specifications for school buses used in the public schools do a very good job of educating and training its members. VAPT stated that these state agencies responsible for pupil transportation can also distribute information to other state agencies, or can notify its member schools about any new classification and ask the individual school district directors to distribute notices locally.

NAIS suggested that NHTSA consider requiring schools using MFSABs to load and unload students in protected areas out of roadways, whether in a parking space, parking lot, or turnaround area. NAIS suggested that such a rule "may be a more appropriate reminder on a sticker in the bus than one reminding