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EXECUTIVE SECRETARIAT  
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NATIONAL HIGHWAY TRAFFIC SAFETY ADMIN.

Administrator  
National Highway Traffic Safety Administration  
400 Seventh St., SW  
Washington, DC 20590

NHTSA - 2004 - 19209 - 2

RE: Docket No. NHTSA-2004-19209, RIN 2127-AJ18  
NHTSA 49 CFR Part 571

Dear Administrator:

I would like to address that section of the FMVSS 403/404 pertaining to vehicle interlocks and more specifically to the decision that the interlock design not be required to prevent "malicious release". By leaving out "malicious release", we are missing out on the opportunity to bolster or support other present Federal and State laws designed to aide individuals with disabilities; the same group this Standard is directed at helping. I ask you to consider adding "malicious release" back into the language on commercial or public vehicles because of the other benefits the wording provides.

First of all, my background is in school transportation. To explain my reasoning and not spread propoganda, I would like to present information from a document entitled, "DEPARTMENT OF CALIFORNIA HIGHWAY PATROL, INITIAL STATEMENT OF REASONS, TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5, AMEND ARTICLE 5, SECTION 1226.

In order to meet the needs of these students, several school transportation providers have requested exemptions to the requirements of 13CCR 1226 to allow the driver to leave the driver's compartment and leave the engine running for the sole purpose of providing a degree of climate control for special needs students.

PURPOSE OF REGULATIONS

The purpose of the regulations is to adopt specific requirements for an alternate method of compliance that would not compromise the intended safety requirements contained in 13 CCR 1226, Leaving the Driver's Compartment.

This proposal would permit a driver to leave the driver's compartment of a school bus provided the wheelchair lift controls are interlocked with the parking brake and with the automatic transmission of the vehicle so the school bus cannot be moved when the lift is not stowed and the lift cannot be deployed unless the

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interlock is engaged. Additionally, the bus would also have to be equipped with a master interlock key-type switch to engage and disengage the interlock function and be designed so that the interlock key can be removed by the driver when the interlock is engaged. The driver's seat belt would have to be equipped with a continuous warning device audible to the driver when the driver's seat belt is released and the master interlock key-type switch is in the disengaged (interlock released) position.

(The above describes an interlock that prevents malicious release.)

The California Highway Patrol (CHP) is making this proposal in response to industry requests. Adopting this alternate method of compliance will allow school transportation providers to address the needs of students in the least restrictive environment.

### **History/Background**

Federal and state laws require school operators to serve students with disabilities in the Least Restrictive Environment (LRE). This means students with disabilities, to the maximum extent appropriate, are to be educated with their peers who are not disabled. This principle also applies to transportation services. As a student's needs dictate, accommodations in service can be made in the least restrictive environment; i.e., a specialized school bus equipped with air conditioning, tinted windows and a white painted roof to help provide a cooler environment within the bus in hot weather conditions.

There are two principal federal statutes mandating school districts to provide transportation services for students with disabilities: The Individuals with Disabilities Education Act (IDEA) of 1975 and the Rehabilitation Act of 1973, Section 504. The IDEA amended in 1997, describes 13 disabilities that make a student eligible for special education and related services. IDEA requires school districts to provide a free and appropriate public education for all students with disabilities. As defined by IDEA, free and appropriate public education includes "related services" identified as necessary for the student to access the educational program. The term related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education.

IDEA defines transportation to include: (1) travel to and from school and between schools; (2) travel in and around school buildings; and (3) specialized equipment such as special or adapted buses, lifts, and ramps, if required, to provide special transportation for a child with a disability.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against individuals with disabilities by any recipient of federal funding. It stipulates districts providing transportation for non-disabled students must do so for students with disabilities. The law requires districts to make reasonable accommodations

for students with long-term or temporarily disabling conditions. One such accommodation is transportation.

By equipping buses with an interlock that prevents malicious release, operators are allowed to leave the bus engine running, enabling climate control systems to operate continuously. These benefits are further illustrated in the following excerpt taken from the November 2001 issue of CASTOways (California's Pupil Transportation magazine):

“With the engine running, continuous climate control can be provided for the medically fragile students transported on this school bus.....Previous to the interlock system, Tysen (the school bus driver) would have to shut down the air-conditioning/heater and the engine each time she would load or unload students in mobility devices. The time it took to re-establish the necessary climate inside the school bus could not always be accomplished prior to shutting the system down to load/unload another student. Since operating this school bus equipped with the interlock system, Tysen has seen a decrease in the amount of instances which students experience seizures along with other health concerns.”

By providing an interlock system designed for a vehicle with the engine running (one that prevents malicious release), we obtain benefits which include: climate control systems operate continuously, alternator provides power to wheelchair lift, concern for bus re-starting at stops eliminated, need for driver's aides reduced (on school buses) and no need for stand-alone A/C units. It also eliminates the liability of driver's leaving the driver's compartment with the engine running (for instance to keep the A/C running on a hot day).

In conclusion, the impetus for putting wheelchair lifts on vehicles was to provide transportation for individuals with disabilities. The purpose of the vehicle interlock section of FMVSS 403/404 as presently written is to provide safer operation of the wheelchair lift. By providing an interlock system that prevents malicious release, we can provide the desired safety with the benefit of more accommodating and “least restrictive” transportation. **If the purpose of this new standard is to make things better, let's do it right, MAKE THE INTERLOCK PREVENT MALICIOUS RELEASE.**

I appreciate your consideration and would be happy to discuss further with you and/or provide State Department of Education and DOT contacts involved with the testing and implementation of an interlock system that prevents malicious release.

Respectfully submitted,

Safety Systems & Controls, Inc.



Chris Webre  
President