



U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**

1200 New Jersey Avenue SE.  
Washington, DC 20590

March 7, 2022

The Honorable Jennifer Homendy  
Chair  
National Transportation Safety Board  
490 L'Enfant Plaza East, SW  
Washington, DC 20594

Dear Chair Homendy:

Thank you for your December 20, 2021 letter to the National Highway Traffic Safety Administration (NHTSA) regarding the National Transportation Safety Board's (NTSB) November 17, 2021, report, *Collision Between Sport Utility Vehicle and Medium-Size Bus Transporting Adult Passengers with Disabilities and Special Needs, Belton, South Carolina, December 17, 2019* (NTSB/HAR-21/02), and safety recommendation H-15-40. NHTSA's response to the recommendation is discussed below.

**NTSB Recommendation and Requested Designation:**

*(Reclassified)* **H-15-40**

Develop, and require compliance with, a side-impact protection standard for all newly manufactured medium-size buses, regardless of weight.

**NHTSA Action:**

On December 29, 2021, NHTSA published a final rule promulgating a new Federal Motor Vehicle Safety Standard No. 227, "Bus rollover structural integrity."<sup>1</sup> In that rulemaking, NHTSA reviewed crashes and occupant fatalities in medium-size buses (buses with a gross vehicle weight rating 10,000 pounds to 26,000 pounds). Table 10 in the preamble of this final rule shows that there were 19 medium-size bus occupant fatalities (2 drivers and 17 passengers) in side-impact crashes for the 15-year period from 2004 to 2018. On an annual average, there are about 1.3 medium-size bus occupant fatalities in side-impact crashes annually.

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<sup>1</sup> 86 FR 74270 (December 29, 2021).

Table 10<sup>2</sup>: Fatalities in medium-size buses by body type, crash mode, and occupant type  
(FARS 2004-2018)

Body type	Rollover		Front		Side		Rear		All types		TOTAL
	Driv	Pass	Driv	Pass	Driv	Pass	Driv	Pass	Driv	Pass	
Other bus	1	18	5	7	1	2	0	1	7	28	35
Unknown bus	0	6	1	1	0	0	0	0	1	7	8
Van-based bus	4	7	12	28	1	8	1	1	18	44	62
Large van (used as intercity, tour, commuter, or shuttle buses)	1	8	3	7	0	7	1	2	5	24	29
TOTAL (above)	6	39	21	43	2	17	2	4	31	103	134

The National Traffic and Motor Vehicle Safety Act (Vehicle Safety Act) requires NHTSA to consider certain factors when issuing safety standards and issue standards that meet prescribed requirements. We have evaluated these data but do not find they support a requirement for all newly manufactured medium-size buses to be subject to a side-impact protection standard, nor are we aware of other data supporting such a requirement. However, as NHTSA continues to work on our portfolio of safety rulemakings, the agency is also monitoring crash data of medium-size buses, and in accordance with the Vehicle Safety Act, will not hesitate to address safety needs should they arise.

Based on the preceding information, NHTSA requests this recommendation be classified as **Closed, Acceptable Response**.

If you have any questions, or require additional information, please contact me or Darren Hall, Governmental Affairs, Policy and Strategic Planning, at 202-366-7463.

Sincerely,



Steven S. Cliff, Ph.D.  
Deputy Administrator

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<sup>2</sup> *Id.* at 74283.