

**PART 665—BUS TESTING****Subpart A—General**

Sec.

- 665.1 Purpose.
- 665.3 Scope.
- 665.5 Definitions.
- 665.7 Grantee certification of compliance.

**Subpart B—Bus Testing Procedures**

- 665.11 Testing requirements.
- 665.13 Test report and manufacturer certification.

**Subpart C—Operations**

- 665.21 Scheduling.
- 665.23 Fees.
- 665.25 Transportation of vehicle.
- 665.27 Procedures during testing.

**APPENDIX A TO PART 665—TESTS TO BE PERFORMED AT THE BUS TESTING FACILITY**

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

SOURCE: 57 FR 33397, July 28, 1992, unless otherwise noted.

**Subpart A—General****§ 665.1 Purpose.**

An applicant for Federal financial assistance under the Federal Transit Act for the purchase or lease of buses with funds obligated by the FTA after September 30, 1989, must certify to the FTA that any new bus model acquired with such assistance has been tested in accordance with this part. This part contains the information necessary for a recipient to ensure compliance with this provision.

**§ 665.3 Scope.**

(a) This part applies to a recipient of Federal financial assistance under sections 3, 9, 16(b)(2), or 18 of the FT Act, and, except as provided in subsections (b), (c), and (d) is effective October 1, 1989;

(b) The provisions of section 665.11(e)(3) are effective November 8, 1990;

(c) The provisions in sections 665.11 (c), (d), and (f) concerning partial testing are effective August 27, 1992; and

(d) The provisions in §§ 665.11(e) (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.

[57 FR 33397, July 28, 1992, as amended at 58 FR 10990, Feb. 23, 1993; 58 FR 58733, Nov. 3, 1993]

**§ 665.5 Definitions.**

As used in this part—

*Administrator* means the Administrator of the Federal Transit Administration or designee.

*Bus* means a rubber-tired automotive vehicle used for the provision of mass transportation service by or for a recipient.

*Bus model* means a bus design or variation of a bus design usually designated by the manufacturer by a specific name and/or model number.

*Bus testing facility* means a testing facility established by renovation of a facility constructed with Federal assistance at Altoona, Pennsylvania, under section 317(b)(1) of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and includes proving ground facilities operated in connection with the facility.

*FT Act* means the Federal Transit Act, as amended (49 U.S.C. app. 1601 *et seq.*).

*Major change in chassis design* means, for vehicles manufactured on a mass produced chassis, a change in frame structure, material or configuration, or a change in chassis suspension type.

*Major change in components* means:

(1) For those vehicles that are not manufactured on a mass produced chassis, a change in a vehicle's engine,

## § 665.7

## 49 CFR Ch. VI (10–1–06 Edition)

axle, transmission, suspension, or steering components;

(2) For those that are manufactured on a mass produced chassis, a change in the vehicle's chassis from one major design to another.

*Major change in configuration* means a change which may have a significant impact on vehicle handling and stability, or structural integrity.

*Mass produced van or chassis* means a van or chassis that has or is projected to have an annual production rate of 20,000 or more units.

*Mass transportation service* means the operation of a vehicle which provides general or special service to the public on a regular and continuing basis.

*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.

*New bus model* means a bus model which—

(1) Has not been used in mass transit service in the United States before October 1, 1988; or

(2) Has been used in such service but which after September 30, 1988, is being produced with a major change in configuration or components.

*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.

*Partial testing* means the performance of those bus tests which may yield significantly different data from that obtained in previous bus testing conducted at the bus testing facility.

*Recipient* means an entity which receives funds under sections 3, 9, 16(b)(2), or 18 of the FTA Act, either directly from FTA or through a State administering agency.

*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.

*Test report* means the final document prepared by the operator of the bus testing facility stating the results of the tests performed on each bus.

*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.

[57 FR 33397, July 28, 1992, as amended at 58 FR 58733, Nov. 3, 1993]

### § 665.7 Grantee certification of compliance.

(a) In each application to the FTA for the purchase or lease of buses, a recipient shall certify that any new bus model, or any bus model with a major change in configuration or components, to be acquired or leased with funds obligated by the FTA after September 30, 1989, will be tested at the bus testing facility, and a test report provided before final acceptance of the first vehicle by the recipient.

(b) It is the responsibility of the recipient in dealing with a manufacturer, to determine whether a vehicle to be acquired is subject to these procedures.