

for using a roll bar structure to these tests, we determined that the roll bar option is equally appropriate for tractors as well as single-unit vehicles.

Hydraulic braked vehicles—roll bar use in braking-in-a-curve test. On August 11, 2003, NHTSA published a final rule for braking-in-a-curve test requirements for ABS equipped single-unit trucks and buses with a GVWR greater than 10,000 pounds (68 FR 47485). Again, the concerns regarding possible rollover led NHTSA to grant manufacturers the option to use a roll bar structure for single-unit trucks and buses undergoing the braking-in-a-curve test under FMVSS No. 105.

II. Proposal To Permit Use of Roll Bar in Additional Brake Performance Tests of Hydraulically-Braked Trucks and Buses

In this document, we are proposing to amend FMVSS No. 105 to give manufacturers the option of using a roll bar structure for medium and heavy vehicles during additional brake testing at lightly loaded vehicle weight. Performance testing of brake systems at LLVW on vehicles with a GVWR greater than 10,000 pounds may result in vehicle rollover because of the configuration of these vehicles. Trucks and buses with a GVWR greater than 10,000 pounds often have a high center of gravity resulting in a low rollover threshold. Rollover threshold is the lateral acceleration at which a vehicle will roll over and for trucks and buses with a GVWR greater than 10,000 pounds it is usually 0.5 g or less. In contrast, a typical light vehicle has a rollover threshold between 0.8 g and 1.2 g. For tests performed at GVWR, manufacturers can already include roll bar structure weight in the vehicle weight to provide test drivers and technicians additional safety. This proposal would permit, at manufacturer's option, the use of a roll bar structure on these vehicles undergoing testing at LLVW.

Hydraulically-braked vehicles with a GVWR greater than 10,000 pounds must meet the requirements of FMVSS No. 105, including 60 mph straight-line stopping distance requirements and, for heavy school buses, parking brake requirements. During straight line stop testing, an equipment malfunction or a problem with the ABS can create the potential for these trucks and buses to yaw. Because of the low rollover threshold, these vehicles may roll over if they experience yaw at test speeds. During the parking brake test, while the vehicle is in the forward direction on a 20 percent grade, a failure of the brake system on one side of the vehicle can

also cause the vehicle to yaw and perhaps roll over.

Currently, heavy school buses are the only vehicles with a GVWR greater than 10,000 pounds required by FMVSS No. 105 to meet the parking brake requirements. However, the agency has requested comments on a proposal that would require all hydraulically braked vehicles with a GVWR greater than 10,000 pounds to have parking brakes that meet these same requirements (67 FR 66098).

The agency also notes that single-unit trucks with a GVWR greater than 10,000 pounds may undergo brake system testing either as completed trucks or as chassis-cabs without bodies or equipment that would normally be installed by a final-stage manufacturer. A completed vehicle is likely to have more structure to protect a test driver than an incomplete vehicle. If a completed truck were to roll over, the impact force would be distributed across the body and cab of the truck. In the absence of a body or additional equipment during testing of a chassis-cab, the vehicle cab would receive a greater impact force during a rollover, increasing the potential of harm to the driver. Permitting the use of a roll bar would allow manufacturers to provide additional protection for the test driver in the event of a rollover.

The same concerns for vehicle rollover present in testing for FMVSS No. 121 are present in testing for FMVSS No. 105. Under FMVSS No. 121, NHTSA gives manufacturers the option of using a roll bar structure on trucks and buses tested at LLVW to improve safety for test drivers and technicians. This proposed amendment would permit the use of a roll bar structure on any vehicle with a GVWR greater than 10,000 pounds during FMVSS No. 105 compliance testing of the parking brake system at LLVW, the service brake system at LLVW, and the service brake system in partial failure mode at LLVW.

III. Compliance Date

The amendments proposed here do not impose any new requirements. Instead, the agency proposal would simply allow manufacturers the option of a roll bar as an added safety measure during the specified compliance tests. Since these proposed amendments would relieve a restriction and promote safety for test drivers, NHTSA proposes that they become effective 30 days after publication of the final rule in the **Federal Register**.

IV. Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, "Regulatory Planning and Review" (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budget impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This rulemaking document was not reviewed by the Office of Management and Budget under E.O. 12866. It is also not considered to be significant under the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

This document proposes to amend 49 CFR 571.105 by including a manufacturer's option for the use of a roll bar structure during the performance testing of hydraulic brake systems. The proposed amendment would allow at manufacturer's option the use of a roll bar structure when testing hydraulic braked vehicles with a GVWR greater than 10,000 pounds at lightly loaded vehicle weight. Because of the configuration of these vehicles they are susceptible to roll over during testing. We tentatively conclude that permitting the use of a roll bar structure would help protect drivers and technicians in the event of a rollover during these tests. As noted above, the amendments proposed here do not impose any new requirements. Instead, the agency proposal would simply allow manufacturers the option of a roll bar as an added safety measure during the specified compliance tests. The proposal's impacts are so small that a full regulatory evaluation was not prepared.