FEDERAL TRANSIT ADMINISTRATION

BUS TESTING PROGRAM

PHASE-IN OF TESTING OF SMALL VEHICLES

Subcategories of Five and Four Year Buses

1. Unmodified Mass-Produced Vans

This subcategory consists of vehicles that are manufactured as complete, fully assembled vehicles as provided by the original equipment manufacturer (OEM). The subcategory includes vans with raised roofs, and/or wheelchair lifts, or ramps that are installed by the OEM, or by a party other than the OEM, provided that the installation of these components is completed in strict conformance with the OEM modification guidelines.

Vehicles in this subcategory are not subject to the bus testing requirements.

2. Vehicles Built from Unmodified Mass-Produced Chassis

This subcategory consists of vehicles that are manufactured from incomplete, partially assembled chassis as provided by an OEM to a secondary small bus manufacturer. This subcategory includes vehicles whose chassis structure either has not been modified, or has been modified in strict conformance with the OEM's modification guidelines. The addition of a tandem or tag axle would exclude a bus model from this subcategory.

Vehicles in this subcategory are subject to the bus testing requirements.

3. Vehicles Manufactured from Modified Mass-Produced Chassis or Vans

This subcategory consists of vehicles that are manufactured from incomplete, partially assembled chassis or vans as provided by an OEM to a secondary small bus manufacturer. This subcategory includes vehicles whose chassis structure has been modified to include: the addition of a tandem or tag axle; the installation of a drop or lowered floor, changes to the GVWR from the OEM rating; or other modifications that are not made in strict conformance with the OEM's modifications guidelines.

Vehicles in this subcategory are subject to the bus testing requirements.

4. Vehicles Manufactured from Non-Mass-Produced Chassis or Vans

The final subcategory consists of vehicles that are manufactured from incomplete, partially assembled chassis or vans as provided by an OEM to a secondary small bus manufacturer, and where the annual production rate of the OEM chassis or van is less than 20,000 units.

Vehicles in this subcategory are subject to the bus testing requirements.

Effective Dates of Testing Requirements

1. The first effective date, June 1, 1994, applies to vehicles in the third and fourth subcategories.

2. The second effective date, October 1, 1994, applies to vehicles in the second subcategory.

Partial Testing--Family of Vehicles

FTA permits partial testing for those vehicles which have completed full testing, but later are produced with a change in configuration or components. Partial testing is required only for those tests in which a significant change from the test data is expected. Partial testing applies to four and five year buses.

For purposes of partial testing of buses in the four and five year categories, FTA has established the concept of a "family of vehicles."

All bus models that are produced by a small bus manufacturer that are built using unmodified mass-produced chassis (second subcategory), supplied by one or more OEMs, are considered part of that small bus manufacturer's family of vehicles, including the various chassis wheelbases that are supplied by the OEMs.

In general, only one member of such a family of vehicles would be subject to bus testing. However, because of the wide variety of vehicles that can be included in a small bus manufacturer's family of vehicles, it is possible that more than one member of the family may be required to undergo testing.

FTA intends that at least one typical unmodified mass-produced chassis design (second subcategory), from each chassis OEM undergo full testing at the Altoona Bus Testing Facilities. Once an OEM's chassis has been fully tested on a new bus model by one small bus manufacturer, other second subcategory new bus models manufactured by that small bus manufacturer or another, using that OEM's tested chassis, would be subject to partial testing procedures only.

Each bus model that is produced by a small bus manufacturer that is manufactured from a modified mass-produced chassis or van (third subcategory) or from non-mass-produced chassis or van (fourth subcategory) is considered to be a separate family of vehicles for that small bus manufacturer and is required to undergo full testing.

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 665

[Docket No. 39—3]

RIN 2132—AA30

Bus Testing Program; Modification to Interim Final Rule: Phase-in of Effective Dates For Testing of Small Vehicles

AGENCY: Federal Transit Administration, DOT.

ACTION: Interim final rule.

SUMMARY: On July 23, 1992, the Federal Transit Administration (FTA) published an interim final rule on its bus testing program. Among other things, the rule added two new vehicle types (vehicles with minimum service lives of five years or 150,000 miles and four years or 100,000 miles) to the vehicles subject to testing at the FTA-sponsored testing facility at Altoona, Pennsylvania. On October 13, 1992, the FTA postponed the effective date of the rule as it applied to these types of vehicles for 120 days, until February 10, 1993. On February 22, 1993, the FTA again postponed the effective date, until October 1, 1993. The delay was due to numerous requests from commenters to the docket. During this time, FTA has sought and received additional comments on particular issues leading to today's changes to the interim final rule.

DATES: *Effective date:* October 1, 1993. This effective date retroactively applies to advertisements for bids or requests for proposals for the affected categories of vehicles issued between October 1, 1993, and November 3, 1993.

Comment due date: January 3, 1994. Comments received after this date will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: For technical issues, Steven A. Barsony, Director, Office of Engineering, Office of Technical Assistance and Safety, (202) 366—0090; for legal issues, Richard L. Wong, Attorney-Advisor, Office of the Chief Counsel, (202) 366—1936.

SUPPLEMENTARY INFORMATION:

Background

The Surface Transportation and Uniform Relocation Assistance Act of 1987 required the FTA to establish a bus testing facility for the testing of a model of any new bus model purchased with FTA financial participation. The FTA issued its first interim final rule implementing this program in 1989, and announced it would phase in the program, applying the testing requirements to different sized vehicles over a multi-year period. The first interim final rule, published on August 23, 1989 (54 FR 35158), established three categories of vehicles subject to testing: heavy-duty large buses with a minimum service life of 12 years or 500,000 miles; heavy-duty small buses with a minimum service life of 10 years or 350,000 miles; and purpose-built medium-duty buses with a minimum service life of 7 years or 200,000 miles.

The second interim final rule, published on October 9, 1990 (55 FR 41174), extended the testing requirements to the medium duty body-on-chassis category by combining the purpose-built and body-on-chassis subdivisions into one inclusive 7-year or 200,000-mile medium-duty bus category.

The third interim final rule, published on July 23, 1992, (57 FR 33394) extended the testing requirements to the final two categories of vehicles requiring testing. The first added category included vehicles with a minimum service life of five years or 150,000 miles, typically light-duty, mid-sized buses, approximately 25—35 feet in length. The second added category included vehicles with a minimum service life of 4 years or 100,000 miles, typically light-duty small buses, cutaways, or modified vans, 16—23 feet in length.

Although the third interim final rule went into effect on August 27, 1992, FTA subsequently suspended until October 1, 1993, the effective date as it applied to the remaining categories of vehicles that must be tested. During this period, FTA specifically sought comments on whether the testing requirement for small vehicles should be phased in over a period of time to avoid having a significant number of vehicles subject to testing simultaneously, and sought recommendations for a logical and efficient manner of phasing in the testing of such vehicles. The FTA also sought comment on whether these two categories of small vehicles could readily be divided into further subcategories for phasing-in purposes.

FTA recently made available a draft document outlining the bus testing procedures FTA intends to use for the five- and four-year vehicle categories and the criteria FTA intends to use for making partial testing determinations, titled: Testing Requirement Guidelines for Five- and Four-Year Buses; and Partial Bus Testing Procedures for All Bus Categories. FTA informed interested parties of the availability of this document through a notice published in the Federal Register (58 FR 30213, May 26, 1993). This document will be referred to hereafter as "Testing Guidelines."

As indicated in the Testing Guidelines, most of the vehicles in the five- and four-year bus testing categories are built on a mass-produced chassis or use a mass-produced van having an annual production rate of 20,000 units or more.

FTA has reviewed the submitted docket comments and believes that the testing methods identified herein and in the Testing Guidelines reasonably address the responsive docket comments with regard to partial testing, subcategorization of the vehicles and testing phase-in periods.

I. Phasing In of Five- and Four-Year Bus Testing Categories

FTA has determined that phasing in of testing for these final two categories of vehicles is needed to minimize the impact of the bus testing requirements on small bus manufacturers and on the Bus Testing Facilities at Altoona. To facilitate this phase-in process, FTA has established four subcategories for the five- and four-year bus testing categories: Unmodified mass-produced vans; vehicles manufactured from unmodified mass-produced chassis; vehicles manufactured from modified mass-produced chassis or vans; vehicles manufactured from non-mass-produced chassis or vans.

The first subcategory, *unmodified mass-produced vans*, consists of vehicles that are manufactured as complete, fully assembled vehicles as provided by the original equipment manufacturer (OEM). This subcategory includes vans with raised roofs, and/or wheelchair lifts, or ramps that are installed by the OEM, or by a party other than the OEM provided that the installation of these components is completed in strict conformance with the OEM modification guidelines. Vehicles in this subcategory are not subject to the bus testing requirements.

The second subcategory, *vehicles built from unmodified mass-produced chassis*, consists of vehicles that are manufactured from incomplete, partially assembled chassis as provided by an OEM to a secondary small bus manufacturer. This subcategory includes vehicles whose chassis structure either has not been modified, or has been modified in strict conformance with the OEM's modification guidelines. The addition of a tandem or tag axle would exclude a bus model from this subcategory. Vehicles in this subcategory are subject to the bus testing requirements.

The third subcategory, *vehicles manufactured from modified mass-produced chassis or vans*, consists of vehicles that are manufactured from incomplete, partially assembled chassis or vans as provided by an OEM to a secondary small bus manufacturer. This subcategory includes vehicles whose chassis structure has been modified to include: The addition of a tandem or tag axle, the installation of a drop or lowered floor, changes to the GVWR from the OEM rating, or other modifications that are not made in strict conformance with the OEM's modifications guidelines. Vehicles in this subcategory are subject to the bus testing requirements.

The fourth and final subcategory, *vehicles manufactured from non-mass-produced chassis or vans*, consists of vehicles that are manufactured from incomplete, partially assembled chassis or vans as provided by an OEM to a secondary small bus manufacturer, and where the annual production rate of the OEM chassis or van is less than 20,000 units. Vehicles in this subcategory are subject to the bus testing requirements.

FTA has decided to phase in the bus testing requirements for the five- and four-year categories of buses by establishing two separate bus testing effective dates. The first effective date, June 1, 1994, applies to vehicles in the third and fourth subcategories: Vehicles manufactured from modified mass-produced chassis or vans, and vehicles manufactured from non-mass-produced chassis or vans. The second effective date, October 1, 1994, applies to vehicles in the second subcategory: Vehicles manufactured from unmodified mass-produced chassis.

FTA believes that there are more bus models that may have operational difficulties in the third and fourth subcategories than in the second subcategory, and that the annual production rate of vehicles in the second subcategory far exceeds that of the third and fourth subcategories. These effective dates were established to address the vehicles with potential operational problems first, and at the same time, allow the vehicles which have the greatest impact on the transit industry ample time to be tested at Altoona. The dates were selected to provide sufficient time for all new bus models in the five- and four-year service categories to be tested prior to the selected effective dates.

As provided in the July 28, 1992, interim final rule, subcategory one vehicles, unmodified mass-produced vans, continue to be exempt from the bus testing requirement.

II. Testing of a Family of Vehicles

In the July 28, 1992, interim final rule, the FTA initiated its policy of partial testing for those vehicles which have completed full testing at the bus testing facility, but later are produced with a change in configuration or component. Partial testing is required only for those tests in which a significant change from the test data is expected. Partial testing procedures and the major changes that would trigger partial testing requirements for five- and four-year buses are set forth in the Testing Guidelines. As stated in the July 28, 1992, interim final rule, the extent of the required testing will be determined by the FTA on a case-by-case basis.

For purposes of partial testing of buses in the five- and four-year bus testing categories, FTA establishes the concept of a "family of vehicles." All bus models that are produced by a small bus manufacturer that are built using unmodified mass-produced chassis (second subcategory), supplied by one or more OEM, are considered part of that small bus manufacturer's family of vehicles, including the various chassis wheelbases that are supplied by the OEMs. In general, only one member of such a family of vehicles would be subject to bus testing. However, because of the wide variety of vehicles that can be included in a small bus manufacturer's family of vehicles, it is possible that more than one member of the family may be required to undergo testing (see Testing Guidelines). To minimize the number of family members that would be subject to testing, the small bus manufacturer should consider testing the larger, heavier, more complex vehicle in the family.

FTA intends that at least one typical unmodified mass-produced chassis design (second subcategory), from each chassis OEM undergo full testing at the Altoona Bus Testing Facilities. Once an OEM's chassis has been fully tested on a new bus model by one small bus manufacturer, other second subcategory new bus models manufactured by that small bus manufacturer or another, using that OEM's tested chassis, would be subject to partial testing procedures.

Each bus model that is produced by a small bus manufacturer that is manufactured from a modified mass-produced chassis or van (third subcategory) or from non-mass-produced chassis or van (fourth subcategory) is considered to be a separate family of vehicles for that small bus manufacturer and is required to undergo full testing. Again, in this case, to minimize the number of family members that would be subject to testing, the small bus manufacturer should consider testing the larger, heavier, more complex vehicle in the family.

III. Regulatory Matters

The FTA does not consider the extension of the effective date of the rule an action which requires an additional notice of proposed rulemaking (NPRM). From the time FTA published its initial NPRM, FTA's intent has remained clear—to implement the statutory mandate in an effective and efficient manner. The FTA has carried out this policy through a multi-staged implementation schedule using a series of interim final rules.

This rule is not a major rule under Executive Order 12291. It is, however, a significant rule because it is related to a significant rule under the Department of Transportation's Regulatory Policies and Procedures. The extension of time in which to comply, the primary focus of today's notice, imposes no additional costs on the affected public. In fact, the extension of the effective date will delay costs to small vehicle manufacturers for the period of the extension. Since the economic impact of this extension is minimal, no regulatory evaluation has been prepared. There are no Federalism effects sufficient to warrant preparation of a Federalism assessment. The FTA certifies that this rule will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 605(b)).

List of Subjects in 49 CFR Part 665

Grant programs—transportation, Mass transportation, Vehicle testing.

For the reasons cited above, 49 CFR Part 665 is amended as set forth below:

PART 665—BUS TESTING

1. The authority citation for part 665 is revised to read as follows:

Authority: Federal Transit Act of 1964, as amended, 49 U.S.C. 1601 *et seq.*, 1608(b); section 317, Surface Transportation and Uniform Relocation Assistance Act of 1987; and 49 CFR 1.51.

2. Paragraph (d) of § 665.3 is revised to read as follows:

§ 665.3 Scope.

* * * * *

(d) The provisions in §§ 665.11(a) (4) and (5) concerning the last two categories of buses which must be tested, apply as follows:

(1) For vehicles that are manufactured from modified mass-produced chassis or vans, or manufactured from non-mass-

produced chassis or vans, testing and a final report will be required for all vehicles offered in response to advertisements for bids or requests for proposals issued on or after June 1, 1994.

(2) For vehicles manufactured from unmodified mass-produced chassis, testing and a final report will be required for all vehicles offered in response to advertisements for bids or requests for proposals issued on or after October 1, 1994.

3. Section 565.5 is amended by removing the definition of "modified van" and by adding the following definitions in alphabetical order:

§ 565.5 Definitions.

* * * * *

Modified mass-produced chassis or van means a vehicle that is manufactured from an incomplete, partially assembled mass-produced chassis or van as provided by an OEM to a small bus manufacturer. This includes vehicles whose chassis structure has been modified to include: The addition of a tandem or tag axle; the installation of a drop or lowered floor; changes to the GVWR from the OEM rating; or other modifications that are *not* made in strict conformance with the OEM's modifications guidelines.

* * * * *

Non-mass-produced chassis or van means a vehicle that is manufactured from an incomplete, partially assembled chassis or van as provided by an OEM to a secondary small bus manufacturer, and where the annual production rate of the OEM chassis or van is less than 20,000 units.

Original Equipment Manufacturer (OEM) means the original manufacturer of a chassis or van supplied as a complete or incomplete vehicle to a small bus manufacturer.

* * * * *

Small bus manufacturer means a secondary market assembler that acquires a chassis or van from an original equipment manufacturer for subsequent modification/assembly and sale as 5-year/150,000-mile and/or 4-year/100,000-mile minimum service life vehicles.

Unmodified mass-produced chassis means a vehicle that is manufactured from an incomplete, partially assembled mass-produced chassis as provided by an OEM to a small bus manufacturer. This includes vehicles whose chassis structure has either not been modified, or is modified in strict conformance with the OEM's modification guidelines. The addition of a tandem or tag axle would exclude a bus model from this definition.

Unmodified mass-produced van means a vehicle that is mass-produced, complete and fully assembled as provided by an OEM. This includes vans with raised roofs, and/or wheelchair lifts, or ramps that are installed by the OEM, or by a party other than the OEM provided that the installation of these components is completed in strict conformance with the OEM modification guidelines.

Issued on: October 28, 1993.

Gordon J. Linton,

Administrator.

[FR Doc. 93-26923 Filed 11-1-93; 8:45 am]

BILLING CODE 4910-57-P

Creative Bus Sales, Inc.

Caltrans Van Bid – Option List

Conversion Options	
Ground Effects Package	$ 1,250.00
Limo Tint Passenger Windows	$ 650.00
Methane Detection System - CNG	$ 2,500.00
Ignition Shutoff - CNG	$ 350.00
Custom Paint	Quote
Front Cross-Over Mirror	$ 220.00
Rear Cross-Over Mirror	$ 220.00
Auxiliary Battery (Gasoline, CNG Models)	$ 350.00
Repel Seat Fabric - Each	$ 55.00
Key Multiple Vans Alike	$ 575.00
Public Address System	$ 525.00
Door Open Buzzer/Light	$ 175.00
Rear "HELP" Bumper	$ 900.00
Front "HELP" Bumper	$ 925.00
(Add) – Foldaway Seat	$ 880.00
<Delete> Two Passenger Seat	<$ 170.00>
Freedman – Child Restraint Seat (Single)	$ 895.00
Freedman – Child Restraint Seat (Double)	$ 1,250.00
Seat – Map Pockets	Quote
Seat – Yellow Grab Handles	$ 75.00
PX-220R-5T Alternator	$ 1,200.00
(Add) – Additional Wheelchair Position	$ 795.00
Maximum Length Wheelchair Track – (Per Position)	$ 825.00
Overhead Grabrail	$ 250.00
Tow Hooks – Rear	$ 150.00
Vertical Stanchion	$ 155.00
Barrier – Driver Plexiglas and Modesty Panel	$ 495.00
Battery Switch – On/Off	$ 200.00
Belt – Additional Torso Belt	$ 75.00
Bike Rack – Black	$ 1,425.00
Bike Rack – Stainless Steel	$ 1,600.00
Seat Armrest	$ 65.00
Door – Locking Fuel Door	$ 250.00
Driver – Assist Rail	$ 225.00
Hourmeter – Engine	$ 200.00

13501 Benson Avenue • Chino, CA 91710-5231
Phone: (909) 465-5528 • Fax: (909) 465-5529 • www.creativebussales.com

Creative Bus Sales, Inc.

Hubodometer	$ 250.00
Luggage Rack – 30"	Quote
Manuals – (Ford Maintenance and Shop)	$ 350.00
Exterior Ad Racks	$ 350.00
Interior Ad Racks	$ 350.00
Driver Seat – USSC 9500 MLX	$ 1,250.00
Driver Seat – Magnum 200	$ 975.00
Seat – Driver's Comfort Package (Heat & Massage)	$ 975.00
Engine Shutdown System	$ 700.00
Lo-Water Light/Buzzer	$ 275.00
Hi-Temp Light/Buzzer	$ 275.00
Low-Oil Light/Buzzer	$ 350.00
Transmission Temperature Gauge	$ 350.00
Brake Retarder	$ 7,700.00
Emergency Exit Light	$ 250.00
L.E.D. Exterior Lighting – Turn and Brake Lighting	$ 350.00
Fog Lights	$ 275.00
Antenna Access Plate, Ground Plane, Two-Way Radio Prep	$ 325.00
Exterior Strobe Light	$ 300.00
Exterior Entry Door Light	$ 175.00
Add Additional Speakers – Each	$ 250.00
Inverter	$ 2,250.00
Gurney Mount	$ 1,750.00
Reading Lights – Package	$ 500.00
Driver's Fan	$ 125.00
Luggage Net – Rear	$ 275.00
10lb Fire Extinguisher	$ 150.00
20lb Fire Extinguisher	$ 175.00
Rubrails	$ 200.00
Aluminum Rims x (4)	$ 2,500.00
Certificate Holder	$ 50.00

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Creative Bus Sales, Inc.

Warranty Procedure

Warranty restitution can only be applied to repairs made if the following procedures are followed and it is determined that yourproblem is covered under chassis, body or component warranty.

Before any work is performed on your vehicle you must contact:

Northern California
ElDorado Bus Sales
29220 Pacific Street
Hayward, CA 94544
Kip Ceccarelli
(510) 728-1500

Southern California
Creative Bus Sales
13501 Benson Avenue
Chino, CA 91710
Bill Anderson
(909) 465-5528

Please have the following information ready when you call: **make, model, serial number & current mileage.**

Please note: Failure to follow this procedure will result in the denial of any future vehicle warranty claims.

Chassis Warranty Items: Contact your local chassis manufacturer.

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Phone: (909) 465-5528 • Fax: (909) 465-5529 • www.creativebussales.com

Warranty Statement – Wheelchair Lift

Braun "Worry-Free"

Three-Year Limited Warranty

The Braun Corporation of Winamac, Indiana, warrants its wheelchair lift against defects in material and workmanship for three years, providing the lift is operated and maintained properly and in conformity with this manual. This warranty is limited to the original purchaser and does not cover defects in the motor vehicle on which it is installed, or defects in the lift caused by a defect in any part of the motor vehicle.

This warranty commences on the date the lift is put in service, providing the warranty registration card is completed and received by The Braun Corporation within 20 days of purchase.

This warranty also covers the cost of labor for the repair or replacement of most parts for three years when performed by an authorized Braun representative. (A Braun labor schedule determines cost allowance for repairs.)

This warranty does not cover normal maintenance, service, or periodic adjustments necessitated by use or wear. The Braun Corporation will not, under any circumstances, pay for loss of use of lift or vehicle in which it is installed or loss of time.

This warranty will become null and void if the lift has been damaged through accident, misuse, or neglect, or if the lift has been altered in any respect.

gnscsws

State of California

Warranty Statement – Paratransit Van Conversion

The Braun Corporation of Winamac, Indiana warrants its Paratransit van conversion against material and workmanship for three years or 36,000 miles (whichever comes first). This warranty will commence on the date the purchaser puts the unit in service.

This warranty includes all materials and accessories used in the vehicles. The warranty covers parts, labor, and equipment. The Braun Corporation will at their discretion repair or replace any defective part or accessory.

This warranty will also cover labor that is required to remove any modification added to the base OEM vehicle to perform warranty work.

A Braun labor schedule will determine cost allowance for repairs.

This warranty does not cover normal maintenance, service, or periodic adjustments necessitated by use or wear. The Braun Corporation will not pay for loss of use or loss of time.

This warranty does not cover damage incurred by accident, misuse, or neglect.