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Eric Gabler,

Manager, Passenger Facility Charge Branch.
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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 97-071; Notice 1]

New Flyer of America, Inc.; Receipt of Application for Decision of Inconsequential Noncompliance

New Flyer of America of Crookston, Minnesota, has determined that 115 buses fail to comply with 49 CFR 571.217, Federal Motor Vehicle Safety Standard (FMVSS) No. 217, "Bus Emergency Exits and Window Retention and Release," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." New Flyer has also petitioned to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of a petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

FMVSS No. 217, Paragraph S5.2.2.1 requires that buses provide emergency exit area, in total square centimeters, of at least 432 times the number of designated seating positions. It requires that 40 percent of the emergency exit be distributed on each side of the bus. It also limits the amount of area to 3,458 square centimeters that can be credited for an emergency exit.

During the 1995-1997 model year, New Flyer produced 115 transit buses, models D35LF (Diesel 35 ft Low Floor) and C35LF (CNG 35 ft Low Floor) which do not comply with FMVSS No. 217. The subject transit buses have only one emergency exit on the right side of the bus instead of two, as required by the standard.

New Flyer supports its application for inconsequential noncompliance with the following:

The buses exceed the exit area requirements on all sides. The left side has two exit windows for a total of 25,000 square centimeters or 4.67 times the required area. The right side has one exit window with 12,500 square centimeters of exit area or 2.33 times the required area. The standard does not

allow any one exit to claim more than 3,458 square centimeters. Therefore, the right side of the bus does not have the required number of emergency exits although it exceeds the required area. Each bus has two roof exits, where the standard only requires one roof exit. Overall, the buses have 3.28 times the required exit area.

Retrofitting these buses to comply with the standard would require modifying and retesting the existing exit door or replacing the right side window with an emergency exit window, which is not possible because the wheel housing limits accessibility. The seating position relative to the window allows for easy exit; but if the window was accidentally opened, there is potential for someone to fall out. Modifying the exit door to conform to the release force requirements is a possible solution, but would require redesigning the door. Considering the bus already has 3.28 times the required exit area, modifying the buses to include an additional exit would not add to motor vehicle safety.

New Flyer does not believe that the buses are a safety hazard since the bus has excessive accessible emergency exit area. These buses are operated by transit authorities with trained professional drivers; none are operated by the general public. New Flyer has a close relationship with the operators of the buses and is continuously informed of any problems or concerns, and has never had an incident or complaint involving the number or location of emergency exits.

Interested persons are invited to submit written data, views, and arguments on the application of New Flyer described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: November 24, 1997.

(49 U.S.C. 30118 and 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: October 17, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97-28106 Filed 10-22-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[NHTSA Docket No. 97-062-N01]

Traffic Safety Programs—Office of Research and Traffic Records; Strategic Plan for Behavioral Research in Traffic Safety

AGENCY: National Highway Traffic Safety Administration (NHTSA); Transportation.

ACTION: Request for comments on strategic issues and research requirements to support research planning.

SUMMARY: NHTSA's Office of Research and Traffic Records, Research and Evaluation Division (ORTR/RED) is engaged in the process of planning its research programs for fiscal years 1998 through 2002. In conformance with the Government Performance and Results Act of 1993 (P.L. 103-62), ORTR/RED is seeking public comment on the draft strategic plan presented in this notice. These comments will be used to help form a strategic implementation plan to direct the division's research program during the next five years.

DATES: Written comments will be accepted through November 30, 1997.

ADDRESSES: Please direct all written comments to the National Highway Traffic Safety Administration, Docket Section, Room 5111, Docket # 97-062-N01, 400 Seventh Street, S.W., Washington, DC 20590. (Docket hours are from 9:30 am to 4:00 pm.) Comments submitted to the docket will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Jesse Blatt, Office of Research and Traffic Records (NTS-30), Room 6240, 400 Seventh Street, S.W., Washington, DC 20590. (Telephone 202-366-5588 or Email at jblatt@nhtsa.dot.gov)

SUPPLEMENTARY INFORMATION: More than 3 million persons were reported injured and over 40 thousand persons died in motor vehicle crashes in 1996 (Traffic Safety Facts: 1996, National Center for Statistics and Analysis). While a small proportion of the crashes causing these injuries and fatalities were attributed to vehicle and roadway problems, the vast majority were caused by human