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FHWA-97-2213-11

September 27, 1994

3 pages attached

MEMO TO: Brian Price, USDOT FAX: (202) 366-5720

FROM: Rick Glaesser

SUBJECT: Submission re: Proposed Rulemaking on Sleeper Berths

Hi Brian! Attached is the OMCA's submission with respect to the Advanced Notice of Proposed Rulemaking on Sleeper Berths. Sorry for the delay. If you have any questions, please do not hesitate to give me a call.

DOCKET MC-93-34

LEGS./REGS. DIV.

94 JAN 4 7:19

FEDERAL HIGHWAY
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BEFORE THE
FEDERAL HIGHWAY ADMINISTRATION

49 CFR PART 393
[DOCKET NO. MC-93-32 FHWA]

PARTS AND ACCESSORIES NECESSARY FOR
SAFE OPERATION; SLEEPER BERTHS ON MOTOR COACHES

ADVANCE NOTICE FOR PROPOSED
RULEMAKING (ANPRM)

COMMENTS OF THE
ONTARIO MOTOR COACH ASSOCIATION

Founded in 1930, the Ontario Motor Coach Association (OMCA) is a trade association representing the interests of Ontario's intercity bus industry. On behalf of its over 1 100 members, including 75 motor coach and 80 travel and tour companies, the OMCA works with all government levels and jurisdictions to highlight the efforts and achievements of Ontario's intercity motor coach business.

The OMCA applauds the federal Highway Administration's efforts to enhance safety for all motor carriers. With this in mind, in the eyes of safety, the OMCA encourages separate rules for sleeper berths on trucks and motor coaches.

The following comments have been prepared by the Ontario Motor Coach Association in response to the Advance Notice of Proposed Rulemaking (ANPRM) published in the Federal Register on January 12, 1994 (59 Fed. Reg. 1706 et seq.).

The OMCA's response to the nine specific questions outlined in the ANPRM are listed as follows:

- 1. Should existing sleeper berth regulations be amended to account for design difference between motorcoaches and trucks? If so, what changes should be made and why?**

Yes. The OMCA fully supports standardized rules for sleeper berths on motor coaches, separate from the trucking industry. In addition, the OMCA encourages changes to existing Hours of Work rules to ensure that sleeper berth usage is deemed off-duty, as in the trucking industry,

2. **What is the current extent of sleeper berth usage within the motor coach industry?**

While the OMCA has not prepared an official analysis of the number of sleeper berths in the motor coach industry, we know that its use is limited.

3. **How many motor coaches have been manufactured with sleeper berths as part of their original equipment? How and where are these sleeper berths installed? How many comply with reg. 393.761 How many do not?**

In responding to this question, the Ontario Motor Coach Association refers to the following response prepared by Motor Coach Industries (MCI):

MCI has not and does not build motor coaches with sleeper berths as original equipment. Furthermore, MCI believes that any sleeper berth equipped coaches currently operating within the United States, were modified by coach conversions after the initial vehicle sale. Also, MCI is aware of only one Mexican coach manufacturer that offers a baggage compartment located sleeper berth as a factory option. This manufacturer does not currently supply coaches into the United States. MCI is not aware of any motor coach installed sleeper berths that meet current reg. 393.76 specifications.

4. **How many motor coaches have been retrofitted with sleeper berths? How and where are these sleeper berths installed? How many comply with reg. 393.76? How many do not?**

Same response as Question 3.

5. **Do after-market changes, such as cutting holes in the floor or modifying the cargo compartment, affect the structural integrity of the motor coach?**

In responding to this question, the Ontario Motor Coach Association refers to the following response prepared by Motor Coach Industries (MCI):

Possibly. Any after sale modification to a certified vehicle which may effect that certification or the vehicle integrity, is cause for concern if the original equipment manufacturer (OEM) is not consulted prior to the modification being made. As an example, if a structural floor support is removed to provide for a floor mounted access door to a sleeper berth located within a baggage compartment; then the overall coach structural integrity will be degraded. Any modification to vehicle structural components should not be attempted until finite element analysis and failure mode and effect analysis indicate that the proposed modification does not degrade structural performance.

6. **The FHWA notes that if a driver sleeper berth is located within the baggage area and occupied while the motor coach is in operation, the occupant could be vulnerable to a side impact collision. Are special requirements needed to ensure the occupant's safety?**

The Ontario Motor Coach Association unequivocally does not support sleeper berths in the baggage area.

In addition, as outlined in the comments prepared by Motor Coach industries (MCI), "...MCI does not support the proposal of locating a driver's sleeper berth below the passenger floor. We believe that the placing of any person at a height level below that of current passenger/driver occupancy, will result in that person being provided with a lesser degree of security and safety than that provided to persons located above the passenger floor. Occupants of a sleeper berth located in a baggage compartment may be at risk not only to side impact intrusions (most side impacts under ride the passenger floor), but also to risks from rollover entrapment, or the inability to egress during fire or water immersion. MCI proposes that this placement not be considered nor allowed."

7. ***If a driver sleeper berth is located in the baggage area of a motor coach, should its location be restricted (e.g., only the forward-most portion of the baggage area)? If the sleeper berth is used while the vehicle is in operation, would having the sleeper berth near the rear of the motor coach subject persons occupying the berth to excessive heat, noise, or exhaust?***

The OMCA does not support, at all, sleeper berths in the baggage compartment. With this in mind, it is unnecessary to respond to this question.

8. ***The current requirements of reg. 393.76 for a direct and ready means of exit from the sleeper berth into the driver's seat or compartment may be design-restrictive for motor coaches. Should the exit requirements allow a ready means of exit into the passenger compartment of the motor coach instead of the driver's seat or compartment?***

According to information provided by OMCA member operators, sleeper berths in the passenger compartment have two exits, one exit into the passenger area, and one in the window. In addition, it has been said that some sleeper berths include a side door exit. The Ontario Motor Coach Association fully supports this direction.

9. ***Would separate motor coach sleeper berth regulations enhance motor coach safety or benefit the motor coach industry? If yes, how?***

The Ontario Motor Coach Association believes that separate regulatory measures for sleeper berths in motor coaches is necessary, and will enhance safety. For instance, appropriate Hours of Work changes which ensure that sleeper berth usage is deemed off-duty will limit cheating on the drivers' log, as well as reduce 'jump seating'.

Finally, the Ontario Motor Coach Association supports the American Bus Association's (ABA) idea that the FHWA has not taken enough time to appropriately examine sleeper berths in the motor coach industry. And, as outlined by the ABA, the OMCA believes that the FHWA must establish a standardized checklist wherein the installation of sleeper berths in the **passenger compartment** of motor coaches could be approved or disapproved. However, the OMCA does not support the ABA's recommendation calling for an ad-hoc procedure to approve or disapprove sleeper berths.

The OMCA looks forward to assisting the FHWA in preparing separate and distinct regulatory measures for sleeper berths on motor coaches.