



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

DEC 30 2019

Mr. Jesse Glickenhau
Managing Director
Scuderia Cameron Glickenhau LLC
8 Kendall Avenue
Sleepy Hollow, NY 10591

Dear Mr. Glickenhau:

This responds to your March 25, 2019 request for interpretation asking how the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 208; *Occupant crash protection*, apply to a passenger car and multipurpose passenger vehicle (MPV) with centrally located front seating positions. Specifically, you ask us to confirm that FMVSS No. 208 does not require air bags for the central front seat(s) if they are not “outboard designated seating positions” as defined in 49 CFR § 571.3(b). As we explain below, based on the information and representations provided in your request, FMVSS No. 208 does not require front air bags for the front seat(s) in these vehicles.

Description of your vehicle designs and request for interpretation

Your request concerns two different vehicle designs. The first is a passenger car with the driver’s seat located at or near the longitudinal centerline of the vehicle. You state that the driver’s seat will not meet the definition of an “outboard designated seating position” as defined in 49 CFR § 571.3(b).¹ In the illustrations in your letter, the driver’s seat is depicted as the only front seat; there are two rear seats. You state that the images accurately reflect the placement of the front driver’s seat, but that the shape and final placement of the rear passenger seats are not finalized. You ask us to confirm that FMVSS No. 208 does not require a front air bag for the driver’s seat.

The second vehicle you describe is an MPV.² In a subsequent conversation with my staff, you indicated that this vehicle has a gross vehicle weight rating (GVWR) of more than 8,500 pounds (lb) (and/or an unloaded vehicle weight greater than 5,500 lb) but not greater than 10,000 lb. The MPV has a driver and front passenger seat, both of which are centrally located. The accompanying illustrations also depict two rear seating positions. You state that

¹ “*Outboard designated seating position* means a designated seating position where a longitudinal vertical plane tangent to the outboard side of the seat cushion is less than 12 inches from the innermost point on the inside surface of the vehicle at a height between the design H-point and the shoulder reference point (as shown in fig. 1 of Federal Motor Vehicle Safety Standard No. 210) and longitudinally between the front and rear edges of the seat cushion” (emphasis in original).

² An MPV is defined as “a motor vehicle with motive power, except a low-speed vehicle or trailer, designed to carry 10 persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation.” § 571.3(b).

neither the driver's seat nor the front passenger seat will meet the definition of an "outboard designated seating position." You ask us to confirm that FMVSS No. 208 does not require a front air bag for either of these seating positions.

Requirements under FMVSS No. 208 for the front seats in these vehicles

FMVSS No. 208 sets out vehicle-level occupant protection requirements. These include requirements or compliance options for seat belts, air bags, frontal crash tests, and static air bag tests.

Passenger Cars

Whether or not the passenger car you describe is required to have a front air bag for the driver's seat depends on whether that seat is an "outboard designated seating position." FMVSS No. 208 requires that each "[front] outboard designated seating position" be equipped with a Type 2 seat belt³ and an air bag and certified to meet advanced air bag requirements.⁴ For example, passenger cars are required to certify, among other things, that they will meet injury criteria specifications when subject to a rigid barrier belted crash test with a 50th percentile adult male dummy,⁵ but this requirement applies only to "each front outboard designated seating position[.]"⁶ We note that the standard is not completely consistent in using the term "front outboard designated seating position" to apply the advanced air bag requirements; the requirements referring to an out-of-position 5th percentile female dummy are specified in terms of the "driver position."⁷ However, this "driver position" reference is most sensibly understood as applying to the driver's side front outboard designated seating, consistent with the framework specified in the rest of the standard.⁸ If the front seat is not an "outboard designated seating position" then it is required to have a Type 1 or Type 2 seat belt assembly.⁹

³ S4.1.5.1(a)(3). A Type 1 seat belt is a lap belt, and a Type 2 seat belt is a combination lap/shoulder belt. FMVSS 209; *Seat belt assemblies*, S3.

⁴ See S14 ("Advanced air bag requirements for passenger cars and for trucks, buses, and multipurpose passenger vehicles with a GVWR of 3,855 kg (8500 pounds) or less and an unloaded vehicle weight of 2,495 kg (5500 pounds) or less, except for walk-in van-type trucks or vehicles designed to be sold exclusively to the U.S. Postal Service[.]") and S4.1.5.4 ("Each passenger car certified to S14 shall, at each front outboard designated seating position, meet the applicable frontal crash protection requirements of S5.1.2(b) by means of an inflatable restraint system that requires no action by vehicle occupants."). See also the advanced air bag requirements specified in S14 through S29.

⁵ S14.4 and S14.5.1(b).

⁶ S14.5.1(b).

⁷ See S25.1-25.4.

⁸ Cf. Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. No. 102-240, § 2508(a)(1), 105 Stat. 1914 (1991) (requiring the Department of Transportation to amend FMVSS No. 208 to require air bags at the "front outboard designated seating positions" in passenger cars and trucks, buses, and MPVs with a GVWR of 8,500 lb or less and an unloaded weight of 5,500 lb or less).

⁹ S4.1.5.1(a)(2).

MPVs with a GVWR greater than 8,500 lb (or with an unloaded vehicle weight greater than 5,500 lb) but not greater than 10,000 lb

FMVSS No. 208 (in S4.2.3 and S4.1.2) specifies several different compliance options for front seats in MPVs in this weight class. These vehicles are not required to have air bags, and may provide protection with only a seat belt.¹⁰

Discussion

Based on the information and representations provided in your interpretation request, FMVSS No. 208 does not require front air bags for the front seats in the vehicles you describe.¹¹ If the centrally-located driver's seat in your passenger car is not an outboard designated seating position, FMVSS No. 208 requires a Type 1 or Type 2 seat belt assembly, and not an air bag. With respect to MPVs in the referenced weight class, FMVSS No. 208 does not require air bags for any front seats. For example, the compliance option at S4.1.2.3 specifies only a belt and a seat belt warning for both front outboard and center seats. More specifically, if the centrally-located driver's and front passenger seats in the MPV are not outboard designated seating positions, then S4.2.3 requires that they be equipped with a Type 1 or Type 2 belt and, depending on the compliance option selected, a seat belt warning system.

In your letter, you indicate that you have "every intention of installing airbags [sic] as soon as possible" in your vehicles. NHTSA strongly encourages that an air bag be provided for the driver's designated seating position. In establishing Standard No. 208's automatic protection requirements and later amending the standard to require air bags, NHTSA anticipated that applying the requirements to the front outboard positions would result in the driver's seating position being covered. The agency did not apply the requirements to the center seating position largely because that seating position is rarely used. However, that would not be true if that position were also the driver's seating position. Thus, we support your intention to install air bags in future models.

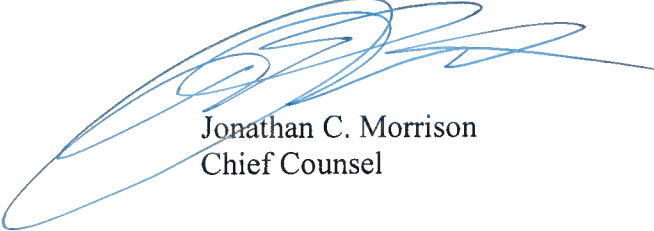
This interpretation is limited to the facts and representations stated in your request. In particular, this response assumes that the centrally-located front seat(s) are not "outboard designated seating position(s)" as defined in § 571.3(b) and that the rear seats depicted in the illustrations of the vehicles would in fact be classified as rear seats (and not front seats) under our regulations. We also note that this letter is limited to answering your question about FMVSS No. 208. Other FMVSS might necessitate use of air bag technologies, *e.g.*, FMVSS No. 226, "Ejection mitigation," which manufacturers typically meet by way of ejection mitigation side curtain air bags. It would be your responsibility as a vehicle manufacturer to certify that your vehicles meet all applicable FMVSSs, including those not discussed in this letter.

¹⁰ See S4.1.2.3 (option of equipping the front outboard seats with Type 2 belts and a belt warning system, and any center front seat with a Type 1 or Type 2 seat belt and a belt warning system).

¹¹ See also Letter from Philip Recht, Chief Counsel, to Trevor Buttle, McLaren Cars Limited (Oct. 31, 1994) (opining that a driver's seat located at least 12 inches from the side of the vehicle is not an "outboard designated seating position").

If you have any further questions, please contact John Piazza of my staff at (202) 366-2992.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan C. Morrison", is written over the typed name and title.

Jonathan C. Morrison
Chief Counsel