Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–2264. SUPPLEMENTARY INFORMATION: NHTSA received a petition for rulemaking from the Institute for Injury Reduction (IIR). The petitioner requested "appropriate rulemaking or other action leading to the issuance * * * of a lap-belt-use warning requirement covering new vehicles sold in the United States and equipped with 'automatic' shoulder belts in any position."

IIR argued that an automatic shoulder/manual lap belt restraint system often provides less protection in a crash than a fully manual shoulder/lap belt restraint system. According to the petitioner, "a significant hazard of the former system is the overall propensity for ejection due to the non-use of the lap belt in conjunction with the automatic shoulder belt." The petitioner requested that NHTSA require a warning that an automatic shoulder belt is not to be used without a lap belt, and that the agency "develop appropriate minimum performance standards specifying warning language and location, or criteria.

NHTSA notes that it previously responded to a petition for rulemaking related to the subject of non-use of manual lap belts in conjunction with automatic shoulder belts. On September 9, 1993, NHTSA published (58 FR 47427) a notice denying a petition requesting that a warning light be required to indicate when lap belts in vehicles with automatic safety belts are not fastened. That petition had been submitted by Mr. Mark Goodson.

Like IIR, Mr. Goodson was concerned that if the person using an automatic safety belt does not engage the lap belt, the benefits of a three point restraint are reduced, and the person risks personal injury should a collision occur. Mr. Goodson recommended the addition of a warning light to remind users to engage the lap belt.

In denying Mr. Goodson's petition, NHTSA cited the fact that automatic belts are rapidly being replaced by the combination of air bags and manual lap/ shoulder belts. Under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), all passenger cars and light trucks must provide automatic crash protection by means of air bags, beginning in the late 1990's.

More specifically, as explained in NHTSA's final rule implementing that part of ISTEA, at least 95 percent of each manufacturer's passenger cars manufactured on or after September 1, 1996 and before September 1, 1997 must be equipped with an air bag and a manual lap/shoulder belt at both the driver's and right front passenger's seating position. Every passenger car manufactured on or after September 1, 1997 must be so equipped. The same requirement for light trucks is being phased in beginning on September 1, 1997. See 58 FR 46551, September 2, 1993.

Prior to the enactment of ISTEA, manufacturers had been permitted under Standard No. 208, Occupant Crash Protection, to provide automatic crash protection by means of air bags or automatic belts. The automatic crash protection requirements for cars have been in effect since the late 1980's; the requirements began to be phased in for light trucks on September 1, 1994.

Manufacturers are in fact moving more quickly toward providing air bags than required by ISTEA. Ninety-nine percent of model year 1995 passenger cars are equipped with driver-side air bags, and about 87 percent are also equipped with passenger-side air bags. Moreover, in meeting the automatic crash protection phase-in requirements for light trucks, manufacturers are going directly to air bags rather than taking the interim step of installing automatic belts

In the notice denying Mr. Goodson's petition, NHTSA stated that it expects any safety concerns with two-point automatic belts to become moot as automatic belts are replaced by air bags with manual lap/shoulder belts. The agency indicated that, given the limited time until automatic belts are replaced by air bags, it believes that any problems can be addressed by public education efforts. NHTSA noted that on October 5, 1992, it issued a news release stating that "drivers and passengers of cars equipped with front-seat automatic shoulder belts should also use the manual lap belt for maximum protection." The agency stated that it would continue to periodically remind

consumers of the need to wear the manual lap belt which accompanies some forms of automatic belts.

NHTSA believes that the same rationale for denying Mr. Goodson's petition also applies to the IIR petition. In fact, the time until automatic belts are replaced by air bags is even more limited. By the time the agency completed any rulemaking to require a specific warning, it is unlikely that any vehicles would be subject to the requirement. Therefore, such a rulemaking would not result in any safety benefits. Accordingly, the agency finds that there is not a reasonable possibility that the requested rule would be issued at the conclusion of a rulemaking proceeding.

The agency continues to believe that any problems in this area can be addressed by public education efforts. This is true for both the small number of new vehicles that will be produced with two-point automatic belts and for the existing vehicles incorporating this design. NHTSA notes that its consumer information pamphlet entitled "Safety Belts Proper Use" includes the following statement:

In some vehicles, the shoulder belt comes across your chest automatically, but the lap belt must be buckled manually. If your vehicle has a manual lap belt, it must be buckled for maximum protection. Use the complete system the manufacturer installed in your vehicle and follow the instructions provided in the owner's manual.

NHTSA shares IIR's concern about the need for occupants to fully utilize the crash protection equipment provided by manufacturers, whether the manual lap belt provided with some automatic belts or the manual lap/shoulder belts being provided with air bags. The agency will continue its public education efforts in these areas.

For the reasons discussed above, the agency is denying the IIR petition.

Authority: 49 U.S.C. 30103 and 30162; delegations of authority at 49 CFR 1.50 and 501.8.

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Barry Felrice,

Associate Administrator for Rulemaking. [FR Doc. 95–2116 Filed 1–26–95; 8:45 am] BILLING CODE 4910–59–P