

some benefit to having a lap/shoulder belt in rollovers or if the opposite side of the vehicle is struck. Additionally, we have some concern that the shoulder belt, depending on its placement, could actually harm an occupant sitting in a side-facing seat. This is because the shoulder portion of the belt could load the neck during a frontal collision.

Finally, we have tentatively decided to retain some vehicle exceptions to the current rear lap/shoulder provisions contained in FMVSS No. 208. Specifically, rear designated seats in motor homes, walk-in van-type trucks, and vehicles designed to be sold exclusively to the U.S. postal service would be excluded from the rear lap/shoulder belt requirements. The rear seats in LTVs carrying chassis-mount campers with a GVWR greater than 3,855 kg (8,500 lb) and no greater than 4,536 kg (10,000 lb) need only be equipped with a lap belt.

While not proposing any changes to the current FMVSS No. 208 comfort and convenience requirements and the various barrier tests contained in FMVSS No. 208, we are seeking comment on whether rear seat requirements should be considered. Since the benefits associated with lap/shoulder belts can only be realized if they are used correctly, it may be appropriate to consider requiring adjustable upper anchorages. For example, some vans have shoulder belts mounted as far back as the next rearward seating position. These designs may not provide a particularly good fit. Other designs may be equally uncomfortable, particularly for children. Accordingly, we are presently evaluating the need for rear seat adjustability requirements to ensure that a minimum level of comfort is provided. As is presently the case, today's proposal contemplates imposing rear seat lap/shoulder belt requirements without a corresponding test requirement that the belts provide a requisite level of protection in a crash. Such a test procedure, while desirable, could be difficult to implement given the relatively small space in the rear seat. However, the agency will monitor the performance of rear seat belt systems in various agency programs to ensure that they are effective at mitigating injury.

IV. Anticipated Benefits and Costs of Proposed Requirements

As indicated above, NHTSA anticipates that the addition of a shoulder belt to the rear center seating positions in passenger cars would prevent between five and 16 fatalities and 111–279 injuries (AIS 1–5) per year.

If lap/shoulder belts were required at all forward-facing rear seating positions in LTVs, an additional five to 17 fatalities and 134 to 377 injuries (AIS 1–5) would be prevented annually. If all center seating positions were equipped with lap/shoulder belts, seven to 20 fatalities and 118 to 324 injuries (AIS 1–5) could be prevented per year in passenger cars and eight to 29 fatalities and 142 to 505 injuries (AIS 1–5) could be prevented in LTVs annually.

Approximately 23 percent of the passenger car fleet, or 2,032,842 passenger cars, would need to be equipped with an additional shoulder belt should the agency decide to issue a final rule adopting today's proposal. Approximately 57.5 percent of the LTV fleet, or 4,326,850 LTVs would need to be equipped with an additional shoulder belt. Approximately 41 percent of this total (1,779,078) consists of SUVs, approximately 36 percent (1,563,389) consists of light trucks, and approximately 23 percent (984,383) consists of vans. Additionally, if NHTSA were to require a center lap/shoulder belt for light trucks with only one row of seats, approximately 11 percent (966,128) of the LTV fleet would need to be equipped with an additional lap/shoulder belt.

NHTSA estimates the average cost of installing a lap/shoulder belt in the front outboard seat of a passenger car is \$28.25. The average cost of a lap belt currently installed in the center rear seat of a passenger car is \$12.84. Accordingly, NHTSA estimates that the net cost of installing a lap/shoulder belt in the center rear seat of a passenger car would average \$15.41. The average cost of installing front outboard lap/shoulder belts in LTVs is somewhat higher than for passenger cars: \$35.79 as opposed to \$28.25. However, this difference is largely related to differences in the seat geometry of the two different types of vehicles. We would not expect to see these differences in a rear center seating position. Assuming the shoulder portion of the center rear seat costs the same as the shoulder portion of an outboard rear seat, we anticipate that the net cost, per belt, for LTVs would be the same as for passenger cars. The total net cost associated with replacing lap belts with lap/shoulder belts at rear center seating positions is anticipated to be approximately \$109 million.

The rear seat of pick-up trucks and passenger cars (other than station wagons) would not need to be reinforced to anchor the center lap/shoulder belts. Likewise, the seat of a front seat-only pick-up truck would not need to be reinforced. This is because the upper anchorages for these vehicles

can be attached to the back package shelf or to the floor frame of the vehicle without impinging on the available occupant floor space or cargo space. The same is not true for passenger vans and SUVs. In these vehicles, there might be no back package shelf and the floor space behind the seat might be needed to accommodate vehicle occupants or cargo. While other anchorage locations might exist, for cost purposes NHTSA is assuming that most manufacturers would choose to install lap/shoulder belts that are integrated into the seat back. This might require the seat back to be reinforced at an estimated cost of \$31.08 per seating position. The estimated total cost of such reinforcements is approximately \$109 million. The total cost of the rule would be \$218 million.⁶

V. Phase-in of New Requirements

Anton's Law requires that NHTSA issue a final rule not later than December 2004. It further specifies that the final rule be implemented, in stages, starting not later than September 1, 2005 and be fully implemented no later than September 1, 2007. Thus, the rule would be phased-in between September 1, 2005 and September 1, 2007. We are proposing the following phase-in schedule to provide interested parties with the contemplated compliance percentages for each year of the phase-in:

- *MY 2006* (September 1, 2005 through August 31, 2006): 50 percent of all vehicles that are produced by manufacturers and are subject to the phase-in must comply. Advance credits for early compliance may be used on a one-to-one basis.
- *MY 2007* (September 1, 2006 through August 31, 2007): 80 percent of all vehicles that are produced by manufacturers and are subject to the phase-in must comply. Advance credits may be used on a one-to-one basis.
- *September 1, 2007*: all vehicles, regardless of whether they are subject to the phase-in, must comply. No advance credits may be used.

We are proposing to exclude vehicles manufactured in two or more stages and altered vehicles from the phase-in requirements. Final-stage manufacturers have no control over the vehicles that the previous-stage manufacturer decides to modify to meet the phase-in requirements. Accordingly, the final-stage manufacturer may have little or no choice in purchasing an incomplete

⁶ Since the number of buses under 4,536 kg (10,000) is negligible, the addition of lap/shoulder belts to these vehicles would not impact the total cost of the rule.