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April 28, 2019

The Honorable Heidi King  
Deputy Administrator  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, S.E.  
West Building, Fourth Floor  
Washington, D.C. 20590

**RE: Docket No: NHTSA-2019-0019- Hemphill Brothers Leasing Company;  
Receipt of Petition for Temporary Exemption From Shoulder Belt Requirement for  
Side-Facing Seats on Motorcoaches**

Dear Deputy Administrator King:

National Interstate Insurance Company (“National Interstate”) submits the following comments to the National Highway Traffic Safety Administration’s Notice of receipt of a petition for a temporary exemption; request for comment, Docket No. NHTSA-2019-0019, published at 84 Fed. Reg. 11735 (March 28, 2019). We strongly support granting Hemphill Brothers the exemption from the shoulder belt requirement for side-facing seats on motorcoaches until full and appropriate testing can be done.

National Interstate, with its insurance company subsidiaries, is a leading provider of insurance products to the commercial passenger transportation industry and currently insures a significant share of the entertainer motorcoach market in the United States. National Interstate is A+ rated by A.M. Best and has consistently insured motorcoaches for 30 years. Our corporate offices are located in Richfield, Ohio and we are a member of the Great American Insurance Group and are a subsidiary of American Financial Group, Inc., a publicly traded company on the New York Stock Exchange located in Cincinnati, Ohio.

Entertainer motorcoaches are a unique form of transportation specifically designed and manufactured for small groups such as music bands or political candidates. Although constructed on the same bus chassis or platform as a 55-passenger motorcoach, entertainer coaches generally are customized in two or more stages from an “incomplete vehicle” and finished to seat fewer than 16 persons, while providing the amenities more closely associated with a “motor home.” Amenities in entertainer motorcoaches typically include couch seating, galleys, tables, showers, bunk beds, satellite television, a cooking area with counter tops, and refrigeration units.

These vehicles, which typically include side-facing, perimeter seating are custom built, rather than mass produced. Fewer than 100 entertainer motorcoaches are manufactured each year. The 3-point seatbelts required to be installed in all new second stage vehicles



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manufactured after November 28, 2017 have never been tested for use in sideways-facing seats. The belts and their anchorages were only tested for use in forward-facing seats. As set out in the final rule that established this requirement, comments from American Seating claimed that shoulder belts “may cause serious neck injuries when applied to side-facing passenger seating positioning.” 78 Fed. Reg. 70474, 70447 (November 25, 2013).

We understand that NHTSA also has some concern that shoulder belts may cause serious neck injuries when applied to side-facing seats. The 2013 final rule states the agency is “aware of simulation data that are indicative of potential carotid artery injury when the neck is loaded by the shoulder belt.” 78 Fed. Reg. at 70448, and n.108, citing Fildes, B., Diggs, K., “Occupant Protection in Far Side Crashes,” Monash University Accident Research Center, Report No. 294, April 2010, pg. 57. NHTSA conducted no testing on the impact or injuries to passengers in side-facing seats in motorcoaches before imposing the requirement in the 2013 final rule. Nor has the agency conducted any such testing since the rule was published. Thus, there is no available credible data that supports requiring a Type 2 belt at the side-facing seating positions. As a result, we are concerned that serious injury to passengers could result from the good faith efforts made by operators and manufacturers to comply with this rule.

We look forward to continuing our strong partnership with the NHTSA to ensure the safety of the traveling public.

Sincerely,

A handwritten signature in blue ink that reads "Michelle A. Wiltgen".

Michelle A. Wiltgen  
Assistant Vice President & National Marketing Manager