

Source of Flooding and Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
Approximately 100 meters downstream of Puerto Rico Route 2	*10.7
Approximately 9.5 kilometers upstream of Puerto Rico Route 174	*250.6
Commonwealth of Puerto Rico, Municipality of Bayamon	
<i>Rio de La Plata (Toa Baja):</i>	
Approximately 0.1 kilometer above the confluence with Atlantic Ocean	*3.3
At downstream side of Puerto Rico Route 2	*11.0
Commonwealth of Puerto Rico	
<i>Rio Nigua:</i>	
Approximately 400 meters upstream of mouth of Rio Nigua	*3.2
Approximately 5.41 kilometers upstream of Puerto Rico Route 52	*49.5
<i>Rio Coamo:</i>	
Approximately 2.16 kilometers downstream of Puerto Rico Route 1	*3.0
Approximately 2.15 kilometers upstream of Puerto Rico Route 1	*20.1
<i>Rio de La Plata (Toa Alta):</i>	
At downstream side of Puerto Rico Route 2	*11.0
Approximately 0.3 kilometer upstream of Puerto Rico Route 824	*22.0
<i>Rio de La Plata: Overflow:</i>	
Approximately 0.79 kilometer downstream of the road to Military Reservation	*2.3
Approximately 0.45 kilometer upstream of Puerto Rico Route 854	*6.7
<i>Rio Grande:</i>	
At the confluence with Espiritu Santo River	*5.0
At the Puerto Rico Route 3 ..	*6.9
Maps available for inspection at the Puerto Rico Planning Board, Minilas Government Center, North Building, East Diego Avenue, Stop 22, San Juan, Puerto Rico.	
Municipality of Bayamon	
Maps available for inspection at Carretera #2, Alcaldia de Bayamon, 4to piso Oficina de Ordenacion Territorial, Bayamon, Puerto Rico.	

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: December 8, 2004.

David I. Maurstad,

Acting Director, Mitigation Division,
Emergency Preparedness and Response
Directorate.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA-04-19892]

RIN 2127-AI63

Federal Motor Vehicle Safety Standards; Hydraulic and Electric Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: In this document, NHTSA is establishing an option in the Federal motor vehicle safety standard on hydraulic and electric brake systems to permit the use of a roll bar structure during specified testing of brake systems in single unit trucks and buses. This option is already available for similar testing of air braked trucks and buses. Permitting the use of a roll bar structure will help protect drivers and technicians in the event of a rollover during testing of hydraulically-braked trucks and buses. The safety of drivers and technicians is a primary concern during vehicle testing. The use of a roll bar structure offers protection to the drivers and technicians performing brake tests conducted at lightly loaded vehicle weight.

DATES: *Effective date:* This final rule is effective January 18, 2005.

Petitions: Petitions for reconsideration must be received by January 31, 2005, and should refer to this docket and the notice number of this document and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

Note that all petitions received will be posted without change to <http://dms.dot.gov> including any personal information provided. Please see the Privacy Act heading under Rulemaking Analysis and Notices.

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 Samuel Daniel Jr., Safety Standards Engineer,

Office of Crash Avoidance Standards, Vehicle Dynamics Division, at (202) 366-4921, and fax him at (202) 493-2739.

For legal issues, you may call Christopher Calamita of the NHTSA Office of Chief Counsel, at (202) 366-2992, and fax him at (202) 366-3820.

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

SUPPLEMENTARY INFORMATION:

I. Background and Proposed Rulemaking

NHTSA has two brake standards for medium and heavy vehicles. Federal Motor Vehicle Safety Standard (FMVSS) No. 105, *Hydraulic and electric brake systems*, applies to vehicles with hydraulic brakes. FMVSS No. 121, *Air brake systems*, applies to vehicles with air brakes.

Although FMVSS No. 105 and 121 have similar brake performance requirements, the two standards have differed with respect to their specifications concerning the use of a roll bar during these tests. Roll bars are sometimes added to vehicles for brake testing if there are concerns about a possible vehicle rollover.

On March 10, 1995, NHTSA published a final rule amending FMVSS No. 121 requiring all air braked vehicles to be equipped with antilock brake systems (ABS) (60 FR 13216). The braking-in-a-curve performance test for truck tractors adopted in that final rule included a manufacturer's option for using a roll bar structure during performance of that test at lightly loaded vehicle weight (LLVW). Loading of a vehicle to test at the gross vehicle weight rating (GVWR) already afforded manufacturers the opportunity to use a roll bar structure.

On December 12, 2001, the agency extended the option for use of a roll bar structure on vehicles tested at lightly loaded vehicle weight in other FMVSS No. 121 tests, including the 60 mph straight-line stop and the parking brake grade holding tests (66 FR 64154). In extending the option 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.

NHTSA then established braking-in-a-curve test requirements for hydraulic-

braked single-unit trucks and buses that are equipped with ABS and have a GVWR greater than 10,000 pounds (68 FR 47485; August 11, 2003). Again, the concerns regarding possible rollover led NHTSA to grant manufacturers the option to use a roll bar structure on single-unit trucks and buses undergoing the braking-in-a-curve test under FMVSS No. 105.

On November 4, 2003, the agency published a notice of proposed rulemaking to 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 (68 FR 62421). No comments were received.

II. Final Rule

We are amending FMVSS No. 105 as proposed in the November 2003 notice. Today's final rule gives manufacturers the option of using a roll bar structure on medium and heavy vehicles during 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.

As explained in the notice of proposed rulemaking, 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 final rule permits, 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; October 30, 2002).

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 allows manufacturers to provide additional protection for the test driver in the event of a rollover.

III. Effective Date

This final rule does not impose any new requirements. Instead, it simply allows manufacturers the option of a roll bar as an added safety measure during the specified compliance tests. Since this final rule relieves a restriction and promotes safety for test drivers, it will become effective 30 days after the date of this publication.

IV. Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, "Regulatory Planning and Review" (58 JR 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 amends 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 amendment allows, 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 conclude that permitting the use of a roll bar structure will help protect drivers and technicians in the event of a rollover during these tests. As noted above, today's final rule does not impose any new requirements. Instead, the final rule simply allows manufacturers the option of a roll bar as an added safety measure during the specified compliance tests. The impacts are so small that a full regulatory evaluation was not prepared.

B. Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, NHTSA has evaluated the effects of this proposed action on small entities. I hereby certify that this notice of proposed rulemaking would not have a significant impact on a substantial number of small entities.

As explained above, the final rule does not require use of a roll bar structure and therefore does not impose any increased costs or other burdens on truck manufacturers. The final rule simply permits the use of a roll bar structure at the manufacturer's option, on test vehicles undergoing brake testing. Accordingly, there is no significant impact on small businesses, small organizations, or small

governmental units by these amendments.

C. Executive Order No. 13132

NHTSA has analyzed this final rule in accordance with the principles and criteria set forth in Executive Order 13132, Federalism and has determined that this final rule does not have sufficient Federal implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The final rule does not have any substantial impact on the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials.

D. National Environmental Policy Act

NHTSA has analyzed this final rule for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

E. Paperwork Reduction Act

This final rule does not contain any collection of information requirements requiring review under the Paperwork Reduction Act of 1995 (Pub. L. 104-13).

F. National Technology Transfer and Advancement Act

Under the National Technology Transfer and Advancement Act of 1995 (NTTAA) (Pub. L. 104-113), "all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments." Society of Automotive Engineers (SAE) Recommended Practice J1626 APR96, *Braking, Stability, and Control Performance Test Procedures for Air-Brake-Equipped Truck Tractors*, includes an option for using a roll bar structure for testing at LLVW. While the SAE practice applies to air braked trucks, the SAE tests performed at LLVW are similar to tests performed at LLVW under FMVSS No. 105. The final rule permits the use of a roll bar structure in a manner similar to that in the SAE recommended practice.

G. Civil Justice Reform

The final rule does not have any retroactive effect. Under 49 U.S.C. 21403, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect

of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 21461 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

H. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually (adjusted for inflation with base year of 1995). This rulemaking will not result in expenditures by State, local or tribal governments, in the aggregate, or by the private sector in excess of \$100 million annually.

I. Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

J. Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.) You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (volume 65, number 70; pages 19477-78) or you may visit <http://dms.dot.gov>.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, and Tires.

■ In consideration of the foregoing, NHTSA is amending 49 CFR part 571 as set forth below.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

■ 1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.

■ 2. Section 571.105 is amended by revising S6.1.2, S7.7.3, S7.8, and S7.9.1 to read as follows:

§ 571.105 Standard No. 105; Hydraulic and electric braking systems.

* * * * *

S6.1.2 For applicable tests specified in S7.5(a), S7.7, S7.8, and S7.9, vehicle weight is lightly loaded vehicle weight, with the added weight, except for the roll bar structure allowed for trucks and buses with a GVWR greater than 10,000 pounds, distributed in the front passenger seat area in passenger cars, multipurpose passenger vehicles, and trucks, and in the area adjacent to the driver's seat in buses.

* * * * *

S7.7.3 *Lightly loaded vehicle.* Repeat S7.7.1 or S7.7.2 as applicable except with the vehicle at lightly loaded vehicles weight or at manufacturer's option, for a vehicle with GVWR greater than 10,000 pounds, at lightly loaded vehicle weight plus not more than an additional 1,000 pounds for a roll bar structure on the vehicle.

* * * * *

S7.8 *Service brake system test—lightly loaded vehicle (third effectiveness) test.* Make six stops from 60 mph with vehicle at lightly vehicle weight, or at the manufacturer's option for a vehicle with GVWR greater than 10,000 pounds, at lightly loaded vehicle weight plus not more than an additional 1,000 pounds for a roll bar structure on the vehicle. (This test is not applicable to a vehicle which has a GVWR of not less than 7,716 pounds and not greater than 10,000 pounds and is not a school bus.)

* * * * *

S7.9.1 With the vehicle at lightly loaded vehicle weight or at the manufacturer's option for a vehicle with a GVWR greater than 10,000 pounds, at lightly loaded vehicle weight plus not more than an additional 1,000 pounds for a roll bar structure on the vehicle, alter the service brake system to produce any one rupture or leakage type of failure, other than a structural failure of a housing that is common to two or more subsystems. Determine the control force, pressure level, or fluid level (as appropriate for the indicator being tested) necessary to activate the brake system indicator lamp. Make four stops

if the vehicle is equipped with a split service brake system, or 10 stops if the vehicle is not so equipped, each from 60 mph, by a continuous application of the

service brake control. Restore the service brake system to normal at completion of this test.

* * * * *

Dated: Issued on December 13, 2004.

Jeffrey W. Runge,
Administrator.

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