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Docket: For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, you may call Sanjay Patel, Office of Crashworthiness Standards, at 202-366-4583.

For legal issues, you may call Rebecca MacPherson, Office of the Chief Counsel, at 202-366-2992.

You may send mail to both of these officials at the National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

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I. Background

On December 4, 2002, the President signed into law "Anton's Law", Pub. L. 107-318 (December 4, 2002; 116 Stat. 2772), which provides for the improvement of child safety devices when installed in motor vehicles. One of the provisions of Anton's Law concerns the installation of lap/shoulder belts in rear seating positions. Specifically, section 5(a) of the law directs the Secretary of Transportation, through NHTSA, to issue a final rule by December 2004 that would:

require a lap and shoulder belt assembly for each rear designated seating position in a passenger motor vehicle with a gross vehicle weight rating of 10,000 pounds or less, except that if the Secretary determines that installation of a lap and shoulder belt assembly is not practicable for a particular designated seating position in a particular type of passenger motor vehicle, the Secretary may exclude the designated seating position from the requirement.

Section 5(b) of the statute further specifies that the final rule be implemented in phases on a production year basis, beginning with the closest production year after the year the final rule is published.¹ The rule is to be effective for all vehicles by the third production year of the phase-in. Thus, according to the schedule mandated by Anton's Law, the phase-in would commence on September 1, 2005, and all vehicles not covered by the phase-in would have to meet the requirements of the final rule by September 1, 2007.

The Anton's Law requirement is fully consistent with the agency's pre-existing plan to initiate rulemaking that would expand upon the current requirement in Federal Motor Vehicle Safety Standard No. 208, *Occupant crash protection* (FMVSS No. 208) that, subject to certain exceptions, all rear seating positions be equipped with integral lap/shoulder belts.² An entry for this rulemaking appeared in the DOT Semiannual Regulatory Agenda published December 9, 2002 (67 FR 74943).

The agency first addressed mandatory lap/shoulder belts for rear seats in 1984 (49 FR 15241, April 18, 1984), when it denied a petition to initiate rulemaking that would require such belts for rear outboard seating positions of passenger cars. The petition largely focused on the need for such systems to restrain children adequately in booster seats. At the time of the denial, NHTSA was considering a requirement that vehicles be equipped with a tether anchorage to secure a then-popular child restraint. The agency believed this approach would offer greater protection than requiring a lap/shoulder belt. While NHTSA acknowledged that a lap/shoulder belt would offer additional protection, it concluded that rear lap belts already provided effective protection to occupants in the rear seat.

¹ "The requirement prescribed under subsection (a)(1) shall be implemented in phases on a production year basis beginning with the production year that begins not later than 12 months after the end of the year in which the regulations are prescribed under subsection (a). The final rule shall apply to all passenger motor vehicles with a gross vehicle weight rating of 10,000 pounds or less that are manufactured in the third production year of the implementation phase-in under the schedule."

² An integral lap/shoulder belt, also referred to as a Type 2 belt, is one where the lap and shoulder portion are either both attached at the buckle assembly or are a continuous piece of webbing, along which the buckle assembly moves. In either instance, there is a single buckle for both the lap and shoulder portion of the belt. An integral lap/shoulder belt is different from a lap/shoulder belt that is integrated into the seat back. This second type of belt is an integral lap/shoulder belt for which the upper shoulder anchorage is physically attached to the seat back rather than to the vehicle structure.

It also concluded that the cost associated with a rear lap/shoulder belt would be too great, given the low rate of belt use in the rear seat.

The agency was again petitioned to require rear lap/shoulder belts in 1986. Once again the petition focused on the increased protection that would be afforded to children riding in motor vehicles. NHTSA granted the petition because of two new factors: many states had adopted mandatory safety belt use laws, and the child restraint industry had moved away from child seat designs that could be tethered to the vehicle. While still concerned about the high cost of rear lap/shoulder belts relative to the expected reduction in deaths and injuries, the agency published first an advance notice of proposed rulemaking (ANPRM) and then a notice of proposed rulemaking (NPRM) to require manufacturers to install lap/shoulder belts in all forward-facing rear outboard seating positions in vehicles with a gross vehicle weight rating (GVWR) under 4,536 kg (10,000 pounds). See 52 FR 22818, June 16, 1987 and 53 FR 47982, November 29, 1988, respectively.

On June 14, 1989 (54 FR 25275), the agency published the first of two final rules addressing the issues raised in the 1988 NPRM (53 FR 47982). The rule established a new requirement mandating lap/shoulder belts for forward-facing rear outboard seating positions in all passenger cars other than convertibles. At that time, the agency estimated that approximately 90 percent of the projected benefits for lap/shoulder belts in all rear designated seating positions of passenger cars would accrue to occupants in the outboard seats because those are the rear seats that are most frequently occupied. Given the relatively small projected benefits related to center seating positions and the potential costs and technical difficulties associated with anchoring the shoulder portion of the belt at the center seating position, NHTSA decided against mandating lap/shoulder belts for any rear seat other than forward-facing outboard seats.

On November 2, 1989, NHTSA published its second final rule on rear lap/shoulder belts (54 FR 46257). This rule extended the requirements of the June 14 final rule to convertibles, light trucks, multi-purpose vehicles like passenger vans and sport utility vehicles (SUVs), and small buses other than school buses. As in the earlier final rule, center seating positions and non-forward-facing seating positions were excluded from the requirements. Outboard seating positions that abutted an aisle located along the side of a vehicle, *i.e.*, a passenger van, were