

Subject: Changes to FMVSS 213 and its impact on school transportation

The manufacturers of supplemental 5-point restraint systems for school buses wanted to bring attention to an upcoming change to FMVSS 213 which could have an impact on the future availability of 5-point restraints systems such as the IMMI STAR product line, the BESI Pro Tech II and Pro Tech IV, as well as the HSM Portable Child Restraint (PCR).

Background:

In 2014, NHTSA published a proposal for new side impact safety requirements for child restraint systems, specifically aimed at car seats. In this proposal, the side impact standards did not consider restraints used in school buses. This is because school buses are built differently than automobiles, and the supplemental 5-point school bus child restraints are designed differently than car seats relative to side impact protection requirements of a typical automotive car seat. While these systems are recognized as safe and effective in school transportation, they were previously unrecognized specifically in the standard by NHTSA.

NHTSA came to understand the unique design of such supplemental 5-point school bus restraints after meetings held in 2016. However, at the time, no final decision was made on how to address them. In 2022, NHTSA published a new rule for child restraints used in cars, called FMVSS 213a, which added side impact requirements, but this new rule did not address the status of supplemental 5-point school bus restraints. In December 2023, NHTSA introduced a new category for school bus child restraints under the FMVSS 213b rule. While this was a step forward, the rule still did not specifically address such systems in light of the side impact requirements of FMVSS 213a.

Why This Is an Issue:

School buses are built to provide better protection in crashes compared to cars. The structure of the bus itself offers a safer environment for children, which means supplemental school bus child restraints need not meet the same side impact requirements as those used in cars. However, under the current rules as scheduled to take effect in 2025, it could be interpreted as though these restraints are required to comply with side impact regulations.

The manufacturers of these restraints have requested clarification within the new rules, but if the rules are not clarified, the production and sales of these supplemental 5-point school bus restraints would be in jeopardy, and one result could be manufacturers cease to produce them after June 30, 2025. The result of any such stoppage would be that school transportation providers are left without suitable supplemental restraints for young children. This would affect pre-kindergarten (pre-k), and Head Start programs, which are required by law to secure children in appropriate child restraints while traveling on school buses.

If these restraints are no longer available, transportation programs may face difficult choices, such as using more expensive and larger car seats that may not fit the limited space of a school bus or not using any restraints at all, which could compromise children's safety.

The Request of NHTSA:

As result, the manufacturers of supplemental 5-point restraints have asked NHTSA to clarify the rules to exempt school bus child restraint systems from the side impact protection requirements in FMVSS 213a. This is the same exemption that NHTSA has already granted for harness systems, which are similar in design to school bus restraints. We believe this exemption would clarify the issue while still ensuring that school bus children are safely secured.

To achieve this, it has been suggested a simple change to the rules be made adding school bus child restraints to the list of systems which are exempt from side impact protection requirements. This would clearly allow production of school bus restraints to continue, ensuring that children in school transportation are best protected.

Conclusion:

School bus child restraint systems have been in use for over 20 years, and they continue to be the preferred choice for securing young children on school buses. These restraints are safe, practical, and affordable. NHTSA is being urged to clarify the rules regarding the exemption of school bus child restraint systems from the side impact requirements.

Just recently the requests to NHTSA were published in the Federal Register and once published NHTSA is required to respond to the request. However, at this time it is not known if NHTSA will respond positively to the requests or if they will respond prior to the June 30 deadline. We, the manufacturers, will be watching the issue closely and we will update NASDPTS and our customers of any change in status of implementation.

We are hopeful a positive resolution to this matter will be found.

Sincerely,

The Manufacturers of School Bus Add-On Restraints

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