



August 17, 2020

To: All school bus operators and industry stakeholders

Re: School bus barriers/partitions

The following guidance is based upon an official interpretation issued on 8/11/20 by the National Highway Traffic Safety Administration (NHTSA):

NHTSA's regulations would permit the installation of barriers/partitions, subject to the requirements set forth in this letter.

Background

If a barrier/partition is installed on a new bus prior to first vehicle sale, the installer must ensure that the vehicle and its components comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS).

If a barrier/partition is installed as aftermarket equipment by a manufacturer, distributor, dealer, rental company, or motor vehicle repair business, that entity would be subject to 49 U.S.C. 30122, which prohibits the entity from knowingly making inoperative any device or element of design installed on or in a motor vehicle or item of motor vehicle equipment in compliance with an applicable FMVSS.

In both cases, the entity installing the glazing must ensure that installation of the partition does not:

1. Take the vehicle out of compliance with or make inoperative systems installed pursuant to FMVSS No. 222, "School bus passenger seating and crash protection;"
2. Impact the vehicle's compliance with or make inoperative systems installed pursuant to FMVSS No. 302, "Flammability of interior materials;"
3. Prevent the driver and passengers from readily accessing emergency exits installed in compliance with or make inoperative systems installed pursuant to FMVSS No. 217, "Bus emergency exits and window retention and release;"
4. Obstruct the driver's view of the mirrors and/or rearview image required under FMVSS No. 111, "Rear visibility;"
5. Impede the driver's ability to see through the windows needed for driving visibility required under FMVSS No. 205

Installers should ensure that installation of a partition or curtain, particularly one situated in an area requisite for driving visibility, does not create glare or otherwise reduce the driver's ability to see embarking or disembarking students and other road users.

Entities modifying their own school buses are not subject to Federal restrictions on "making inoperative" the safety systems on their vehicles. However, NHTSA recommends that owners not degrade the safety systems on their vehicles.

Guidance

Pursuant to Executive Order 202, Declaring a Disaster Emergency in the State of New York, the New York State Education Department has authorized the installation of driver and/or passenger barriers/partitions (sneeze guards) on school bus vehicles that fall under the inspection jurisdiction of New York State Department of Transportation.

NYS DOT will allow the installation of a barrier/partition device with the following requirements and conditions:

- **Driver barriers/partitions**
 - The barrier/partition device and all its components must be installed forward of the foremost right and left front seat barriers.
 - If a barrier/partition device is installed, the left front seat must remain empty for passenger transportation.
 - The barrier/partition device shall be made of a shatter proof material that is visually transparent. Materials used shall not be reflective or produce glare from sunlight that may restrict drivers view through the material.
 - The barrier/partition device shall not restrict sight lines to any mirrors or windows.
 - The barrier/partition device shall not create any trip hazards, have any sharp edges, or block the aisle and stepwell.
 - The barrier/partition device shall not restrict driver access to any school bus controls including the shift lever, dash mounted controls, parking brake, fire extinguisher, first aid kit, or service door hand lever. This list is not all inclusive and only intended to give examples.
 - The barrier/partition device shall meet the flammability requirements of FMVSS 571.302.
 - Any barrier/partitions shall be installed per manufacturers specifications.
 - All other State Regulations and requirements shall be reviewed prior to installation to ensure no other violation is created by the barrier/partition install.

- **Passenger barriers/partitions**

- The barrier/partition device shall be a “soft shield” made from pliable plastic or vinyl.
- The barrier/partition device shall not restrict accessibility of the driver, chaperones, or monitors to the students in case of an emergency
- The barrier/partition device shall not create any trip hazards, have any sharp edges, or block the aisle and stepwell.
- The barrier/partition device shall meet the flammability requirements of FMVSS 571.302.
- Any barrier/partitions shall be installed per manufacturers specifications.
- All other State Regulations and requirements shall be reviewed prior to installation to ensure no other violation is created by the barrier/partition install.

School bus vehicle owners/operators will be provided 30-days’ notice upon the expiration of the Executive Order in which to remove such barriers/partitions.

If you have any questions, you may contact the Department at (518)457-6512 or passengersafety@dot.ny.gov