

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

MJM
3/16/92

RULE REVIEW CHECKLIST

File No. 1908
DATE RECEIVED 3-13-92
REVIEW DATE ~~3-13-92~~ 3-23-92
DUE DATE 3-27-92
(DIS)APPROVED 3-24-92
WITHDRAWN

Docket No. 05 0009 0715
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 3-16-92
REVISOR (DIS)APPROVED 3-17-92
FILED W/SEC. OF STATE 3/25/92
RETURNED TO AGENCY 3/25/92

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
June 17, 1991 Date published in State Register
Comments

Petition for Adoption of a Rule

Board's Authorizing Resolution
Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
299A.01 Statutory Authority
✓ Small Business Statement
Expenditure of public money statement
January 9, 1992 Signature

Statement of Need and Reasonableness (if applicable)
Small Business Statement
Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Feb 16, 1992 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
January 27, 1992 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
effective date of statutory authority (§ 14.29) (emergency rules)

Resolution Adopting
Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
March 13, 1992 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Jeffrey Blair Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if applicable)

Rules ad

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: March 25, 1992

TO: DAVID ORREN
Department of Public Safety
211 Transportation

FROM: MARY JO MURRAY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-3258

SUBJECT: In the Matter of the Adopted Rule Relating to Wheelchair Safety Devices

The above-referenced rule has been approved as to its legality by the Attorney General on March 24, 1992.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

MJM:jj
Enclosures
cc: Jeffrey Bilcik
William Brown, Chief Judge
MaryAnn Hruby

Department of Public Safety

Adopted Permanent Rules Relating to Wheelchair Safety Devices

Rules as Adopted

7450.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 7450.0100 to 7450.0800 have the meanings given them in this part.

[For text of subp 2, see M.R.]

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of public safety or an authorized agent.

Subp. 3a. **FMVSS.** "FMVSS" means federal motor vehicle safety standard No. 209 or No. 210, found in Code of Federal Regulations, title 49, section 571.209 or 571.210, respectively, as amended through December 31, 1991.

Subp. 3b. **Gross vehicle weight rating.** "Gross vehicle weight rating" means the value specified by the vehicle manufacturer as the maximum loaded weight of the vehicle.

[For text of subps 4 and 5, see M.R.]

Subp. 6. **Operator.** "Operator" has the meaning given in Minnesota Statutes, section 299A.11, paragraph (b).

Subp. 6a. **Transit vehicle.** "Transit vehicle" means a bus with a gross vehicle weight rating greater than 15,000 pounds. Transit vehicle does not include a school bus as defined in Minnesota Statutes, section 169.01, subdivision 6.

Subp. 7. **Wheelchair.** "Wheelchair" means a mobility aid belonging to any class of three- or four-wheeled devices and that are usable indoors and designed for and used by individuals with mobility impairments, whether operated manually or powered.

Subp. 8. **Wheelchair securement device; securement device.** "Wheelchair securement device" or "securement device" has the meaning given in Minnesota Statutes, section 299A.11, paragraph (a).

7450.0200 PURPOSE, AUTHORITY, AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 7450.0100 to

Approved by Revisor

7450.0800 is to establish minimum standards for approval of wheelchair securement devices in vehicles and approval of seat belt assemblies and anchorages used to protect persons in wheelchairs while transported in vehicles.

Subp. 2. **Authority.** Parts 7450.0100 to 7450.0800 are adopted pursuant to the authority granted by Minnesota Statutes, sections 299A.01, subdivision 6; 299A.12, subdivision 4; and 299A.18.

Subp. 3. **Scope.** Parts 7450.0100 to 7450.0800 apply to the transportation by motor vehicle of a disabled person while occupying a wheelchair. This transportation is offered or provided by an operator to the public, to its employees, or in connection with any other service offered by the operator including schooling or nursing homes and convalescent or child care services.

Subp. 4. **Exception.** Parts 7450.0100 to 7450.0800 do not apply to a school bus manufactured before January 1, 1988, and subject to regular school bus inspection under Minnesota Statutes, section 169.451, nor do they apply to incidental transportation of an occupied wheelchair under circumstances other than as provided in subpart 3.

7450.0250 TYPE OF SECUREMENT REQUIRED.

Subpart 1. **Transit vehicle.** An occupied wheelchair transported in a transit vehicle must be secured with an approved securement device that is either:

A. a frame-attached device that meets the requirements of parts 7450.0300 and 7450.0400; or

B. a user-friendly device that meets the requirements of parts 7450.0430 and 7450.0460.

Subp. 2. **Vehicle other than transit vehicle.** An occupied wheelchair transported in a vehicle other than a transit vehicle must be secured with an approved frame-attached securement device that meets the requirements of parts 7450.0300 and 7450.0400.

7450.0300 FRAME-ATTACHED WHEELCHAIR SECUREMENT.

Approved
by Revisor _____

Subpart 1. **Sufficient strength.** A frame-attached securement device must be of sufficient strength to prevent forward, backward, lateral, or vertical movement of the wheelchair when the device is engaged and the vehicle is in motion, accelerating, or braking.

Subp. 2. **Attached to frame.** A frame-attached wheelchair securement device must attach to the frame of the wheelchair without damaging the frame. "Damage" includes effects harmful to the strength, integrity, or serviceableness of the wheelchair, but does not include minor dents, scratches, or other cosmetic blemishes not materially affecting serviceableness.

Subp. 3. **Limitation.** A frame-attached wheelchair securement device must not be attached to a wheel of a wheelchair.

7450.0400 MINIMUM STANDARDS FOR FRAME-ATTACHED DEVICES.

Each frame-attached wheelchair securement device must meet the requirements of items A to G.

A. It must attach to the wheelchair frame on at least three points. The three points of contact must be spaced to provide effective securement. Alternatively, a securement device meeting all other requirements of this chapter may attach to two widely spaced points on the wheelchair frame if the wheel tires or the wheelchair frame abuts an unyielding surface in a manner that meets the approval requirements of part 7450.0500.

B. It must consist of at least two webbing-type belts described in subitem (1) or at least two all-metal devices described in subitem (2) or one or more of each type of device.

(1) Webbing-type devices must be assemblies that meet or exceed Type 2 pelvic restraint seat belt requirements as specified in S4.2(b) of FMVSS No. 209, or be certified by the manufacturer that the device meets or exceeds assembly strength of 5,000 pounds in loop fashion or 2,500 pounds on each anchorage leg.

(a) Certification may be the specification

Approved
by Revisor _____

listed in catalogs or publications by the manufacturer.

(b) New construction of these securement devices and repairs to webbing must conform with standards established by the manufacturer of the webbing.

(2) All-metal securement devices must be designed and constructed to provide wheelchair securement strength that is at least equal to the strength of a webbing-type device comprised of three separate attachments and anchorages.

C. It must be free of sharp edges, corners, and jagged projections to minimize injury to persons in the event of unintentional contact.

D. It must be capable of retraction, and be readily removable or otherwise suitably storable when not in use.

E. It must be anchored to the vehicle at not less than two separate points with bolts, nuts, and lock washers or self-locking nuts.

(1) Bolts used must be not less than 3/8-inch in diameter and of National Fine Thread SAE grade 5 designation or equivalent.

(2) Where anchorage bolts do not pierce the vehicle frame, subframe, bodypost, or equivalent metal structure, a metal reinforcement plate or washer 1/16-inch thick and not less than four square inches or 2-1/4 inches in diameter respectively, is required.

(3) Interior paneling may not be used to constitute anchorage for a point of securement.

(4) A metal track, rail, or similar device permitting attachment of the securement device at optional points on it may be used to anchor the securement device, only if:

(a) the track, rail, or other device is secured to the vehicle in compliance with anchorage requirements of this part; and

(b) the attachment of the securement device to the anchor point is by means of a positive attachment metal fitting.

Approved
by Revisor _____

F. The method or device that provides attachment of the securement device to the wheelchair frame and the method or device locking the securement device in the load-holding mode must each be of a strength and design that will ensure performance of their intended function until the securement device is intentionally released.

G. Buckles, anchorage fittings, and other components essential to the functioning of the securement device must be integrated into the securement device in accordance with recognized practices and in a manner that preserves the overall strength of the securement device.

7450.0430 USER-FRIENDLY WHEELCHAIR SECUREMENT.

Subpart 1. **Nominal movement.** A user-friendly securement device must limit movement of an occupied wheelchair when the vehicle is in normal operation. An occupied wheelchair loaded with a restrained weight of 250 pounds may not move more than two inches in any direction at any point of contact with the floor when the vehicle is being operated under the following conditions:

A. full-throttle acceleration on dry pavement from a standstill to a speed of 25 miles per hour with the vehicle at its curb weight plus one occupied wheelchair;

B. maximum braking from a speed of 22 miles per hour to a standstill on dry pavement with the vehicle at its curb weight plus one occupied wheelchair; and

C. driving both clockwise and counterclockwise with the outer, front wheel around one of the following:

(1) a 50-foot diameter circle at a minimum steady speed of 12 miles per hour;

(2) a 75-foot diameter circle at a minimum steady speed of 14 miles per hour; or

(3) a 100-foot diameter circle at a minimum steady speed of 16 miles per hour.

Subp. 2. **Attachment.** A user-friendly securement device must attach to the wheelchair without damaging it during normal

Approved
by Revisor _____

vehicle operations. "Damage" includes effects harmful to the strength, integrity, or serviceableness of the wheelchair but does not include minor dents, scratches, or other cosmetic blemishes not materially affecting serviceableness. A bent wheel or broken spoke for example is "damage."

Subp. 3. **Release.** A user-friendly securement device must be designed so as to prevent an unintended mechanical release.

Subp. 4. **User-friendly.** A user-friendly securement device must be designed so that it can be readily engaged and released by the user, or remotely by the vehicle driver, subject to the following conditions:

A. The manual operating control for the user must be located within the upper 33 inches of a 48-inch cube occupied by the secured wheelchair.

B. The force required by the user to engage and release may not exceed five pounds force and may not require tight grasping, pinching, or twisting of the wrist.

C. When a device is manually engaged, the reach, force, and dexterity required to manually release the device may not exceed that required to manually engage it.

D. The device may be automatically engaged by the wheelchair or remotely by the vehicle driver, but a manual release must be available that meets the specifications of items A and B. A device that may be remotely engaged or released by the driver must have an indicator light to inform the driver that the device has engaged or released the wheelchair.

E. A user-friendly device does not need to be able to secure all types of wheelchairs. A user-friendly device must secure all types of wheelchairs for which it is approved by the commissioner.

7450.0460 MINIMUM STANDARDS FOR USER-FRIENDLY DEVICES.

Subpart 1. **Force to be restrained.** A user-friendly securement device must be able to restrain force as follows:

A. A user-friendly securement device and its attachments used on a vehicle with a gross vehicle weight rating

Approved
by Revisor _____

of 30,000 pounds or more must withstand a force in a forward longitudinal direction of up to 2,000 pounds per securement leg or clamping mechanism and a minimum of 4,000 pounds total for each wheelchair.

B. A user-friendly securement device and its attachments used on a vehicle with a gross vehicle weight rating of over 15,000 pounds but less than 30,000 pounds must withstand a force in a forward longitudinal direction of up to 2,500 pounds per securement leg or clamping mechanism and a minimum of 5,000 pounds total for each wheelchair.

Subp. 2. **Attachment to vehicle.** A user-friendly securement device must be attached to a part of the vehicle that can, when attached, withstand the forces specified in subpart 1. The device must be installed according to the manufacturer's installation instructions approved under part 7450.0500.

Subp. 3. **Damage to device.** After the test modes in subpart 1 have been removed, a user-friendly securement device must be operable to the extent that it will release a wheelchair, as specified in part 7450.0430, subpart 4.

7450.0500 APPROVAL PROCEDURE.

Subpart 1. **Application.** Application for approval of a wheelchair securement device must be made in writing to the commissioner and must be accompanied by the manufacturer's actual or proposed written installation and use instructions and photographs or drawings clearly depicting the construction of the device and its physical characteristics, including all mounting hardware. The application must also include the labeling used for identifying the manufacturer and the model designation. An application for approval of a user-friendly securement device must also include a test report or engineering document certifying that the device and it's attachment to the vehicle can withstand the forces specified in part 7450.0460, or the manufacturer's specifications to the same effect listed in catalogs or publications by the manufacturer.

Subp. 2. **Demonstration of frame-attached securement**

Approved
by Revisor _____

device. When requested by the commissioner, an applicant for approval of a frame-attached securement device shall provide a vehicle with the securement device installed in it, and demonstrate the device by attaching it to a wheelchair provided by the applicant. The commissioner may load the wheelchair to 140 pounds and require that the vehicle be accelerated, driven around corners, and subjected to hard braking at speeds of 30 miles per hour or less. Movement of the wheelchair more than one inch in any direction, including vertically, during the test is grounds for refusing approval. Measurement of movement must be at the points where wheelchair wheels contact the floor. Damage to the wheelchair or other property or injury to a person during the test is the responsibility of the applicant.

Subp. 2a. **Demonstration of user-friendly securement device.** When requested by the commissioner, an applicant for approval of a user-friendly securement device shall provide a vehicle with a wheelchair and with the securement device installed in the vehicle and demonstrate compliance of the device to the requirements of parts 7450.0430 and 7450.0460. Damage to the wheelchair or other property or injury to a person during the test is the responsibility of the applicant.

Subp. 3. **Approval.** On determining that the securement device meets the requirements of this chapter, the commissioner shall issue a certificate of approval authorizing use of the device. If ~~the~~ a user-friendly device does not secure all types of wheelchairs, the certificate must state the types of wheelchairs for which the device is approved.

Subp. 4. **Denial and revocation.** The commissioner shall deny or revoke an approval upon a showing that the securement device does not meet a requirement of parts 7450.0100 to 7450.0800. The commissioner shall notify the applicant in writing of a denial or revocation of approval.

Subp. 5. **Label.** Each wheelchair securement device must be permanently labeled with the name, initials, or trademark of the manufacturer and the model designation of the device. The label must be readily visible and legible from the outside of the

Approved
by Revisor _____

device when it is properly mounted to the vehicle and in use.

7450.0600 OCCUPANT RESTRAINT.

Subpart 1. **Seat belt assembly.** Each vehicle equipped with a wheelchair securement device must be equipped with a Type 2 seat belt assembly with a detachable upper torso portion at each wheelchair position in the vehicle or, in the alternative, must be equipped with a Type 1 pelvic restraint assembly and a length of Type 1 or Type 2 seat belt webbing, with buckle, adequate to encircle the chest of the wheelchair occupant and the backrest of the wheelchair.

Subp. 2. **Standard.** Type 1 and Type 2 seat belt assemblies must meet the requirements of S1 to S4.4 of FMVSS No. 209.

Subp. 3. **Installation and anchorage.** Type 1 and Type 2 seat belt assemblies and the detachable upper torso restraint, if a detachable upper torso restraint is installed instead of using a length of seat belt webbing to encircle the chest of the occupant and the backrest of the wheelchair, must be installed and anchored in accordance with S1 to S4.3.2 of FMVSS No. 210.

7450.0700 USE OF SECUREMENT DEVICE.

The driver of a vehicle equipped with a wheelchair securement device has the following duties:

A. The driver or a person designated by the driver shall ensure that an occupied wheelchair is properly secured before ~~moving~~ the driver sets the vehicle in motion.

B. When requested by the wheelchair user ~~or~~, when the wheelchair user is unable to communicate, when seat belt usage is required of all passengers in the vehicle, or when the vehicle is a school bus, the driver or a person designated by the driver shall ensure that the seat belt assembly, and upper torso restraint if so equipped, is fastened around the wheelchair user, before ~~moving~~ the driver sets the vehicle in motion. The seat belt assembly or the upper torso restraint must not be fastened, however, if the wheelchair user or other responsible person advises the driver that to do so would aggravate a physical condition of the wheelchair user. If the

Approved
by Revisor _____

physical condition would be aggravated by the use of but one of the devices, the device that would have no adverse effect on the physical condition must be fastened in the required manner.

C. The driver or a person designated by the driver shall ensure that securement devices and seat belt assemblies are retracted, removed, or otherwise stored when not in use to prevent tripping of persons and damage to devices.

7450.0800 INSPECTION, REMOVAL, AND CORRECTION.

Subpart 1. **Inspection.** Annual inspections of securement devices must be performed in accordance with Minnesota Statutes, section 299A.14.

Subp. 2. **Removal, correction.** The commissioner shall order the removal or correction of a securement device upon determining that the device, without regard to date of installation:

A. is not capable of sustaining loads imposed on it in restraining an occupied wheelchair;

B. permits excessive movement of an occupied wheelchair; or

C. does not meet the requirements of parts 7450.0100 to 7450.0800.

REPEALER. Minnesota Rules, part 7450.0900, is repealed.

Approved
by Revisor _____

APPROVED AS TO FORM AND LEGALITY
March 24 19 92
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 25 1992
Andrea Rowe
Secretary of State

9:35a
RC

OFFICE OF THE COMMISSIONER

211 Transportation Building

Telephone: _____

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

SAINT PAUL 55155

March 13, 1992

Ms. Patty Nolte
Legal Assistant
Public Finance Division
Office of the Attorney General
404 Capital Office Building
525 Park Street
St. Paul, Minnesota 55103

Re: In The Matter Of The Adopted Rules Of The State Department Of Public Safety Relating To Wheelchair Securement Devices.

Dear Ms. Nolte:

On March 13, 1992, the Minnesota Department of Public Safety adopted the above-captioned rules relating to wheelchair securement devices. Enclosed for your review are the documents required by Attorney General Rules, part 2010.0300. Note that the documents listed in paragraphs A through O of this letter are keyed to items A through O of part 2010.0300. Paragraphs P, Q, and R list documents which show compliance with certain statutory rulemaking mandates and which would be required under a discussion draft of possible Attorney General Rules changes enclosed with a memo from your office dated January 24, 1991.

A. A photocopy of the Notice Of Solicitation Of Outside Information Or Opinions as published in the State Register. Also enclosed are photocopies of comments received after the publication of the Solicitation and before the publication of our Notice of Intent to Adopt. Note that the three comments were addressed to Bob Works of the Department of Transportation who then forwarded the comments to the Department of Public Safety.

B. No copy of a rulemaking petition is enclosed because no such petition was filed regarding these rules.

C. No certificate of an authorizing resolution or copy of a delegation of authority is enclosed because the Department of Public Safety is not a multi-member agency.

D. A copy of the proposed rules dated 01/08/92, with a certificate of approval as to form by the Revisor of Statutes.

E. A copy of the Notice Of Intent To Adopt Rules Without A Public Hearing, as mailed.

F. The Statement Of Need And Reasonableness in support of the proposed rules.

G. A copy of the Affidavit Of Mailing The Notice Of Intent To Adopt Rules Without A Public Hearing. Also enclosed is a copy of the Affidavit Of Certificate Of Mailing List. Also enclosed is a copy of the Affidavit Of Giving Discretionary Notice Of Intent To Adopt Rules.

H. A photocopy of the Notice Of Intent To Adopt Rules Without A Public Hearing, as published in the State Register.

I. Four copies of the rules as adopted dated 03/09/92. The modifications to the proposed rules are reflected on the rules as adopted and are approved as to form by the Revisor of Statutes.

J. No certificate of a resolution adopting the rules is enclosed because the Department of Public Safety is not a multi-member agency.

K. A copy of the Findings Of Fact, Conclusions Of Law, And Order Adopting Rules.

L. Copies of all written requests, withdrawals of requests for a hearing, submissions, or comments on the rules received by the Department except for requests solely for copies of the rules or of the Statement Of Need And Reasonableness.

M. A copy of the Declaration Of Counsel signed by Special Assistant Attorney General Jeffrey Bilcik.

N. No notice of submission of the rules to the Attorney General is enclosed because no persons requested notification of the date of submission of the rules to the Attorney General.

O. No affidavit of mailing of notice of submission of the rules to the Attorney General is enclosed because no such notices were given.

P. A copy of the Affidavit Of Mailing The Statement Of Need And Reasonableness To The Legislative Commission To Review Administrative Rules.

Q. No notice to the Chairs of the House Appropriations and Senate Finance Committees is enclosed because the rules do not establish or adjust fees.

R. The Notice of Intent to Adopt the Rules was published within the statutory deadline, so there are no letters pursuant to Minnesota Statutes, section 14.12.

If you have any questions about the enclosed documents or if you wish to discuss anything about the rules, please contact me at 296-2631. After you complete your review, please send any correspondence regarding the rules to me, Dave Orren, at 208 Transportation Building.

Yours very truly,

Dave Orren

Dave Orren
Rules Coordinator

enclosures

Stat Authority

299A.12 subd 4

A transit vehicle used to provide transportation services may be equipped...

299A.01

The commissioner of public safety shall have the power to promulgate rules pursuant to chapter 14

Ethical Practices Board

Advisory Opinion #111 re: Lobbyist Disclosure

Issued 6-6-91 to Jane A. McPeak—SUMMARY—111. The governing body of a metropolitan governmental unit may determine what constitute "major decisions" for purposes of the economic interest disclosure and the lobbyist disclosure provisions of *Minnesota Statues* ch. 10A. The governing body should maintain for public inspection a list of the nonelected officials and employees whom it has designated as "local officials" under *Minnesota Statutes* § 10A.01, subds. 25 and 26 (1990). The full extent of the opinion is available upon request from the Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520; (612) 296-5148.

Department of Jobs and Training

Jobs, Opportunities and Insurance/Quality Control

Unemployment Insurance Quality Control Annual Report for Calendar Year 1990

Total Dollars Paid in Population		$344,739,370
Sample Size		984
	Percentage of Dollars	**95% Confidence Interval (+/−)**
Proper Payments	92.1%	1.6%
Overpayments	7.9%	1.6%
	100.0%	
Underpayments	0.7%	0.4%

Claimants failing to conduct required work search were given formal warnings and no overpayment was established. The proper payment rate would be lower and the overpayment rate would be higher if these cases were counted as erroneous payments.

Metropolitan Council

Notice of Public Hearings on Proposed Amendments to the Metropolitan Development and Investment Framework (MDIF) Policies for the Rural Area

The Metropolitan Council will hold three public hearings to receive comments on proposed amendments to its development policies for the region's rural area. The policies are contained in the Council's *Metropolitan Development and Investment Framework* (MDIF). The proposed policy changes affect development density, clustering of residential development, performance standards for lot sizes and on-site sewage disposal systems, land uses, and development in "transition areas" (areas that are now rural that may eventually be needed for expansion of the urban service area.) Amendments to the *Metropolitan Development Guide* may affect the standards for determining projects of metropolitan significance in the metropolitan significance rules (*Minnesota Rules* 5800.0010 to 5800.0150).

The public hearings wil be held as follows: **Thurs., July 18, 1991,** 4 p.m., Metropolitan Council Chambers, Mears Park Centre, 230 E. Fifth St., St. Paul, **Tues., July 23, 1991,** 7 p.m., Chaska City Hall Council Chambers, One City Hall Plaza, Chaska; and **Wed., July 24, 1991,** 7 p.m., Bunker Hills Activity Center, Room A, 550 Bunker Lake Blvd., Andover.

All interested persons are encouraged to attend the hearings and offer comments. People may register in advance to speak by calling 291-6447. Written comments may be submitted to Anne Hurlburt, Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101. Copies of the draft *Amendments to the Metropolitan Development and Investment Framework Policies for the Rural Area* (Publication No. 620-91-076) may be obtained from the Council's Data Center by calling 291-8140.

Department of Public Safety

State Patrol

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Wheelchair Securement Devices in Transit Vehicles

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside

the agency in preparing to propose the adoption of rules governing wheelchair securement devices in transit vehicles. *Minnesota Statutes* 1990, section 299A.12, as amended by *Laws of Minnesota 1991*, chapter 163, section 3, permits wheelchair securement devices that may be engaged and released by the user or the user's assistant in a transit vehicle used to provide transportation services. The adoption of the rules is authorized by *Minnesota Statutes* 1990, section 299A.12, as amended by *Laws of Minnesota 1991*, chapter 163, section 3, which states: "The commissioner of public safety shall adopt rules as necessary to set standards for the operation, strength, and use of these wheelchair securement devices."

The State Department of Public Safety requests information and opinions concerning the subject matter of these rules. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to:

Richard Schultz
State Patrol
107 Transportation Building
395 John Ireland Boulevard
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-3652 and in person at the above address.

All statements of information and opinions will be accepted until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. Any written material received by the State Department of Public Safety will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 6 June 1991

Ralph Church, Commissioner
Department of Public Safety

Department of Transportation

Petition of the City of Minneapolis for a Variance from State Aid Requirements for Design Speed

NOTICE IS HEREBY GIVEN that the City Council of the City of Minneapolis has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rule as they apply to a proposed reconstruction project on MSAS 218 (5th Street North) from 200 feet south of Second Avenue North and Second Avenue North.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a design speed and posted speed of 25 miles per hour instead of the required minimum of 30 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 10 June 1991

E. H. Cohoon
Deputy Commissioner

Department of Transportation

Petition of the City of Minneapolis for a Variance from State Aid Requirements for Design Speed

NOTICE IS HEREBY GIVEN that the City Council of the City of Minneapolis has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rule as they apply to a proposed reconstruction project on MSAS 225 (12th Street South) between 3rd Avenue South and 4th Avenue South and the Freeway Entrance.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit design speeds of 25, 15 and 15 miles per hour for three horizontal curves instead of the required minimum of 30 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

ROCHESTER

Minnesota

DEPARTMENT OF PUBLIC SERVICES
1602 4th Street S.E.
Rochester, MN 55904-4718
(507) 281-6008
FAX #(507) 281-6216

December 13, 1991

TO: Bob Works, Mn/DOT

FROM: Anthony Knauer

RE: Comments/Proposed Rules for Wheelchair Tiedowns (Draft 12/26/91)

1. I would recommend that the rule be called "Wheelchair Securement Devices" instead of "Wheelchair Safety Devices".

2. Under DEFINITIONS Subp. 7 Wheelchair - Only half of the federal definition is used. I would include the remainder as sited below:

"Wheelchair" means a mobility aid belonging to any class of three or four wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. A "common wheelchair" is such a device which does not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied.

3. As stated in the rules it is my understanding that for "Transit" systems (regular route bus) either system would be permissable frame attached or user friendly. The "user" friendly is not required. Systems probably will not replace or upgrade their devices until they are worn out.

4. Under 7450.0460 I would not recommend two standards. I would favor the higher minimum of 5,000 pounds. It is more secure and the rated strength at time of manufacture should have a longer life. Over time as the belts are subject to moisture and stress they lose their original strength.

5. Under 7450.043 Subp. 1 (page 4) the rules allow 2 inch movement. Under 7450.05 Approval Process (page 5) the rules allow only one inch of movement.

HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY
Southwest Street Level Government Center, Minneapolis, MN. 55487-0016 612/348-9260
Fax. 612/348-9710

December 18, 1991

Mr. Robert Works, Chairman
Wheelchair tie-Down Task Force
Minnesota Department of Transportation
815 Transportation Building
395 John ireland Boulevard
St. Paul, MN 55155

Dear Mr. ~~Works~~ Bob:

Thank you for including me in your latest request for comment on the draft rules for wheelchair safety devices.

As was discussed and agreed to at an earlier meeting of the Task Force, these rules were not intended for rail transit vehicles. In sub-paragraph 6a., it is recommended that an additional exception for rail vehicles be included following the "School Bus" exclusion, for further clarification. Proposed wording for exclusion is:

> ". . ., or rail transit vehicles or other fixed guideway transit vehicles."

I have no further comments on your draft. Please keep me informed of your progress and any future meetings.

Sincerely,

Kenneth Stevens

Kenneth E. Stevens, Director
Light Rail Transit

BOARD OF COMMISSIONERS

Mark Andrew, Chairman | John E. Derus, Vice Chairman | Judy Makowske, Treasurer | Tad Jude, Secretary | Peter McLaughlin | Randy Johnson | John Keefe

Rec 1/6/92

Bloomington PUBLIC SCHOOLS

INDEPENDENT SCHOOL DISTRICT #271

TO: State of Minnesota
Transportation Department RM 815
Bob Works

FROM: Jan Dittbrenner, Chairperson
Minnesota Transportation Advisory
Special Education Committee

DATE: 2, January 1992

RE: DRAFT Wheelchair Securement Rules

On December 17 the Special Education Committee with representatives from MN Association for Pupil Transportation, MN School Bus Operators, School districts and MN Highway patrol met to discuss the new Wheelchair Securement Rules.

7450.0700:
Refers to the Driver having the following duties. Question was asked if it could be stated Driver/responsible person.

Under B. it states that the driver must fasten the seat belt assembly if seat belt usage is required of all passengers. This implies that both the seat belt and upper torso restraint must be used unless these restraints would aggravate a physical condition. It should be clarified if this is a wheelchair users right to request not to use a seat belt or if this request is only granted for medical reasons.

The committee did want to let you know that they have a definite concern for any rules that would lock School buses into the direction a wheelchair faces when being transported.

The second concern was the lack of information from the wheelchair manufactures about where and how to attach restraints to safely secure the chair to the bus. We are asking the manufacturers to label the securement devices but we have not asked the wheelchair manufactures to label their chairs. This is a big issue in our industry and we would like to see some action taken to improve this situation.

Any further questions can be sent to me as Chairperson of this Special Education committee.

Jan Dittbrenner 612-887-9109
Transportation Specialist
8900 Portland Av S
Bloomington, MN 55420

cc: Ken Willms

(K)

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
STATE PATROL DIVISION

In The Matter Of The Proposed Adoption Of Rules Of The State Department Of Public Safety Relating To Wheelchair Securement Devices

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES WITHOUT A PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rules was published in the State Register on January 27, 1992, and was sent by United States mail to all persons on the list maintained by the Department pursuant to Minnesota Statutes, sections 14.14, subdivision 1a, and 14.22, on January 16, 1992. (2) The Statement Of Need And Reasonableness was prepared before the Notice Of Intent To Adopt Rules was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public. A copy of the Statement Of Need And Reasonableness was sent to the Legislative Commission To Review Administrative Rules when it became available to the public.

(4) All persons were given the opportunity to submit comments on the rules for 30 days after the Notice Of Intent To Adopt Rules was published. The Department received five written comments and submissions on the rules in response to the Notice Of Intent To Adopt Rules. (Note: of the five written submissions, four contained substantive comments and one was only a request for a copy of the rules.) (Also note that the Department received three written submissions in response to the Notice of Solicitation of Outside Information or Opinions or in response to early drafts of the rules. These three submissions were addressed to Bob Works of the Department of Transportation who forwarded them to the Department of Public Safety.) The (7) Department received zero requests for notice of submission to the Attorney General. The Department received zero requests for a public hearing. (5)

(6) Based on the comments and evidence in the record before the Department, I find the following:

1. Part 7450.0460, subpart 2, is amended by adding a sentence at the end of the subpart that states: "<u>The device must be installed according to the manufacturer's installation instructions approved under part 7450.0500.</u>"

   This is a clarification of the installation instructions for user-friendly devices that is necessary in relation to conducting annual inspections of the devices under Minnesota Statutes, section 299A.14, and part 7450.0800. Parts 7450.0430 and 7450.0460 set standards for the performance of a wheelchair securement device and its attachments to a vehicle. In the application and

approval process, the Department will view a demonstration of a device in an moving vehicle in order to determine that the device and its attachments meet the performance standards. If the device passes the demonstration, that type of device will be approved for use in Minnesota.

The annual inspections of each installed device are based on whether the device is properly installed and whether the attachments are in good condition. Since the initial demonstration showed that a properly installed device will meet the standards of the rules, an annual inspection of the attachments for a device is sufficient to verify that the device continues to comply with all requirements. It would be too time consuming for the Department and too burdensome for the operators to require an annual demonstration of each device in a moving vehicle, especially when an annual inspection is sufficient.

This change should not be a surprise to persons affected by the rules because the rules require submission of the manufacturer's installation instructions as part of the approval process. The Statement of Need and Reasonableness says that this "will help the Commissioner in determining whether the device will meet the adopted standards." This clarification will help the Commissioner by setting standards that are verifiable on the annual inspections of securement devices.

2. The second sentence of part 7450.0500, subpart 3, is amended as follows: "If ~~the~~-a user-friendly device does not secure all types of wheelchairs, the certificate must state the types of wheelchairs for which the device is approved."

This change makes the rules comply with Minnesota Statutes, section 299A.12, which mandates that the frame-attached devices must secure all types of wheelchairs being transported, but which makes no such mandate for user-friendly devices.

Further, this change reflects the current technology of user-friendly devices. We are aware of no user-friendly device which will secure all types of wheelchairs. The argument has been made to the Department that if a user-friendly device was required to secure all types of wheelchairs that it would be an incentive for such a device to be developed. We feel such an argument would have the opposite effect and that no user-friendly devices would be installed.

3. Part 7450.0700 is amended as follows:

7450.0700 USE OF SECUREMENT DEVICE.

The driver of a vehicle equipped with a wheelchair securement device has the following duties:

A. The driver or a person designated by the driver shall ensure that an occupied wheelchair is properly secured before ~~moving~~ the driver sets the vehicle in motion.

B. When requested by the wheelchair user ~~or~~, when the wheelchair user is unable to communicate, when seat belt usage is required of all passengers in the vehicle, or when the vehicle is a school bus, the driver or a person designated by the driver shall ensure that the seat belt assembly, and upper torso restraint if so equipped, is fastened around the wheelchair user, before ~~moving~~ the driver sets the vehicle in motion. The seat belt assembly or the upper torso restraint must not be fastened, however, if the wheelchair user or other responsible person advises the driver that to do so would aggravate a physical condition of the wheelchair user. If the physical condition would be aggravated by the use of but one of the devices, the device that would have no adverse effect on the physical condition must be fastened in the required manner.

C. The driver or a person designated by the driver shall ensure that securement devices and seat belt assemblies are retracted, removed, or otherwise stored when not in use to prevent tripping of persons and damage to devices.

There are basically two changes to part 7450.0700. A person designated by the driver is allowed to ensure compliance with the requirements of this part and conditions are added for when seat belt use must be ensured.

In the previous rules, the driver was required to personally carry out the tasks to comply with the requirements of part 7450.0700. In the proposed rules, the wording was changed so that the driver had to "ensure" that the tasks were carried out. In the Statement of Need and Reasonableness, the reason for this change was that there are many "situations where a duty would be carried out by someone other than the driver . . . ."

During the comment period, we received several suggestions to further clarify this issue so that there would be no question that someone other than the driver could ensure that the requirements of this part are met. The changes allowing a person designated by the driver to ensure compliance are in response to the suggestions received during the comment period.

In the proposed rules, there were two conditions listed for which the driver would have to ensure seat belt usage. One condition was when seat belt usage was requested by the wheelchair user. The other was when seat belt usage was required of all passengers in the vehicle. Comments received by persons who provide school bus service persuaded us that there were other situations when it would be appropriate to require seat belt usage.

The amendments to the proposed rules will require the driver to ensure seat belt usage when the wheelchair user is unable to communicate. As stated above, item B requires seat belt usage when requested by the wheelchair user. When the wheelchair user is unable to communicate, the driver has no way of knowing whether or not the wheelchair user wants to use a seat belt. It is reasonable to err on the side of safety in making the assumption that this person wants to use a seat belt.

The amendments also will require the driver to ensure seat belt usage by a wheelchair user when the vehicle is a school bus. Our original hesitation in making this requirement was because of a concern with the legal authority to require a disabled person to use a seat belt when other passengers are not required to do so. Our discussions during the comment period with school bus service providers persuaded us that our focus on seat belts was too narrow as applied to school buses and that our focus should be on the occupant restraint system.

The occupant restraint system in school buses is based on the principle of compartmentalization. School bus passengers in fixed seats are restrained in a crash by the seat backs that provide a padded compartment around the passenger. Because of the space needed for a wheelchair securement device and because the wheelchair securement area is not closely surrounded by padded seat backs, a wheelchair user would not be protected by compartmentalization. It is nevertheless very important that all school bus passengers, including wheelchair users, are restrained in a crash. It follows that it is reasonable to require a wheelchair user to be restrained by a seat belt.

4. The above-changes are not substantial in that the changes do not affect classes of persons who could not reasonably have been expected to comment on the proposed rules as originally noticed.

5. The above-changes are not substantial in that the changes do not introduce significant new subject matter which a reasonable person, on the basis of the proposed rules as originally noticed, would not have anticipated would occur during the rulemaking proceeding.

6. The above-changes are not substantial in that the changes do not make a major substantive change that was not raised by the proposed rules as originally noticed in such a way as to invite reaction.

7. The above-captioned rules are needed and reasonable. 8

NOW, THEREFORE, IT IS ORDERED that the rules identified as the Rules of the State Department of Public Safety Relating To Wheelchair Securement Devices, in the form set out in the State Register on January 27, 1992, with the modifications as indicated in the Revisor's draft, file number AR1993, dated 03/09/92, are adopted this 13th day of March, 1992, pursuant to authority vested in me by Minnesota Statutes, sections 299A.12, subdivision 4, 299A.18, and 299A.01, subdivision 6. (9)

Thomas H. Frost, Commissioner
Department of Public Safety

Department of Public Safety

Proposed Permanent Rules Relating to Wheelchair Safety Devices

Rules as Proposed

7450.0100 DEFINITIONS.

Subpart 1. **Scope.** ~~For the purpose of~~ The terms used in parts 7450.0100 to ~~7450.0900, the following terms shall~~ 7450.0800 have the meanings ~~ascribed to~~ given them in this part.

[For text of subp 2, see M.R.]

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of public safety or ~~his duly~~ an authorized agent.

Subp. 3a. **FMVSS.** "FMVSS" means federal motor vehicle safety standard No. 209 or No. 210, found in Code of Federal Regulations, title 49, section 571.209 or 571.210, respectively, as amended through December 31, 1991.

Subp. 3b. **Gross vehicle weight rating.** "Gross vehicle weight rating" means the value specified by the vehicle manufacturer as the maximum loaded weight of the vehicle.

[For text of subps 4 and 5, see M.R.]

Subp. 6. **Operator.** "Operator" ~~means any person, firm, partnership, corporation, service club, public or private agency, city, town, or county~~ has the meaning given in Minnesota Statutes, section 299A.11, paragraph (b).

Subp. 6a. **Transit vehicle.** "Transit vehicle" means a bus with a gross vehicle weight rating greater than 15,000 pounds. Transit vehicle does not include a school bus as defined in Minnesota Statutes, section 169.01, subdivision 6.

Subp. 7. **Wheelchair.** "Wheelchair" means a ~~chair mounted on wheels to facilitate the mobility of a sick, injured, invalid or handicapped person in a generally seated position. The term includes a device generally recognized as a wheelchair even though equipped with reclining backrest or special apparatus. The term does not include any device not equipped with wheels, nor does it include an ambulance stretcher or cot, whether~~

Approved by Revisor

~~equipped with wheels or not~~ mobility aid belonging to any class of three- or four-wheeled devices and that are usable indoors and designed for and used by individuals with mobility impairments, whether operated manually or powered.

Subp. 8. **Wheelchair securement device; securement device.** "Wheelchair securement device" or "securement device" ~~means an apparatus installed in a motor vehicle for the purpose of securing an occupied wheelchair into a location in the vehicle~~ has the meaning given in Minnesota Statutes, section 299A.11, paragraph (a).

7450.0200 PURPOSE, AUTHORITY, AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 7450.0100 to ~~7450.0900~~ 7450.0800 is to establish minimum standards for approval of wheelchair securement devices in vehicles and approval of seat belt assemblies and anchorages used to protect persons in wheelchairs while transported in vehicles.

Subp. 2. **Authority.** Parts 7450.0100 to ~~7450.0900~~ 7450.0800 are ~~promulgated~~ adopted pursuant to the authority granted by ~~Laws of Minnesota 1978, chapter 752~~ Minnesota Statutes, sections 299A.01, subdivision 6; 299A.12, subdivision 4; and 299A.18.

Subp. 3. **Scope.** Parts 7450.0100 to ~~7450.0900~~ 7450.0800 apply to the transportation by motor vehicle of ~~any sick, injured, incapacitated, or handicapped~~ a disabled person while occupying a wheelchair~~, which~~. This transportation is offered or provided by an operator to the public ~~or~~, to its employees, or in connection with any other service offered by the operator including schooling or nursing homes and convalescent or child care services.

Subp. 4. **Exception.** Parts 7450.0100 to ~~7450.0900~~ 7450.0800 do not apply to ~~any~~ a school bus manufactured before January 1, 1988, and subject to regular school bus inspection ~~pursuant to~~ under Minnesota Statutes, section 169.451, nor do they apply to incidental transportation of an occupied wheelchair under circumstances other than as provided in subpart

Approved by Revisor _____

3.

7450.0250 TYPE OF SECUREMENT REQUIRED.

Subpart 1. **Transit vehicle.** An occupied wheelchair transported in a transit vehicle must be secured with an approved securement device that is either:

A. a frame-attached device that meets the requirements of parts 7450.0300 and 7450.0400; or

B. a user-friendly device that meets the requirements of parts 7450.0430 and 7450.0460.

Subp. 2. **Vehicle other than transit vehicle.** An occupied wheelchair transported in a vehicle other than a transit vehicle must be secured with an approved frame-attached securement device that meets the requirements of parts 7450.0300 and 7450.0400.

7450.0300 FRAME-ATTACHED WHEELCHAIR SECUREMENT.

Subpart 1. **Sufficient strength.** ~~An occupied wheelchair transported in a vehicle shall be secured with~~ A frame-attached securement device must be of sufficient strength to prevent forward, backward, lateral, or vertical movement of the wheelchair when the device is engaged and the vehicle is in motion, accelerating, or braking.

Subp. 2. **Attached to frame.** ~~Each~~ A frame-attached wheelchair securement device ~~shall~~ must attach to the frame of the wheelchair without damaging the frame. "Damage" includes effects harmful to the strength, integrity, or serviceableness of the wheelchair, but does not include minor dents, scratches, or other cosmetic blemishes not materially affecting serviceableness.

Subp. 3. **Limitation.** A frame-attached wheelchair securement device ~~shall~~ must not be attached to a wheel of a wheelchair.

7450.0400 MINIMUM STANDARDS FOR FRAME-ATTACHED DEVICES.

Each frame-attached wheelchair securement device ~~shall:~~ must meet the requirements of items A to G.

Approved
by Revisor _____

A. It must attach to the wheelchair frame on at least three points. The three points of contact ~~shall~~ must be spaced to provide effective securement. Alternatively, a securement device meeting all other requirements of this chapter may attach to two widely spaced points on the wheelchair frame if the wheel tires or the wheelchair frame abuts an unyielding surface in a manner ~~which~~ that meets the approval requirements of part 7450.0500.

B. It must consist of at least two webbing-type belts described in subitem (1) or at least two all-metal devices described in subitem (2) or one or more of each ~~such~~ type of device.

(1) Webbing-type devices ~~shall~~ must be assemblies that meet or exceed Type 2 pelvic restraint seat belt requirements as specified in ~~section~~ S4.2 ~~(2)~~(b) of ~~Federal Motor Vehicle Safety standard~~ FMVSS No. 209, ~~Code of Federal Regulations 1977, title 49, part 571.209~~ or be certified by the manufacturer that ~~such~~ the device meets or exceeds assembly strength of 5,000 pounds in loop fashion or 2,500 pounds on each anchorage leg.

(a) Certification may be the specification listed in catalogs or publications by the manufacturer.

(b) ~~All~~ New construction of ~~such~~ these securement devices and repairs to webbing ~~shall~~ must conform with standards established by the manufacturer of the webbing.

(2) All-metal securement devices ~~shall~~ must be ~~of a design and construction that provides~~ designed and constructed to provide wheelchair securement strength that is at least equal to the strength of a webbing-type device comprised of three separate attachments and anchorages.

C. It must be free of sharp edges, corners, and jagged projections to minimize injury to persons in the event of unintentional contact.

D. It must be capable of retraction, and be readily removable or otherwise suitably storable when not in use.

E. It must be anchored to the vehicle at not less

Approved by Revisor _____

than two separate points with bolts, nuts, and lock washers or self-locking nuts.

(1) Bolts used ~~shall~~ must be not less than ~~three-eighths~~ 3/8-inch in diameter and of National Fine Thread SAE grade 5 designation or equivalent.

(2) Where anchorage bolts do not pierce the vehicle frame, subframe, bodypost, or equivalent metal structure, a metal reinforcement plate or washer ~~not less than~~ 1/16-inch thick ~~by 2 1/2 inches in diameter~~ and not less than four square inches or 2-1/4 inches in diameter respectively, is required.

(3) ~~In no event shall~~ Interior paneling may not be used to constitute anchorage for a point of securement.

(4) A metal track, rail, or similar device permitting attachment of the securement device at optional points ~~thereon~~ on it may be used to anchor the securement device, ~~provided~~ only if:

(a) the track, rail, or other device is secured to the vehicle in compliance with anchorage requirements of this part; and

(b) the attachment of the securement device to the anchor point is by means of a positive attachment metal fitting.

F. The method or device that provides attachment of the securement device to the wheelchair frame and the method or device locking the securement device in the load-holding mode ~~shall~~ must each be of a strength and design that will ~~assure~~ ensure performance of their intended function until the securement device is intentionally released.

G. Buckles, anchorage fittings, and other components essential to the functioning of the securement device ~~shall~~ must be integrated into the securement device in accordance with recognized practices and in a manner that preserves the overall strength of the securement device.

7450.0430 USER-FRIENDLY WHEELCHAIR SECUREMENT.

Approved by Revisor _____

Subpart 1. **Nominal movement.** A user-friendly securement device must limit movement of an occupied wheelchair when the vehicle is in normal operation. An occupied wheelchair loaded with a restrained weight of 250 pounds may not move more than two inches in any direction at any point of contact with the floor when the vehicle is being operated under the following conditions:

A. full-throttle acceleration on dry pavement from a standstill to a speed of 25 miles per hour with the vehicle at its curb weight plus one occupied wheelchair;

B. maximum braking from a speed of 22 miles per hour to a standstill on dry pavement with the vehicle at its curb weight plus one occupied wheelchair; and

C. driving both clockwise and counterclockwise with the outer, front wheel around one of the following:

(1) a 50-foot diameter circle at a minimum steady speed of 12 miles per hour;

(2) a 75-foot diameter circle at a minimum steady speed of 14 miles per hour; or

(3) a 100-foot diameter circle at a minimum steady speed of 16 miles per hour.

Subp. 2. **Attachment.** A user-friendly securement device must attach to the wheelchair without damaging it during normal vehicle operations. "Damage" includes effects harmful to the strength, integrity, or serviceableness of the wheelchair but does not include minor dents, scratches, or other cosmetic blemishes not materially affecting serviceableness. A bent wheel or broken spoke for example is "damage."

Subp. 3. **Release.** A user-friendly securement device must be designed so as to prevent an unintended mechanical release.

Subp. 4. **User-friendly.** A user-friendly securement device must be designed so that it can be readily engaged and released by the user, or remotely by the vehicle driver, subject to the following conditions:

A. The manual operating control for the user must be located within the upper 33 inches of a 48-inch cube occupied by

Approved
by Revisor _____

the secured wheelchair.

B. The force required by the user to engage and release may not exceed five pounds force and may not require tight grasping, pinching, or twisting of the wrist.

C. When a device is manually engaged, the reach, force, and dexterity required to manually release the device may not exceed that required to manually engage it.

D. The device may be automatically engaged by the wheelchair or remotely by the vehicle driver, but a manual release must be available that meets the specifications of items A and B. A device that may be remotely engaged or released by the driver must have an indicator light to inform the driver that the device has engaged or released the wheelchair.

E. A user-friendly device does not need to be able to secure all types of wheelchairs. A user-friendly device must secure all types of wheelchairs for which it is approved by the commissioner.

7450.0460 MINIMUM STANDARDS FOR USER-FRIENDLY DEVICES.

Subpart 1. **Force to be restrained.** A user-friendly securement device must be able to restrain force as follows:

A. A user-friendly securement device and its attachments used on a vehicle with a gross vehicle weight rating of 30,000 pounds or more must withstand a force in a forward longitudinal direction of up to 2,000 pounds per securement leg or clamping mechanism and a minimum of 4,000 pounds total for each wheelchair.

B. A user-friendly securement device and its attachments used on a vehicle with a gross vehicle weight rating of over 15,000 pounds but less than 30,000 pounds must withstand a force in a forward longitudinal direction of up to 2,500 pounds per securement leg or clamping mechanism and a minimum of 5,000 pounds total for each wheelchair.

Subp. 2. **Attachment to vehicle.** A user-friendly securement device must be attached to a part of the vehicle that can, when attached, withstand the forces specified in subpart 1.

Approved
by Revisor _____

Subp. 3. **Damage to device.** After the test modes in subpart 1 have been removed, a user-friendly securement device must be operable to the extent that it will release a wheelchair, as specified in part 7450.0430, subpart 4.

7450.0500 APPROVAL PROCEDURE.

Subpart 1. **Application.** Application for approval of a wheelchair securement device ~~shall~~ must be made in writing to the commissioner and ~~shall~~ must be accompanied by the manufacturer's actual or proposed written installation and use instructions and photographs or drawings clearly depicting the construction of the device and its physical characteristics, including all mounting hardware. The application must also include the labeling used for identifying the manufacturer and the model designation. An application for approval of a user-friendly securement device must also include a test report or engineering document certifying that the device and it's attachment to the vehicle can withstand the forces specified in part 7450.0460, or the manufacturer's specifications to the same effect listed in catalogs or publications by the manufacturer.

Subp. 2. **Demonstration of frame-attached securement device.** ~~The~~ When requested by the commissioner, an applicant for approval of a frame-attached securement device shall ~~furnish~~ provide a vehicle with the securement device installed ~~therein~~ in it, and demonstrate the device by attaching it to a wheelchair ~~furnished~~ provided by the applicant. The commissioner may load the wheelchair to 140 pounds and require that the vehicle be accelerated, driven around corners, and subjected to hard braking at speeds of 30 miles per hour or less. Movement of the wheelchair more than one inch in any direction, including vertically, during ~~such~~ the test ~~shall be~~ is grounds for ~~refusal of~~ refusing approval. Measurement of movement ~~shall~~ must be at the points where wheelchair wheels contact the floor. Damage to the wheelchair or ~~any~~ other property or injury to a person during ~~such~~ the test ~~shall be~~ is the responsibility of the applicant.

Approved
by Revisor _____

Subp. 2a. **Demonstration of user-friendly securement device.** When requested by the commissioner, an applicant for approval of a user-friendly securement device shall provide a vehicle with a wheelchair and with the securement device installed in the vehicle and demonstrate compliance of the device to the requirements of parts 7450.0430 and 7450.0460. Damage to the wheelchair or other property or injury to a person during the test is the responsibility of the applicant.

Subp. 3. **Approval.** ~~Upon~~ On determining that the securement device meets the requirements of this chapter, the commissioner shall issue a certificate of approval authorizing use of the device. If the device does not secure all types of wheelchairs, the certificate must state the types of wheelchairs for which the device is approved.

Subp. 4. **Denial and revocation.** The commissioner ~~may~~ shall deny or revoke ~~any~~ an approval ~~granted hereunder~~ upon a showing that the securement device does not meet a requirement of ~~this chapter~~ parts 7450.0100 to 7450.0800. The commissioner shall notify the applicant in writing of a denial or revocation of approval.

Subp. 5. **Label.** Each wheelchair securement device ~~shall~~ must be permanently labeled with the name, initials, or trademark of the manufacturer and the model designation of the device. The label ~~shall~~ must be readily visible and legible from the outside of the device when it is properly mounted to the vehicle and in use.

7450.0600 OCCUPANT RESTRAINT.

Subpart 1. **Seat belt assembly.** Each vehicle equipped with a wheelchair securement device ~~shall~~ must be equipped with a Type 2 seat belt assembly with a detachable upper torso portion at each wheelchair position in the vehicle or, in the alternative, ~~shall~~ must be equipped with a Type 1 pelvic restraint assembly and a length of Type 1 or Type 2 seat belt webbing, with buckle, adequate to encircle the chest of the wheelchair occupant and the backrest of the wheelchair.

Approved
by Revisor _____

Subp. 2. **Standard.** Type 1 and Type 2 seat belt assemblies ~~shall~~ must meet the requirements of ~~sections~~ S1 to S4.4 of ~~Federal Motor Vehicle Safety standard~~ FMVSS No. 209, ~~Code of Federal Regulations 1977, title 49, part 571.209~~.

Subp. 3. **Installation and anchorage.** Type 1 and Type 2 seat belt assemblies and the detachable upper torso restraint, if a detachable upper torso restraint is installed ~~in lieu~~ instead of using a length of seat belt webbing to encircle the chest of the occupant and the backrest of the wheelchair, ~~shall~~ must be installed and anchored in accordance with ~~sections~~ S1 to S4.3.2 of ~~Federal Motor Vehicle Safety standard~~ FMVSS No. 210, ~~Code of Federal Regulations 1977, title 49, part 571.210~~.

7450.0700 USE OF SECUREMENT DEVICE.

~~It shall be the responsibility of~~ The driver of ~~any~~ a vehicle equipped with a wheelchair securement device ~~to~~ has the following duties:

A. ~~Properly secure~~ The driver shall ensure that an occupied wheelchair ~~prior to~~ is properly secured before moving the vehicle, ~~unless the wheelchair occupant is capable of securing the device and does so~~.

B. ~~Fasten~~ When requested by the wheelchair user or when seat belt usage is required of all passengers in the vehicle, the driver shall ensure that the seat belt assembly, and upper torso restraint if so equipped, is fastened around the ~~occupant of the~~ wheelchair, ~~unless the occupant is capable of fastening same and does so~~ user, before moving the vehicle. The ~~driver shall not fasten the~~ seat belt assembly or the upper torso restraint must not be fastened, however, if the ~~occupant~~ wheelchair user or other responsible person advises the driver that to do so would aggravate a physical condition of the ~~occupant~~ wheelchair user. ~~In the event~~ If the physical condition would be aggravated by the use of but one of the devices, the device that would have no adverse effect on the physical condition ~~shall~~ must be fastened in the required manner.

C. ~~Retract, remove, or otherwise store~~ The driver

Approved
by Revisor _____

shall ensure that securement devices and seat belt assemblies are retracted, removed, or otherwise stored when not in use to prevent tripping of persons and damage to devices.

7450.0800 INSPECTION, REMOVAL, AND CORRECTION.

Subpart 1. **Inspection.** Annual inspections of securement devices must be performed in accordance with Minnesota Statutes, section 299A.14.

Subp. 2. **Removal, correction.** The commissioner ~~may~~ shall order the removal or correction of ~~any~~ a securement device upon determining that the device, without regard to date of installation:

A. is not capable of sustaining loads imposed ~~thereon~~ on it in restraining an occupied wheelchair; ~~or~~

B. ~~the securement device~~ permits excessive movement of an occupied wheelchair; or

C. does not meet the requirements of parts 7450.0100 to 7450.0800.

REPEALER. Minnesota Rules, part 7450.0900, is repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Wheelchair Safety Devices

AGENCY: Department of Public Safety

MINNESOTA RULES: Chapter 7450

The attached rules are approved for publication in the State Register

Ron Ray

Ron Ray
Senior Assistant Revisor

(E)

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
STATE PATROL DIVISION

In The Matter Of The Proposed Adoption Of Rule Amendments Of The State Department Of Public Safety Relating To Wheelchair Securement Devices

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

(1) **NOTICE IS HEREBY GIVEN** that the State Department of Public Safety intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the proposed rules is Minnesota Statutes, sections 299A.12, subdivision 4, 299A.18, and 299A.01, subdivision 6.

(2) All persons have 30 days, until 4:30 p.m., February 26, 1992, in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. (3) Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. Any requests or comments must be received by the Department of Public Safety no later than 4:30 p.m. on the final day of the comment period. (4) (5) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing must include his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20. (7)

(3) Comments or written requests for a public hearing must be submitted to: Richard Schultz, State Patrol, 107 Transportation Building, 395 John Ireland Boulevard, St. Paul, Minnesota 55155, (612)-296-3652.

(8) The proposed rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

(11) A free copy of the rules is available upon request from Richard Schultz at the address and telephone number listed above.

(11) The proposed rules amend existing rules governing wheelchair securement devices in vehicles by setting standards for the operation, strength, and use of user-friendly securement devices in transit vehicles. Under the existing law and rules, all wheelchair securement devices had to attach to the frame of the wheelchair in such a way that the wheelchair user needed assistance from another person to secure the wheelchair. Statutory amendments in 1991 allowed the use on transit vehicles of securement devices that may be engaged and released by the user. The statutory amendments also directed the Commissioner of Public Safety to adopt rules governing the user-friendly devices. On transit vehicles then, these user-friendly securement devices provide an alternative to frame-attached devices.

(12) A Statement Of Need And Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Richard Schultz at the address and telephone number listed above.

(14) In preparing these rules, the Department has considered the requirements of Minnesota Statutes, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules may affect small businesses which provide transportation services to wheelchair users. The Department believes that the use of user-friendly wheelchair securement devices as an alternative to frame-attached devices will better enable transit providers to maintain their schedules and to do so with greater convenience for wheelchair users and non-wheelchair users alike. Further, since the rule amendments merely provide an alternative to the existing rules, a small business can choose not to use the alternative, thereby avoiding any burden as a result of the amendments. The Department's evaluation of the applicability of the methods contained in Minnesota Statutes, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed further in the Statement Of Need And Reasonableness.

(13) Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption of the rules.

Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

Minnesota Statutes, section 16A.128, subdivisions 1a and 2a, do not apply because the rules do not fix fees.

(9) If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Richard Schultz at the address and telephone number listed above.

1-9-92
Date

By: Richard McGuire
Deputy Commissioner
Thomas H. Frost, Commissioner
Department of Public Safety

(F)

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
STATE PATROL DIVISION

In The Matter Of The Proposed Amendments To Rules Of The Department Of Public Safety Relating To Wheelchair Securement Devices

STATEMENT OF NEED AND REASONABLENESS

General Statement

The initial Minnesota legislation governing wheelchair securement devices was enacted in 1978. This legislation was encoded as Minnesota Statutes, sections 299A.11 to 299A.18. Rules were adopted in response to this legislation. These rules are currently organized under Minnesota Rules, chapter 7450.

The 1978 version of sections 299A.11 to 299A.18 and their corresponding rules required that devices be attached to the frame of a wheelchair and that the devices prevent any forward, backward, or lateral movement of a wheelchair when the vehicle is in motion. This had the practical effect of making it necessary for someone other than the wheelchair user to secure the wheelchair to the device.

In the years since 1978, wheelchair securement devices have been developed that can be operated by the wheelchair user. These devices are sometimes known as "user-friendly" devices. User-friendly devices provide a degree of safety for the wheelchair user by limiting movement of the wheelchair. These devices are not, however, attached to the frame and do not prevent all movement of the wheelchair.

On January 16, 1990, a Wheelchair Tiedown Task Force was brought together and sponsored by the Transit Office of the Minnesota Department of Transportation. The purpose of the task force was to bring together the diverse interests that had the common concern of handicap transport so as to discuss the problems of wheelchair securement. The goal was the establishment of laws and rules that benefitted all concerned. Those attending the meetings included, among others, persons from the Metropolitan Transit Commission, the Minnesota Department of Transportation, the Minnesota Department of Public Safety, Rochester and Duluth Transit Authorities, Multiple Sclerosis Center, HealthEast Transportation, Rochester Center for Independent Living, and individuals using wheelchairs. The task force met several times and was instrumental in the 1991 legislation that amended Minnesota Statutes, sections 299A.11, 299A.12, and 299A.14, to allow the use of user-friendly wheelchair securement devices in transit vehicles.

The 1991 legislative amendments required the Commissioner of Public Safety to "adopt rules as necessary to set standards for the operation, strength, and use of these wheelchair securement devices." Since the statutory amendments did not set standards for the operation, strength, and use of these devices, it is necessary for the Commissioner to do so by rule. The Commissioner is incorporating these standards into present rules by adopting amendments to Minnesota Rules, chapter 7450.

As part of the process of setting the standards for the operation, strength, and use of these user-friendly devices, the Department of Public Safety encouraged and obtained input from interested and knowledgeable members of the public. On June 17, 1991, the Department

published a Notice of Solicitation of Outside Information or Opinions with regard to this rules mandate. Members of the Wheelchair Tiedown Task Force met with representatives of the Department on September 10, 1991, to discuss an early draft of the proposed rules and to advise on concerns that should be addressed in the rules. The early draft was revised based on the discussion and suggestions received. In December 1991, a revised draft of the proposed rules was sent to members of the task force for their comments.

Certain requirements of these rules are based on guidelines for wheelchair securement devices published by the Urban Mass Transportation Administration (UMTA) of the United States Department of Transportation. The guidelines were developed for UMTA by an advisory panel that conducted the National Bus-Wheelchair Accessibility Workshop in May of 1986. The advisory panel members included representatives of transit agencies, organizations for the handicapped, rehabilitation specialists, bus manufacturers, and lift and securement manufacturers. See, Guideline Specifications for Wheelchair Securement Devices, prepared for UMTA, at the National Workshop on Bus-Wheelchair Accessibility, Seattle, Washington, May 1986. (UMTA publication number IT06-0322-87) For brevity, citations to these guidelines will be identified as "National Workshop Guidelines".

Other requirements of these rules are based on recently adopted United States Department of Transportation rules implementing the Americans with Disabilities Act (ADA). See, 49 CFR Parts 37 and 38. The final federal rules were published in the Federal Register September 6, 1991, volume 56, pages 45584 to 45778. The requirements of the federal rules were taken from the National Workshop Guidelines, the Architectural and Transportation Barriers Compliance Board accessible vehicle specifications, and other sources.

Statutory Authority

The Commissioner is setting standards for user-friendly wheelchair securement devices under the authority given in Minnesota Statutes, section 299A.12, subdivision 4, which states: "The commissioner of public safety shall adopt rules as necessary to set standards for the operation, strength, and use of these wheelchair securement devices."

The authority to amend standards for other wheelchair securement devices comes from Minnesota Statutes, section 299A.18, which states: "The commissioner of public safety shall, no later than July 1, 1979, adopt rules containing standards for wheelchair securement devices that meet the requirements of sections 299A.12, subdivision 1, and 299A.13, subdivision 1, and shall approve or disapprove of securement devices that meet those standards." This was the authority used to initially adopt Minnesota Rules, chapter 7450. This authority is sufficient to make amendments to these rules.

The Commissioner also has general rulemaking authority under Minnesota Statutes, section 299A.01, subdivision 6, "to promulgate such rules pursuant to chapter 14, as are necessary to carry out the [duties of the Commissioner]."

Small Business Considerations

Minnesota Statutes, section 14.115, requires that we consider the impact of the rules on small businesses and that, where possible, we reduce this impact. Some providers of transportation services to wheelchair users are small businesses.

The majority of the proposed rule amendments give transit operators the option to use user-friendly securement devices on transit vehicles instead of using frame-attached securement devices. Presently, all securement devices used by these operators must be frame-attached devices. The granting of the option to use user-friendly devices does not mandate any burden or adverse effect on a small business. An operator can maintain the status quo and avoid any effect of using user-friendly securement devices by choosing to continue to use only frame-attached devices.

We believe that the installation of user-friendly securement devices by an operator will not create any larger burden on the operator than the installation of frame-attached devices, and may even reduce the burden presently encountered with frame-attached devices. With a user-friendly device, the time involvement of the driver may be reduced because the wheelchair user may be able to secure the wheelchair without the driver's help. Further, the bus may be more able to keep to schedule because the time required to secure a wheelchair with a user-friendly device is less than the time required with a frame-attached device.

Other rule amendments not related to the option for user-friendly securement devices either update the wording to current statutory form or bring the rules into conformance with ADA-mandated requirements with which the operators would in any case have to comply.

Fiscal Impact

There may be local public bodies that operate transit vehicles. The proposed rule amendments will not require additional expenditures by local public bodies. User-friendly securement devices provide an alternative to frame-attached devices that will better enable the transit authorities to maintain their schedules. Since the rule amendments merely provide an alternative to the existing rules, a local public body can choose to not use the alternative, thereby incurring no expenditures as a result of the amendments.

Other Statutory Requirements

Minnesota Statutes, section 16A.128, subdivisions 1a and 2a, do not apply because the rules do not fix fees. Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land. Minnesota Statutes, sections 115.43, subdivision 1, 116.07, subdivision 6, and 144A.29, subdivision 4, do not apply to these rules.

Witnesses

The Department's intent is to adopt the rules without a hearing. If the Department is required to have a hearing, a list of witnesses will be submitted at the time required.

Rule-By-Rule Analysis

Revisor style and form revisions. In the process of amending these rules, the Revisor of Statutes made many style and form suggestions for improving the rules. The department agrees with these suggestions and will change the rules accordingly. These changes include such things as: improving grammar; splitting long sentences into several shorter, more

direct sentences; changing sentence fragments into whole sentences; changing shall to must, where appropriate; and substituting words that make the rules more understandable. Where a change in the wording of the rules occurs that clearly does not change the substance of the rules, no explanation will be given other than this paragraph.

7450.0100 Definitions. Former part 7450.0100 had eight subparts defining terms used in chapter 7450. Under the proposed amendments, five subparts will be amended and three subparts will be added.

Subpart 1. This subpart sets forth the scope of the definitions. The amendments do not change the substance of the subpart, but make the subpart more readable.

Subpart 3. This subpart defines the term "Commissioner." This definition was amended to remove gender based references. The substance of the subpart remains the same.

Subpart 3a. This subpart defines the term "FMVSS." FMVSS is an abbreviation for a long reference and citation to the federal motor vehicle safety standards. Replacing this long reference with the abbreviation in several places in the rules is reasonable because it makes the rules more readable. This replacement refers to the safety standards as amended through December 31, 1991, instead of referring to the Code of Federal Regulations 1977. The effect of using a more current reference is discussed in each portion of the rules that uses the term "FMVSS" to replace the long reference and citation.

Subpart 3b. This subpart defines the term "gross vehicle weight rating." This is necessary because the term is used to describe transit vehicle and is not defined elsewhere.

Subpart 6. This subpart defines the term "operator." This subpart was amended to make it coincide with the statutory definition. There was no need to define it otherwise.

Subpart 6a. This subpart defines the term "transit vehicle." Even though this term was defined in Minnesota Statutes, section 299A.11, paragraph (d), it is necessary to clarify the statutory definition because the statutory definition is susceptible of two interpretations.

Section 299A.11, paragraph (d), defines a transit vehicle to mean "a bus that is not a school bus as defined in section 169.01, subdivision 6, with a gross vehicle weight rating greater than 15,000 pounds." Does this definition mean all buses except school buses over 15,000 pounds? Or does it mean all buses over 15,000 pounds except school buses?

Subpart 6a defines transit vehicle to mean all buses over 15,000 pounds except school buses. This is in line with the intent of the legislation to allow user-friendly securement devices on large buses that provide transportation service to the general public. Further, since the user-friendly devices do not limit movement of the wheelchair as much as the frame-attached devices, part of the wheelchair user's protection while using the user-friendly device is provided by the size of the bus. It would be inappropriate to allow these devices on small school buses. The definition of transit vehicle adopted by subpart 6a is, therefore, reasonable.

Subpart 7. This subpart defines the term "wheelchair." This subpart was amended to use the same definition for wheelchair as used in Americans with Disabilities Act (ADA) rules, 49 CFR 37.3, on page 45624 of the September 6, 1991, Federal Register.

The ADA definition of wheelchair must be used by transit providers around the country in meeting the very broad and far reaching requirements of the ADA. We have no

good reason to have a different definition of wheelchair than the ADA definition. In the interests of uniformity and consistency, it is reasonable for us to use the ADA definition of wheelchair.

Subpart 8. This subpart defines "wheelchair securement device" or "securement device." This subpart was amended to make it coincide with the statutory definition. There was no need to define it otherwise.

7450.0200 Purpose, Authority, And Scope. The purpose, authority, and scope of these rules is to set standards for wheelchair securement devices. As discussed earlier in this statement, these rules now deal with user-friendly wheelchair securement devices in addition to frame-attached devices.

Subpart 2 was amended to refer to the Commissioner's general rulemaking authority, to show the statutory authority for setting standards for user-friendly devices, and to use the Minnesota Statutes rather than the Minnesota Laws reference to rulemaking authority for frame-attached devices.

Subpart 3. The term "disabled" replaces "sick, injured, incapacitated, or handicapped" to reflect current usage.

Subpart 4. The words "manufactured before January 1, 1988, and" were added to correctly state the exception to these requirements contained in Minnesota Statutes, section 299A.11, paragraph (c).

7450.0250 Type Of Securement Required. The statutory change allowing user-friendly securement devices on transit vehicles makes it necessary to clearly state when a securement device must be used and the types of securement devices that may be used on specific vehicles. Subparts 1 and 2 are reasonable because they clearly restate the requirements of Minnesota Statutes, section 299A.12.

Subpart 1 requires that when wheelchairs are transported in a transit vehicle, they must be secured by either frame-attached or user-friendly wheelchair securement devices. Section 299A.12, subdivision 1, requires vehicles used for wheelchair transportation services to be equipped with frame-attached securement devices, except as provided in subdivision 4. Subdivision 4 permits the use of user-friendly devices in transit vehicles. Section 299A.12, subdivision 3, requires that each occupied wheelchair be secured by a securement device before the vehicle is set in motion.

Subpart 2 requires that when wheelchairs are transported in vehicles other than transit vehicles, they must be secured by a frame-attached wheelchair securement device. The rationale for this requirement is the same as for subpart 1, except that the use of user-friendly devices is permitted only on transit vehicles.

7450.0300 Frame-Attached Wheelchair Securement. Before the statutory changes allowing user-friendly securement devices, all securement devices had to be attached to the frame of the wheelchair. Since all securement devices were of one type, it was unnecessary to describe the devices as "frame-attached". All of the requirements set out in former part 7450.0300 applied to frame-attached devices. Now that two types of devices are permitted, it is necessary to state that the requirements of part 7450.0300 apply to frame-attached devices. This has been done by amending each of the three subparts of part 7450.0300 by

adding the words "frame-attached" to modify the requirements. These amendments do not change the substance of the requirements in part 7450.0300.

Subpart 1 has also been amended by deleting the requirement that an occupied wheelchair must be secured with a securement device while being transported in a vehicle. This requirement is now contained in part 7450.0250.

7450.0400 Minimum Standards For Frame-Attached Devices. Before the statutory changes allowing user-friendly securement devices, all securement devices had to be attached to the frame of the wheelchair. Since all securement devices were of one type, it was unnecessary to describe the devices as "frame-attached". All of the specifications set out in former part 7450.0400 applied to frame-attached devices. Now that two types of devices are permitted, it is necessary to state that the specifications of part 7450.0400 apply to frame-attached devices. This has been done by adding the words "frame-attached" at the beginning of part 7450.0400 to modify the specifications. This amendment does not change the substance of the requirements in part 7450.0400.

Part 7450.0400 also contains several minor housekeeping amendments that do not change the substance of the requirements.

Item B, subitem (1), has been amended to remove "(2)" from the reference to "S4.2 (2)(b)." The deletion of "(2)" is reasonable because it corrects a typographical error. The original reference is to a nonexistent section. The amended reference is to the correct Federal Motor Vehicle Safety Standard seat belt requirement. Item B, subitem (1), has also been amended to use the reference "FMVSS" instead of the long reference and citation to the federal motor vehicle safety standards. This changes the reference to the Code of Federal Regulations from 1977 to 1991, but has no substantive effect because the only changes to this portion of the Regulations are minor changes that do not relate to the uses or vehicles that are subject to these rules. It is reasonable to make this change because it will make for easier research of the cited rules since they are in a more recent publication.

Item E has been amended by changing the specifications for a metal reinforcement plate or washer to which an anchorage bolt might be attached. This amendment was made because 1/16 inch is considered the average optimal thickness, not much more or less. It was not the intent of the original rules to imply that more than 1/16 inch could be better. The 2 1/2 inch diameter was an error in the original rules. Federal Motor Vehicle Safety Standard No. 209 specifies 4 square inches of backing plate, which is more appropriately a 2 1/4 inch diameter washer. The 2 1/2 inch washers are difficult to obtain, whereas 2 1/4 inch washers are common.

7450.0430 User-Friendly Wheelchair Securement.

Subpart 1. Nominal Movement. Minnesota Statutes, section 299A.12, subdivision 4, requires the Commissioner to set standards for the operation and use of the devices. It is necessary to regulate secured wheelchair movement because it relates to the safety and comfort of the occupant and to the integrity of the chair. Safety of the occupant is primary to the purpose of the standards and this depends in part on the occupant's willing use of the device.

Subpart 1 allows some movement of the chair but limits that movement to two inches in normal vehicle operation. Allowing some movement is necessary because it cannot be

avoided, even in normal traffic. Allowing no movement would damage the wheelchair. Allowing movement may result in device designs that can secure more than one type of wheelchair, and keep design and manufacturing costs down so that more operators may be able to provide more vehicles with user-friendly alternative installations. The two inches was chosen as reasonable because it is the amount allowed in 49 CFR 38.23(d)(5) (Federal Register, volume 56, page 45759) for any type of wheelchair. Two inches is also reasonable because allowing more may cause the wheelchair to squeeze an occupant to the point of injury when restrained by a seat belt and in a rapid deceleration mode caused by hard braking or a frontal impact of the vehicle. Devices are available that can meet this standard.

It is necessary to specify the amount of weight of the wheelchair and occupant when testing because testing should duplicate real world conditions when possible. A weight of 250 pounds is a reasonable real world condition and is the test weight specified by the National Workshop Guidelines (1.1 & 4.1.2).

The three tests of acceleration, braking, and turning are a reasonable way to test a securement device because they duplicate real world conditions and because they are taken from National Workshop Guidelines (4.1.2).

The three circles with diameters of 50, 75, and 100 feet are reasonable because these circles allow for different configurations of vehicles which each have their own limitations of safe cornering. It is reasonable to use a different speed for each because the lateral forces generated will then all fall between .356 and .396 times the force of gravity, a tight enough spread to provide for equivalent testing among the choices. The test set is also taken from the National Workshop Guidelines (4.1.2).

Subpart 2. Attachment. Minnesota Statutes, section 299A.12, subdivision 4, requires that the rules set standards for the operation and use of the device. It is necessary that the device not damage the wheelchair during normal operations because one that does damage under normal operations of the vehicle is not useful. It is also therefore necessary to define "damage". It is reasonable to specify that no damage be done only during normal operations because there is no rule for strength of wheelchairs. It is reasonable to define damage as that affecting serviceableness because with the current state of the art, there is no device that will not dent or scratch some style of wheelchair under normal driving conditions. A bent wheel or broken spoke are reasonable examples of "damage" because they address integrity and serviceableness of the wheelchair.

Subpart 3. Release. Minnesota Statutes, section 299A.12, subdivision 4, requires that the rules set standards for the operation of the device. It is necessary to require that the device be designed to prevent unintended release for the safety of the user and other passengers. It is reasonable to require non-failure of the locking mode because devices which can meet this standard are currently available and the user should be afforded the same level of safety as other passengers when possible.

Subpart 4. User Friendly. Minnesota Statutes, section 299A.12, subdivision 4, requires that the rules be for devices that may be engaged and released by the user or user's assistant. It is necessary to define at what point of capacity the user is no longer able to engage and release a device due to a user's disability. It then reasonably falls on the user to have an assistant engage and release the device.

Subpart 4, items A and B. It is necessary to define what can be readily engaged and released by a user in terms of reach, strength, and dexterity so that the manufacturer can know in advance of design and construction what physical limits will be used to determine

if a device is "user friendly." Although reach, strength, and dexterity required were not included in National Workshop Guidelines or 49 CFR 38 requirements for securement devices, 49 CFR 37 and 38 cover more than securement devices and so we were able to satisfy the need to specify in physical terms what a device needs to be user friendly. We borrowed from the reach and space requirements of the Standards for Accessible Transportation Facilities contained in Appendix A to 49 CFR 37 (section 4.2, figures 5 and 6) (Federal Register, volume 56, pages 45657 to 45662) and the strength and dexterity requirements specified for stop requests in 49 CFR 38.37(b) (Federal Register, volume 56, page 45760). There are devices available that meet these requirements.

Subpart 4, item C. It is necessary to ensure that once the user engages the wheelchair, the user will also be able to release the wheelchair. It is reasonable to require no more force or dexterity for release than needed for engagement.

Subpart 4, item D. It is necessary to allow remote lockup and release in order to allow "user friendly" to extend to those users who cannot readily use manual locking devices but where the transit service has provided remote controls operated by the driver. It is reasonable because such control is technically feasible. It is necessary to ensure that such remote control devices have a manual override available to the user or the user's assistant. It is reasonable that the override be "user friendly" at least in the sense specified in items A and B.

Subpart 4, item E. Not all devices are able to secure all types of wheelchairs. It is necessary to clarify whether a device will be approved if the device is not capable of securing all types of wheelchairs. Since user friendly devices attach to a specific component of the wheelchair, usually either the wheels or the frame, and since the devices work within a limited range of size of the component and since there is a huge variety of wheelchairs, it is likely that most, if not all, of the user-friendly securement devices currently available will only be able to secure a portion of the wheelchairs in use. It is reasonable to not require a device to be able to secure all types of wheelchairs. It is, however, reasonable to require that the device secure all types of wheelchairs for which it is approved.

7450.0460 Minimum Standards For User-Friendly Devices.

Subpart 1. Force to be restrained. Minnesota Statutes, section 299A.12, subdivision 4, requires the Commissioner to set standards for the strength of the devices. It is reasonable to require the strengths specified in items A and B of this subpart because they duplicate the requirements of 49 CFR 38.23(d) (Federal Register, volume 56, page 45759) for devices in vehicles within the weight ratings set out in each item.

Subpart 2. Attachment to vehicle. It is necessary to ensure that the device not tear free of the vehicle in an accident. It is, therefore, reasonable to require that a vehicle component chosen for attachment provide the same strength necessary to withstand the minimum force to be restrained under subpart 1.

Subpart 3. Damage to device. Minnesota Statutes, section 299A.12, subdivision 4, requires the Commissioner to set standards for the strength and use of the devices. It is necessary that in case of a crash, the wheelchair occupant be able to exit the vehicle by remaining in the wheelchair if possible. It is reasonable to require that the device allow the wheelchair to be released following a crash having a severity up to the minimum standard test force.

7450.0500 Approval Procedure. Former part 7450.0500 contained the approval procedures for frame-attached securement devices. Most of the amendments to part 7450.0500 are so that it will now also cover the approval procedures for user-friendly securement devices. There are also several minor amendments to clarify or improve existing approval procedures.

Subpart 1. Application. In order to receive the Commissioner's approval of a device, it is necessary that the process be initiated by an application from the person seeking approval. It is reasonable to require that the applicant provide installation and use instructions and an accurate depiction of the construction of the device, its physical characteristics, and its mounting hardware. This will help the Commissioner in determining whether the device will meet the adopted standards. Part of the basis for approval is whether the labeling of the device meets the requirements of subpart 5. It is reasonable to require that the application include the label identifying the manufacturer and the model designation. It is reasonable to have the manufacturer certify to the Commissioner that the device meets the standards, and the documentation and description with markings provide a permanent record of what the Commissioner approved. Providing options for the manufacturer in proving that the device meets the standards is certainly reasonable. Requiring marking helps all concerned keep track of what is approved.

Subpart 2. Demonstration of a frame-attached securement device. This subpart contains the requirements for demonstrating a frame-attached securement device. Now that there are also user-friendly devices, it is necessary and reasonable to clearly specify that the demonstration procedures in this subpart apply to frame-attached devices. The changes to the first sentence of this subpart accomplish this.

The last sentence of this subpart was amended to make clear that the applicant is responsible for any damage or injury caused during a demonstration. This is reasonable because the applicant chooses the driver, the vehicle, the wheelchair, and the securement.

Subpart 2a. Demonstration of a user-friendly securement device. A demonstration of a user-friendly device in a vehicle prior to approval ensures that when the device is sold and installed in a transit operator's buses, it can pass the annual inspections if properly attached and maintained, and that it will actually hold the wheelchair in the manner specified by the adopted standards. The damage provision is reasonable because the applicant chooses the driver, the vehicle, the wheelchair, and the securement.

Subpart 3. Approval. As discussed under part 7450.430, subpart 4, item E, a user-friendly securement device will not necessarily be able to secure all types of wheelchairs. It is necessary that the approval of such a device extend only to the types of wheelchairs that the device can secure. It is reasonable that the written approval issued by the Commissioner indicate the types of wheelchairs that a device will secure so that this information is available to employees of the operator who will be responsible for the correct use of the device and to the Department inspectors who will conduct the annual inspections of the device.

Subpart 4. Denial and revocation. A provision for revoking approval for cause is necessary so that devices not meeting the standards are not used. It is reasonable to require that the Commissioner have cause for revocation of an approval so that the manufacturer can move to correct a specific fault or rebut the cause for revocation. It is reasonable that the Commissioner notify the applicant in writing so that there is a permanent record of the Commissioner's reasons and so that the applicant clearly understands the basis for the denial or revocation.

7450.0600 Occupant Restraint. The requirements of part 7450.0600 remain unchanged. The only wording change is to use a reference to "FMVSS" instead of the long reference and citation to the federal motor vehicle safety standards. This changes the reference to the Code of Federal Regulations from 1977 to 1991. During this time, the requirements of the federal regulations have undergone minor changes that, with one exception, do not substantively affect the users or vehicles subject to these rules. 1991 Federal Motor Vehicle Safety Standard No. 210 has a 30 degree minimum angle for lap belt instead of the 20 degree minimum specified in the 1977 published standard. Almost all current occupant restraint and wheelchair securement systems use close to the same anchor point on tracks, with attachment hardware and web belts. The angles up from horizontal will be different for different types and models of wheelchair, but all are close to 45 degrees. The change from 20 degrees to 30 degrees will therefore have little or no effect on current installation types and will affect future installations only in the choice of seat belt anchorage locations if the manufacturer or installer had preferred to anchor at a point higher up on a post or stanchion. Reference to the 1991 federal standard will allow better access to the cited rules because they are in a more recent publication, and will be in accordance with the design standards currently being used by the manufacturers for compliance with federal standards applicable to the type of equipment in other vehicles.

7450.0700 Use Of A Securement Device.

Minnesota Statutes, section 299A.12, subdivision 4, requires the Commissioner to set standards for the use of securement devices. Use of the devices reasonably includes assignment of responsibility for attachment to wheelchairs and storage when not in use.

The majority of the wording changes to part 7450.0700 are grammatical and do not change the substance of the requirements. These changes involve saying that the driver "has the following duties" instead of "it shall be the responsibility of" the driver to. The words "the driver shall" were added to the items listing the duties so that these items were in full sentences.

The wording of the items was changed so that the driver has the responsibility to "ensure" that the stated duties are carried out instead of the driver having the responsibility to carry out the duties. There are many situations where the only way the driver can ensure that a duty is carried out is for the driver to carry it out personally. However, there are also many other situations where a duty would be carried out by someone other than the driver, such as when the wheelchair user carries out the duties on his or her own, when the operator has an attendant on the vehicle to carry out the duties, or when the wheelchair user has a personal attendant who carries out the duties. This change is reasonable because it allows for more and better ways to carry out the stated duties.

The only substantive change to part 7450.0700 was to item B where the requirement for the driver to ensure that a wheelchair user fastened his or her seat belt was modified by the words "when requested by the wheelchair user or when seat belt usage is required of all passengers in the vehicle." This change was made at the suggestion of committee members who gave two persuasive reasons. One was that requiring wheelchair users to fasten seat belts on vehicles where all passengers were not required to fasten seat belts would discriminate against the disabled. The other was that we could find no statutory authority for the Department to make this requirement and that even if there was such authority, it would likely be superseded by the federal Americans with Disabilities Act. This requirement is reasonable because it acknowledges that the wheelchair user, just like any other passenger, sometimes has the right to decide whether to use a seat belt. The

wheelchair user can then communicate this decision to the driver if the wheelchair user wants to fasten the seat belt before the vehicle is set in motion.

7450.0800 Inspection, Removal, And Correction.

Subpart 1. Inspection. Annual inspections are required by Minnesota Statutes, section 299A.14. It is reasonable to include a reference to the inspection standards in these rules so that readers of these rules are referred to the statutory authority and reasons for the inspections.

Subpart 2. Removal, correction. Minnesota Statutes, section 299A.12, subdivision 4, charges the Commissioner with the responsibility of regulating the use of wheelchair securement devices. It has in the past proven necessary and effective to order the correction or removal of items not conforming to the standards. In doing so, the transportation operator then usually has the time, opportunity, and willingness to fix the problem before it is necessary for the Commissioner to use the penalties provided by Minnesota Statutes, sections 299A.15, 299A.16, and 299A.17. These penalties include withholding an operator's aid funds and license to operate, and filing misdemeanor charges.

7450.0900 Prohibitions. Part 7450.0900 contained transitional provisions for the dates these rules originally applied to the use of securement devices. These transitional dates have passed and all operators are required to follow these rules. There is no longer any need for part 7450.0900. Therefore it is reasonable to delete it.

Conclusion

Based on the foregoing, the Department's proposed amendments to rules are both necessary and reasonable.

1-14-92
Date

Deputy Commissioner
for:
Thomas H. Frost, Commissioner
Department of Public Safety

(G)

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
STATE PATROL DIVISION

In The Matter Of The Proposed Amendments To Rules Of The State Department Of Public Safety Relating To Wheelchair Securement Devices

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

Richard Schultz, being sworn says:

That on the sixteenth day of January, 1992, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the Department of Public Safety rulemaking mailing list. The mailing list is attached.

Richard Schultz
Richard Schultz

Subscribed and sworn to before me this 16th day of January, 19 92.

David E. Orren
Notary Public

DAVID E. ORREN
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Commission Expires May 4, 1992

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
STATE PATROL DIVISION

In The Matter Of The Proposed Adoption Of Rule Amendments Of The State Department Of Public Safety Relating To Wheelchair Securement Devices

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the State Department of Public Safety intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the proposed rules is Minnesota Statutes, sections 299A.12, subdivision 4, 299A.18, and 299A.01, subdivision 6.

All persons have 30 days, until 4:30 p.m., February 26, 1992, in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. Any requests or comments must be received by the Department of Public Safety no later than 4:30 p.m. on the final day of the comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing must include his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Richard Schultz, State Patrol, 107 Transportation Building, 395 John Ireland Boulevard, St. Paul, Minnesota 55155, (612)-296-3652.

The proposed rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A free copy of the rules is available upon request from Richard Schultz at the address and telephone number listed above.

The proposed rules amend existing rules governing wheelchair securement devices in vehicles by setting standards for the operation, strength, and use of user-friendly securement devices in transit vehicles. Under the existing law and rules, all wheelchair securement devices had to attach to the frame of the wheelchair in such a way that the wheelchair user needed assistance from another person to secure the wheelchair. Statutory amendments in 1991 allowed the use on transit vehicles of securement devices that may be engaged and released by the user. The statutory amendments also directed the Commissioner of Public Safety to adopt rules governing the user-friendly devices. On transit vehicles then, these user-friendly securement devices provide an alternative to frame-attached devices.

A Statement Of Need And Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Richard Schultz at the address and telephone number listed above.

In preparing these rules, the Department has considered the requirements of Minnesota Statutes, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules may affect small businesses which provide transportation services to wheelchair users. The Department believes that the use of user-friendly wheelchair securement devices as an alternative to frame-attached devices will better enable transit providers to maintain their schedules and to do so with greater convenience for wheelchair users and non-wheelchair users alike. Further, since the rule amendments merely provide an alternative to the existing rules, a small business can choose not to use the alternative, thereby avoiding any burden as a result of the amendments. The Department's evaluation of the applicability of the methods contained in Minnesota Statutes, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed further in the Statement Of Need And Reasonableness.

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption of the rules.

Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

Minnesota Statutes, section 16A.128, subdivisions 1a and 2a, do not apply because the rules do not fix fees.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Richard Schultz at the address and telephone number listed above.

1-9-92
Date

By: Richard H. Clement
Deputy Commissioner
Thomas H. Frost, Commissioner
Department of Public Safety

Richard Neumeister
345 Wabasha Avenue #1008
St. Paul, MN 55102

Heartland Homes/Ret. Citizens
P.O. Box 214
Park Rapids, MN 56470

Henry Hagen Residence
19845 Lillehei Drv.
Hastings, MN 55033

Board of Directors
Hiawatha Children's Home
1820 Valkyrie Drive NW
Rochester, MN 55901

Board of Directors
Hiawatha Manor, Inc.
107 Fifth Ave. NE
Pipestone, MN 56164

Board of Directors
Home for Creative Living
108 Ninth St.
Windom, MN 56101

Hope Residence, Inc.
Box 63
Waterville, MN 56096

Homeward Bound, Inc.
4741 Zealand Ave.
New Hope, MN 55428

President
Interstate Power Co.
1000 Main St.
Dubuque, IA 52001

Lakeview Home
Lincoln & W. Second Sts.
Sauk Centre, MN 56378

Maryanne V. Hruby
Executive Director
Leg. Comm./Review Admin. Rules
Room 55 State Office Bldg.
St. Paul, MN 55155

M.B.W. Company
513 Center Street
New Ulm, MN 56073-3101

Jean Dawson
Editor
MN Government Report
B-12, Press Room
State Capitol Bldg.

John G. Horner
MN Multi-Housing Assoc.
4740 Park Glen Road
Mpls, MN 55416

Moore's Haven, Inc.
3490 N. Victoria
St. Paul, MN 55126

Mt. Olivet Rolling Acres
7200 Rolling Acres Rd.
Excelsior, MN 55331

Abe Rosenthal
President
MN Transport Service Association
1821 University Ave. (N310)
St. Paul, MN 55104

Board of Directors
New Dawn, Inc.
Route 1, Box 14
Fulda, MN 56131-9402

Board of Directors
NorHavan Homes, Inc.
1394 Jackson St.
St. Paul, MN 55117

Board of Directors
Northeast House, Inc.
2821 S. Inglewood Ave.
Mpls, MN 55416

Board of Directors
Northeast Residence, Inc.
4680 Bald Eagle Ave.
White Bear Lake, MN 55110

G. V. Welk
Mgr./Regulatory Compl. & Svc
Northern States Power Co.
414 Nicollet Mall
Mpls, MN 55401

Board of Directors
Orvilla, Inc.
3430 Westcott Hills Dr.
Eagan, MN 55123

Phillips Leg. Serv. Inc.
459 Rice St.
St. Paul, MN 55103

Board of Directors
Phoenix Residence, Inc.
135 Colorado St. E.
St. Paul, MN 55107

Pine Ridge Homes, Inc.
915 18th St.
Cloquet, MN 55720

Pine River Group Home
Box 96
Pine River, MN 56474

Presbyterian Family Foundation
901 Service Drive
Willmar, MN 56201

Charles A. Kroeger
Executive Director
QSS, Inc.
P.O. Box 838
Faribault, MN 55021

Ramsey Cnty. Commissioners
Courthouse
St. Paul, MN 55101

Board of Directors
Range Center, Inc.
1001 Eighth Ave. NW
Chisholm, MN 55719

Resa, Inc.
38 Seventh Ave. N.
Hopkins, MN 55343

Board of Directors
Residence, Inc.
945 Amble Road
Roseville, MN 55113

Residential Alternatives, Inc.
5449 Lyndale Ave. N
Mpls, MN 55430

Residential Svcs. of NE MN
2048 E. Eighth St.
Duluth, MN 55812

Board of Directors
Riverview Manor, Inc.
Box 215
Wanamingo, MN 55983

Juanita B. Luis
Corporate Law Dept.
St. Paul Companies, Inc.
385 Washington St.
St. Paul, MN 55101

Board of Directors
Salmi Board & Lodging Home
Route 1, Box 235
Aurora, MN 55705

South Center Manor, Inc.
Park Island
Center City, MN 55012

Dev. Disabilities Pl. Office
State Planning Agency
3rd Floor Centennial Bldg.
658 Cedar Street
St. Paul, MN 55155

Sur La Rue, Inc.
1386 Jackson St.
St. Paul, MN 55117

Bob Franklin
City Editor
Minneapolis Tribune
425 Portland Ave.
Mpls, MN 55488

Robert L. Haven
Twin Town Treatment Center
1706 University Ave.
St. Paul, MN 55104

Robert A. Silvagni
University of Minnesota
319 15th Av SE, 200 Shops Bldg.
Mpls, MN 55455

Board of Directors
Valley Group Home
1332 Second Ave. No.
Moorhead, MN 56560

Board of Directors
Warner Care Homes
450 E. Third St.
Cokato, MN 55321

Willmar Nursing Home
P.O. Box 4990
Atwater, MN 56209

Windom CRF, Inc.
P.O. Box 123
Windom, MN 56101

Robert Carstenbrock
Police Chief
Winona City Hall
4th & Lafayette St.
Winona, MN 55987

Woodvale Homes, Inc.
Box 1047
Austin, MN 55912

Woodvale Management Svcs.
Box 1047
Austin, MN 55912

Mark Scheidel
Region Nine Dev. Commission
410 S. 5th St., PO Box 3367
Mankato, MN 56002-3367

H. LeRoy DeBoom
3945 Zarthan Ave.
Mpls, MN 55416

Kathie Davis
Box 3367, Region 9
Mankato, MN 56002-3367

Rodney Watkins
105 University Road
Cloquet, MN 55720

Kathy R. Van Kleeck
Motorcycle Industry Council
1235 Jefferson Davis Hwy #1410
Arlington VA 22202

William Carter
Director, POST Board
1600 University Avenue
Suite 200
St. Paul, MN 55104-3825

Frundt, Frundt & Johnson
117 West 5th St.
Blue Earth, MN 56013

Joseph G. Beaton, Jr.
Attorney at Law
3109 Hennepin Ave. So.
Mpls, MN 55408

Mark Groettum
Attorney At Law
311 E. Howard St., Box 764
Hibbing, MN 55746

Mary Stanton
Staff Associate/Finance
407 Capitol Square Building
550 Cedar St.
St. Paul, MN 55101

Samuel A. McCloud
5101 Hightway 55 #1000
Minneapolis, MN 55422

Terry L. Mitchell
Hage & Mitchell Atty's. At Law
334 West Parkdale Plaza
1660 South Highway 100
Minneapolis, MN 55416

Larry Plack
Fire Marshals of Minnesota
3400 Plymouth Blvd.
Plymouth, MN 55447

Donald H. Nichols
Nichols, Stark, Kaster
4644 IDS Center
Mpls., MN 55402

Mark Anfinson
Lake Calhoun Professional Building
3109 Hennipin Avenue
Minneapolis, MN 55408

Carla M. Riehle
1277 Fremont Avenue
St. Paul, MN 55106

Thomas J. Doyle, Felhaber,
Larson, Fenlon & Vogt, P.A.
900 Meritor Tower
444 Cedar Street
St. Paul, MN 55101

Kim Knutson
10 South 5th St. #880
Minneapolis, MN 55402-1002

David Wexler
1465 Shelard Tower
St. Louis Park, MN 55426

David R. Newcomb
7368 Orchid Lane 202
Maple Grove, MN 55369

Tony Rosini
5353 Gamble Drive, Suite 150
Minneapolis, MN 55416

Huer and Associates
Robert Owens
10 South 5th Street #480
Minneapolis, MN 55402-1004

Frederic Bruno, Attorney
5500 Wayzata Boulevard #730
Minneapolis, MN 55416-1256

Dan Wexler
2620 Nicollet Avenue
Minneapolis, MN 55408

Jerome Holmay
Attorney at Law
550 South Snelling, Suite 104
St. Paul, MN 55116

Selander and Reese
207 South 8th Street
Olivia, MN 56277

John C. DeMoss, Attorney
4749 Chicago Avenue So.
Minneapolis, MN 55407

Steve Thal
Rossini and Associates
5424 Shoreline Drive
P.O. Box 9
Mound, MN 55364

Brent Primus
432 Norwest Midland Bldg.
Minneapolis, MN 55401

Nord and Unger Law Office
P.O. Box 590
Montevideo, MN 56265

Victor A. Coursolle
4816 West 102nd Street
Bloomington, MN 55437

Barry McKee
324 South Main Street
Stillwater, MN 55082

Nelson and Nelson
2277 Highway 36
Frontage Road, Suite 244
Roseville, MN 55113-3817

Nelson, Casey, Tripp and Dow
P.O. Box 545
Owatonna, MN 55060

Ed Simonet, III
P.O. Box 16
Stillwater, MN 55082

Attorney Thomas Manion
P.O. Box 420
Lanesboro, MN 55949

Bill Kueffner
Suite 401
Norwest Bank Building
Hopkins, MN 55343

John Renckens
Suite 770
6465 Wayzata Blvd.
Minneapolis, MN 55426

Barry M. Robinson
Burke and Hawkins
299 Coon Rapids Blvd, Suite 101
Coon Rapids, MN 55433

Tom Johnson
Johnson, McClay and Nelson
951 Grand Avenue
St. Paul, MN 55105

Teresa Joppa
City of Moorhead
P.O. Box 779
Moorhead, MN 56560

Steve Borud
Probation Office
Court House
Grand Marais, MN 55604

David Borchardt
330 South Oak Avenue
P.O. Box 676
Owatonna, MN 55060

Robert Eelkema
Legal Counsel
Minnesota Medical Association
2221 Univ. Ave. S.E., Suite 400
Minneapolis, MN 55414

Gordon Patterson
Attorney at Law
P.O. Box 124
Marshall, MN 56258

Ronald J. Johnson
33 10th Avenue South
Suite 200
Hopkins, MN 55343

Scott Suter
24 Dell Place
Minneapolis, MN 55403

Loran Magsan
33 4th Street N.W.
Osseo, MN 55369

Association of MN Counties
525 Park Street
Suite 300
St. Paul, MN 55103

Kurt Dedeter
700 Norwest Center
St. Cloud, MN 56301

Suzanne Brandon
108 Farmdale Road E.
Hopkins, MN 55343

William Pribbla
13100 Wayzato Boulevard
Suite 120
Minnetonka, MN 55343

William Harper
Harper & Anderson Chartered
7200 80th Street South
Cottage Grove, MN 55016

Timothy Brausen
247 3rd Avenue South
Minneapolis, MN 55415

Herbert C. Kroon
P.O. Box 818
Mankato, MN 56002

Thomas Gmeinder
801 Selby Avenue
St. Paul, MN 55104

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
STATE PATROL DIVISION

In The Matter Of The Proposed Amendments To Rules Of The State Department Of Public Safety Relating To Wheelchair Securement Devices

AFFIDAVIT OF CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

Joan Lundberg, being sworn says:

I hereby certify that the attached list is of persons and associations who have requested that their names be placed on the Department of Public Safety rulemaking mailing list, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a, 14.22, or 14.30. I certify that this list is accurate, complete, and current as of the sixteenth day of January, 1992.

Joan M. Lundberg
Joan Lundberg

Subscribed and sworn to before me this 16th day of January, 19 92.

David E. Orren
Notary Public

DAVID E. ORREN
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Commission Expires May 4, 1992

Richard Neumeister
345 Wabasha Avenue #1008
St. Paul, MN 55102

Heartland Homes/Ret. Citizens
P.O. Box 214
Park Rapids, MN 56470

Henry Hagen Residence
19845 Lillehei Drv.
Hastings, MN 55033

Board of Directors
Hiawatha Children's Home
1820 Valkyrie Drive NW
Rochester, MN 55901

Board of Directors
Hiawatha Manor, Inc.
107 Fifth Ave. NE
Pipestone, MN 56164

Board of Directors
Home for Creative Living
108 Ninth St.
Windom, MN 56101

Hope Residence, Inc.
Box 63
Waterville, MN 56096

Homeward Bound, Inc.
4741 Zealand Ave.
New Hope, MN 55428

President
Interstate Power Co.
1000 Main St.
Dubuque, IA 52001

Lakeview Home
Lincoln & W. Second Sts.
Sauk Centre, MN 56378

Maryanne V. Hruby
Executive Director
Leg. Comm./Review Admin. Rules
Room 55 State Office Bldg.
St. Paul, MN 55155

M.B.W. Company
513 Center Street
New Ulm, MN 56073-3101

Jean Dawson
Editor
MN Government Report
B-12, Press Room
State Capitol Bldg.

John G. Horner
MN Multi-Housing Assoc.
4740 Park Glen Road
Mpls, MN 55416

Moore's Haven, Inc.
3490 N. Victoria
St. Paul, MN 55126

Mt. Olivet Rolling Acres
7200 Rolling Acres Rd.
Excelsior, MN 55331

Abe Rosenthal
President
MN Transport Service Association
1821 University Ave. (N310)
St. Paul, MN 55104

Board of Directors
New Dawn, Inc.
Route 1, Box 14
Fulda, MN 56131-9402

Board of Directors
NorHavan Homes, Inc.
1394 Jackson St.
St. Paul, MN 55117

Board of Directors
Northeast House, Inc.
2821 S. Inglewood Ave.
Mpls, MN 55416

Board of Directors
Northeast Residence, Inc.
4680 Bald Eagle Ave.
White Bear Lake, MN 55110

G. V. Welk
Mgr./Regulatory Compl. & Svc
Northern States Power Co.
414 Nicollet Mall
Mpls, MN 55401

Board of Directors
Orvilla, Inc.
3430 Westcott Hills Dr.
Eagan, MN 55123

Phillips Leg. Serv. Inc.
459 Rice St.
St. Paul, MN 55103

Board of Directors
Phoenix Residence, Inc.
135 Colorado St. E.
St. Paul, MN 55107

Pine Ridge Homes, Inc.
915 18th St.
Cloquet, MN 55720

Pine River Group Home
Box 96
Pine River, MN 56474

Presbyterian Family Foundation
901 Service Drive
Willmar, MN 56201

Charles A. Kroeger
Executive Director
QSS, Inc.
P.O. Box 838
Faribault, MN 55021

Ramsey Cnty. Commissioners
Courthouse
St. Paul, MN 55101

Board of Directors
Range Center, Inc.
1001 Eighth Ave. NW
Chisholm, MN 55719

Resa, Inc.
38 Seventh Ave. N.
Hopkins, MN 55343

Board of Directors
Residence, Inc.
945 Amble Road
Roseville, MN 55113

Residential Alternatives, Inc.
5449 Lyndale Ave. N
Mpls, MN 55430

Residential Svcs. of NE MN
2048 E. Eighth St.
Duluth, MN 55812

Board of Directors
Riverview Manor, Inc.
Box 215
Wanamingo, MN 55983

Juanita B. Luis
Corporate Law Dept.
St. Paul Companies, Inc.
385 Washington St.
St. Paul, MN 55101

Board of Directors
Salmi Board & Lodging Home
Route 1, Box 235
Aurora, MN 55705

South Center Manor, Inc.
Park Island
Center City, MN 55012

Dev. Disabilities Pl. Office
State Planning Agency
3rd Floor Centennial Bldg.
658 Cedar Street
St. Paul, MN 55155

Sur La Rue, Inc.
1386 Jackson St.
St. Paul, MN 55117

Bob Franklin
City Editor
Minneapolis Tribune
425 Portland Ave.
Mpls, MN 55488

Robert L. Haven
Twin Town Treatment Center
1706 University Ave.
St. Paul, MN 55104

Robert A. Silvagni
University of Minnesota
319 15th Av SE, 200 Shops Bldg.
Mpls, MN 55455

Board of Directors
Valley Group Home
1332 Second Ave. No.
Moorhead, MN 56560

Board of Directors
Warner Care Homes
450 E. Third St.
Cokato, MN 55321

Willmar Nursing Home
P.O. Box 4990
Atwater, MN 56209

Windom CRF, Inc.
P.O. Box 123
Windom, MN 56101

Robert Carstenbrock
Police Chief
Winona City Hall
4th & Lafayette St.
Winona, MN 55987

Woodvale Homes, Inc.
Box 1047
Austin, MN 55912

Woodvale Management Svcs.
Box 1047
Austin, MN 55912

Mark Scheidel
Region Nine Dev. Commission
410 S. 5th St., PO Box 3367
Mankato, MN 56002-3367

H. LeRoy DeBoom
3945 Zarthan Ave.
Mpls, MN 55416

Kathie Davis
Box 3367, Region 9
Mankato, MN 56002-3367

Rodney Watkins
105 University Road
Cloquet, MN 55720

Kathy R. Van Kleeck
Motorcycle Industry Council
1235 Jefferson Davis Hwy #1410
Arlington VA 22202

William Carter
Director, POST Board
1600 University Avenue
Suite 200
St. Paul, MN 55104-3825

Frundt, Frundt & Johnson
117 West 5th St.
Blue Earth, MN 56013

Joseph G. Beaton, Jr.
Attorney at Law
3109 Hennepin Ave. So.
Mpls, MN 55408

Mark Groettum
Attorney At Law
311 E. Howard St., Box 764
Hibbing, MN 55746

Mary Stanton
Staff Associate/Finance
407 Capitol Square Building
550 Cedar St.
St. Paul, MN 55101

Samuel A. McCloud
5101 Hightway 55 #1000
Minneapolis, MN 55422

Terry L. Mitchell
Hage & Mitchell Atty's. At Law
334 West Parkdale Plaza
1660 South Highway 100
Minneapolis, MN 55416

Larry Plack
Fire Marshals of Minnesota
3400 Plymouth Blvd.
Plymouth, MN 55447

Donald H. Nichols
Nichols, Stark, Kaster
4644 IDS Center
Mpls., MN 55402

Mark Anfinson
Lake Calhoun Professional Building
3109 Hennipin Avenue
Minneapolis, MN 55408

Carla M. Riehle
1277 Fremont Avenue
St. Paul, MN 55106

Thomas J. Doyle, Felhaber,
Larson, Fenlon & Vogt, P.A.
900 Meritor Tower
444 Cedar Street
St. Paul, MN 55101

Kim Knutson
10 South 5th St. #880
Minneapolis, MN 55402-1002

David Wexler
1465 Shelard Tower
St. Louis Park, MN 55426

David R. Newcomb
7368 Orchid Lane 202
Maple Grove, MN 55369

Tony Rosini
5353 Gamble Drive, Suite 150
Minneapolis, MN 55416

Huer and Associates
Robert Owens
10 South 5th Street #480
Minneapolis, MN 55402-1004

Frederic Bruno, Attorney
5500 Wayzata Boulevard #730
Minneapolis, MN 55416-1256

Dan Wexler
2620 Nicollet Avenue
Minneapolis, MN 55408

Jerome Holmay
Attorney at Law
550 South Snelling, Suite 104
St. Paul, MN 55116

Selander and Reese
207 South 8th Street
Olivia, MN 56277

John C. DeMoss, Attorney
4749 Chicago Avenue So.
Minneapolis, MN 55407

Steve Thal
Rossini and Associates
5424 Shoreline Drive
P.O. Box 9
Mound, MN 55364

Brent Primus
432 Norwest Midland Bldg.
Minneapolis, MN 55401

Nord and Unger Law Office
P.O. Box 590
Montevideo, MN 56265

Victor A. Coursolle
4816 West 102nd Street
Bloomington, MN 55437

Barry McKee
324 South Main Street
Stillwater, MN 55082

Nelson and Nelson
2277 Highway 36
Frontage Road, Suite 244
Roseville, MN 55113-3817

Nelson, Casey, Tripp and Dow
P.O. Box 545
Owatonna, MN 55060

Ed Simonet, III
P.O. Box 16
Stillwater, MN 55082

Attorney Thomas Manion
P.O. Box 420
Lanesboro, MN 55949

Bill Kueffner
Suite 401
Norwest Bank Building
Hopkins, MN 55343

John Renckens
Suite 770
6465 Wayzata Blvd.
Minneapolis, MN 55426

Barry M. Robinson
Burke and Hawkins
299 Coon Rapids Blvd, Suite 101
Coon Rapids, MN 55433

Tom Johnson
Johnson, McClay and Nelson
951 Grand Avenue
St. Paul, MN 55105

Teresa Joppa
City of Moorhead
P.O. Box 779
Moorhead, MN 56560

Steve Borud
Probation Office
Court House
Grand Marais, MN 55604

David Borchardt
330 South Oak Avenue
P.O. Box 676
Owatonna, MN 55060

Robert Eelkema
Legal Counsel
Minnesota Medical Association
2221 Univ. Ave. S.E., Suite 400
Minneapolis, MN 55414

Gordon Patterson
Attorney at Law
P.O. Box 124
Marshall, MN 56258

Ronald J. Johnson
33 10th Avenue South
Suite 200
Hopkins, MN 55343

Scott Suter
24 Dell Place
Minneapolis, MN 55403

Loran Magsan
33 4th Street N.W.
Osseo, MN 55369

Association of MN Counties
525 Park Street
Suite 300
St. Paul, MN 55103

Kurt Dedeter
700 Norwest Center
St. Cloud, MN 56301

Suzanne Brandon
108 Farmdale Road E.
Hopkins, MN 55343

William Pribbla
13100 Wayzato Boulevard
Suite 120
Minnetonka, MN 55343

William Harper
Harper & Anderson Chartered
7200 80th Street South
Cottage Grove, MN 55016

Timothy Brausen
247 3rd Avenue South
Minneapolis, MN 55415

Herbert C. Kroon
P.O. Box 818
Mankato, MN 56002

Thomas Gmeinder
801 Selby Avenue
St. Paul, MN 55104

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
STATE PATROL DIVISION

In The Matter Of The Proposed Amendments To Rules Of The State Department Of Public Safety Relating To Wheelchair Securement Devices	**AFFIDAVIT OF GIVING DISCRETIONARY NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING**

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

Richard Schultz, being sworn says:

That at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed or delivered the attached Notice of Intent to Adopt Rules Without a Public Hearing to all persons and associations on the attached discretionary mailing list, as follows:

- On the fifteenth day of January, 1992, I mailed the Notice to Bob Works, Donna Allan, Major Gene Halverson, and Bob Fischer through the interoffice mail of the State of Minnesota.
- On the sixteenth day of January, 1992, I personally gave the Notice to Ralph Church.
- On the sixteenth day of January, 1992, I mailed the Notice to the remaining persons on the discretionary mailing list by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid.

The discretionary mailing list is of persons and associations that have expressed, to the agency, interest in this rulemaking proceeding, and persons and associations as practical to improve the notification of all parties that might be interested in this rulemaking proceeding.

Richard W. Schultz
Richard Schultz

Subscribed and sworn to before me this 16th day of January, 19 92.

David E. Orren
Notary Public

DAVID E. ORREN
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Commission Expires May 4, 1992

Bob Works
MN/DOT
Room 815

Donna Allan
MN/DOT
Room 815

Calvin D. Karl
St. Paul Public Schools
533 Randolph
St. Paul, MN 55102

Chris Gran
MTC - Metro Mobility Admin. Center
560 6th Ave. N.
Minneapolis, MN 55411-4398

Dale Polton
SEMCIL
Rochester Center
1306 7th St. NW
Rochester, MN 55901

Tony Knauer
City Of Rochester/City Hall
1602 4th St. SE
Rochester, MN 55901

John Morley
407 S.W. 15th St.
Forest Lake, MN 55025

Dennis Jensen
Duluth T.A.
2402 W. Michigan St.
Duluth, MN 55806

Dave Tripp
St. Cloud M.T.C.
665 Franklin Ave. NE
St. Cloud, MN 56304

Ron Bliss
10100 Lindale Ave. S.
#103AA
Bloomington, MN 55430

Leroy Marshall
TSPN Handicapped Adv.
800 3rd Ave. NE
Mpls., MN 55414

Tom Zosel
United Handicapped Fed.
1821 University Ave.
St. Paul, MN 55104

Ed Kouneski
RTB
Mears Park Centre Bldg.
230 E. Fifth St.
St. Paul, MN 55101

Brad Anderson
Health East Transp.
2900 Pleasant Ave. S.
Mpls., MN 55408

Jean Westerfield
M.S. Center
6081 Paris Avenue B3
Stillwater, MN 55082

Judy Soderberg
Deaconess Center
1400 E. 24th St.
Mpls., MN 55404

Mike Lund
645 Cimarron
Lake Elmo, MN 55042

Joe Morley
407 SW 15th St.
Forest Lake, MN 55025

Ernest J. Kleckner
539 North Broadway
Apt. 110
Rochester, MN 55906

Dan Holter
Rochester City Lines
1825 North Broadway
Rochester, MN 55904

John Mertens
St. Cloud CIL
600 25th Ave. S.
Suite 110
St. Cloud, MN 56301

Russ Stover
Duluth CIL
9613 W. Skyline Pkwy.
Duluth, MN 55810

Ken Stevens
HCRRA
Southwest St. Level
Hennepin Co. Government Center
Mpls., MN 55487

Jan Dittbrenner
Bloomington Schools
8900 Portland Ave. S.
Bloomington, MN 55420

Ward Briggs
MN/DOT Commercial Vehicle Inspection
100 Stockyard Rd.
So. St. Paul, MN 55075

Major Gene Halverson

Commercial Vehicle Enforcement
100 Stockyard Rd., Rm. 252
So. St. Paul, MN 55075

Bob Fischer
Student Transportation
MN Dept. of Education
Capitol Square Bldg., Rm. 560
St. Paul, MN 55155

John Schaffer
MN Passenger Protection Program
417 University Avenue
St. Paul, MN 55103

Ralph Church
MN School Bus Operators Assn.
2328 - 145th Ave. NW
Andover, MN 55304

Department of Public Safety

Proposed Permanent Rules Relating to Wheelchair Safety Devices

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Public Safety intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the proposed rules is *Minnesota Statutes*, sections 299A.12, subdivision 4, 299A.18, and 299A.01, subdivision 6.

All persons have 30 days, until 4:30 p.m., February 26, 1992, in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. Any requests or comments must be received by the Department of Public Safety no later than 4:30 p.m. on the final day of the comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing must include his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Richard Schultz, State Patrol, 107 Transportation Building, 395 John Ireland Boulevard, St. Paul, Minnesota 55155, (612) 296-3652.

The proposed rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A free copy of the rules is available upon request from Richard Schultz at the address and telephone number listed above.

The proposed rules amend existing rules governing wheelchair securement devices in vehicles by setting standards for the operation, strength, and use of user-friendly securement devices in transit vehicles. Under the existing law and rules, all wheelchair securement devices had to attach to the frame of the wheelchair in such a way that the wheelchair user needed assistance from another person to secure the wheelchair. Statutory amendments in 1991 allowed the use on transit vehicles of securement devices that may be engaged and released by the user. The statutory amendments also directed the Commissioner of Public Safety to adopt rules governing the user-friendly devices. On transit vehicles then, these user-friendly securement devices provide an alternative to frame-attached devices.

A **STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Richard Schultz at the address and telephone number listed above.

In preparing these rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules may affect small businesses which provide transportation services to wheelchair users. The Department believes that the use of user-friendly wheelchair securement devices as an alternative to frame-attached devices will better enable transit providers to maintain their schedules and to do so with greater convenience for wheelchair users and non-wheelchair users alike. Further, since the rule amendments merely provide an alternative to the existing rules, a small business can choose not to use the alternative, thereby avoiding any burden as a result of the amendments. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed further in the **STATEMENT OF NEED AND REASONABLENESS**.

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption of the rules.

Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

Minnesota Statutes, section 16A.128, subdivisions 1a and 2a, do not apply because the rules do not fix fees.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Richard Schultz at the address and telephone number listed above.

Dated: 9 January 1992

Thomas H. Frost, Commissioner
Department of Public Safety

Rules as Proposed

7450.0100 DEFINITIONS.

Subpart 1. **Scope.** ~~For the purpose of~~ The terms used in parts 7450.0100 to ~~7450.0900, the following terms shall~~ 7450.0800 have the meanings ~~ascribed to~~ given them in this part.

[For text of subp 2, see M.R.]

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of public safety or ~~his duly~~ an authorized agent.

Subp. 3a. **FMVSS.** "FMVSS" means federal motor vehicle safety standard No. 209 or No. 210, found in Code of Federal Regulations, title 49, section 571.209 or 571.210, respectively, as amended through December 31, 1991.

Subp. 3b. **Gross vehicle weight rating.** "Gross vehicle weight rating" means the value specified by the vehicle manufacturer as the maximum loaded weight of the vehicle.

[For text of subps 4 and 5, see M.R.]

Subp. 6. **Operator.** "Operator" ~~means any person, firm, partnership, corporation, service club, public or private agency, city, town, or county~~ has the meaning given in *Minnesota Statutes*, section 299A.11, paragraph (b).

Subp. 6a. **Transit vehicle.** "Transit vehicle" means a bus with a gross vehicle weight rating greater than 15,000 pounds. Transit vehicle does not include a school bus as defined in *Minnesota Statutes*, section 169.01, subdivision 6.

Subp. 7. **Wheelchair.** "Wheelchair" means a ~~chair mounted on wheels to facilitate the mobility of a sick, injured, invalid or handicapped person in a generally seated position. The term includes a device generally recognized as a wheelchair even though equipped with reclining backrest or special apparatus. The term does not include any device not equipped with wheels, nor does it include an ambulance stretcher or cot, whether equipped with wheels or not~~ mobility aid belonging to any class of three- or four-wheeled devices and that are usable indoors and designed for and used by individuals with mobility impairments, whether operated manually or powered.

Subp. 8. **Wheelchair securement device; securement device.** "Wheelchair securement device" or "securement device" ~~means an apparatus installed in a motor vehicle for the purpose of securing an occupied wheelchair into a location in the vehicle~~ has the meaning given in *Minnesota Statutes*, section 299A.11, paragraph (a).

7450.0200 PURPOSE, AUTHORITY, AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 7450.0100 to ~~7450.0900~~ 7450.0800 is to establish minimum standards for approval of wheelchair securement devices in vehicles and approval of seat belt assemblies and anchorages used to protect persons in wheelchairs while transported in vehicles.

Subp. 2. **Authority.** Parts 7450.0100 to ~~7450.0900~~ 7450.0800 are ~~promulgated~~ adopted pursuant to the authority granted by ~~*Laws of Minnesota 1978,* chapter 752~~ *Minnesota Statutes*, sections 299A.01, subdivision 6; 299A.12, subdivision 4; and 299A.18.

Subp. 3. **Scope.** Parts 7450.0100 to ~~7450.0900~~ 7450.0800 apply to the transportation by motor vehicle of ~~any sick, injured, incapacitated, or handicapped~~ a disabled person while occupying a wheelchair~~, which~~. This transportation is offered or provided by an operator to the public ~~or~~, to its employees, or in connection with any other service offered by the operator including schooling or nursing homes and convalescent or child care services.

Subp. 4. **Exception.** Parts 7450.0100 to ~~7450.0900~~ 7450.0800 do not apply to ~~any~~ a school bus manufactured before January 1, 1988, and subject to regular school bus inspection ~~pursuant to~~ under *Minnesota Statutes*, section 169.451, nor do they apply to incidental transportation of an occupied wheelchair under circumstances other than as provided in subpart 3.

7450.0250 TYPE OF SECUREMENT REQUIRED.

Subpart 1. **Transit vehicle.** An occupied wheelchair transported in a transit vehicle must be secured with an approved securement device that is either:

A. a frame-attached device that meets the requirements of parts 7450.0300 and 7450.0400; or

B. a user-friendly device that meets the requirements of parts 7450.0430 and 7450.0460.

Subp. 2. **Vehicle other than transit vehicle.** An occupied wheelchair transported in a vehicle other than a transit vehicle must be secured with an approved frame-attached securement device that meets the requirements of parts 7450.0300 and 7450.0400.

7450.0300 FRAME-ATTACHED WHEELCHAIR SECUREMENT.

Subpart 1. **Sufficient strength.** ~~An occupied wheelchair transported in a vehicle shall be secured with~~ A frame-attached securement device must be of sufficient strength to prevent forward, backward, lateral, or vertical movement of the wheelchair when the device is engaged and the vehicle is in motion, accelerating, or braking.

Subp. 2. **Attached to frame.** ~~Each~~ A frame-attached wheelchair securement device ~~shall~~ must attach to the frame of the wheelchair without damaging the frame. "Damage" includes effects harmful to the strength, integrity, or serviceableness of the wheelchair, but does not include minor dents, scratches, or other cosmetic blemishes not materially affecting serviceableness.

Subp. 3. **Limitation.** A frame-attached wheelchair securement device ~~shall~~ must not be attached to a wheel of a wheelchair.

7450.0400 MINIMUM STANDARDS FOR FRAME-ATTACHED DEVICES.

Each frame-attached wheelchair securement device ~~shall:~~ must meet the requirements of items A to G.

A. It must attach to the wheelchair frame on at least three points. The three points of contact ~~shall~~ must be spaced to provide effective securement. Alternatively, a securement device meeting all other requirements of this chapter may attach to two widely spaced points on the wheelchair frame if the wheel tires or the wheelchair frame abuts an unyielding surface in a manner ~~which~~ that meets the approval requirements of part 7450.0500.

B. It must consist of at least two webbing-type belts described in subitem (1) or at least two all-metal devices described in subitem (2) or one or more of each ~~such~~ type of device.

(1) Webbing-type devices ~~shall~~ must be assemblies that meet or exceed Type 2 pelvic restraint seat belt requirements as specified in ~~section~~ S4.2 ~~(2)~~(b) of ~~Federal Motor Vehicle Safety standard~~ FMVSS No. 209, ~~Code of Federal Regulations 1977, title 49, part 571.209~~ or be certified by the manufacturer that ~~such~~ the device meets or exceeds assembly strength of 5,000 pounds in loop fashion or 2,500 pounds on each anchorage leg.

(a) Certification may be the specification listed in catalogs or publications by the manufacturer.

(b) ~~All~~ New construction of ~~such~~ these securement devices and repairs to webbing ~~shall~~ must conform with standards established by the manufacturer of the webbing.

(2) All-metal securement devices ~~shall~~ must be ~~of a design and construction that provides~~ designed and constructed to provide wheelchair securement strength that is at least equal to the strength of a webbing-type device comprised of three separate attachments and anchorages.

C. It must be free of sharp edges, corners, and jagged projections to minimize injury to persons in the event of unintentional contact.

D. It must be capable of retraction, and be readily removable or otherwise suitably storable when not in use.

E. It must be anchored to the vehicle at not less than two separate points with bolts, nuts, and lock washers or self-locking nuts.

(1) Bolts used ~~shall~~ must be not less than ~~three-eighths~~ 3/8-inch in diameter and of National Fine Thread SAE grade 5 designation or equivalent.

(2) Where anchorage bolts do not pierce the vehicle frame, subframe, bodypost, or equivalent metal structure, a metal reinforcement plate or washer ~~not less than~~ 1/16-inch thick ~~by 2-1/2 inches in diameter~~ and not less than four square inches or 2-1/4 inches in diameter respectively, is required.

(3) ~~In no event shall~~ Interior paneling may not be used to constitute anchorage for a point of securement.

(4) A metal track, rail, or similar device permitting attachment of the securement device at optional points ~~thereon~~ on it may be used to anchor the securement device, ~~provided~~ only if:

(a) the track, rail, or other device is secured to the vehicle in compliance with anchorage requirements of this part; and

(b) the attachment of the securement device to the anchor point is by means of a positive attachment metal fitting.

F. The method or device that provides attachment of the securement device to the wheelchair frame and the method or device

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

locking the securement device in the load-holding mode ~~shall~~ must each be of a strength and design that will ~~assure~~ ensure performance of their intended function until the securement device is intentionally released.

G. Buckles, anchorage fittings, and other components essential to the functioning of the securement device ~~shall~~ must be integrated into the securement device in accordance with recognized practices and in a manner that preserves the overall strength of the securement device.

7450.0430 USER-FRIENDLY WHEELCHAIR SECUREMENT.

Subpart 1. **Nominal movement.** A user-friendly securement device must limit movement of an occupied wheelchair when the vehicle is in normal operation. An occupied wheelchair loaded with a restrained weight of 250 pounds may not move more than two inches in any direction at any point of contact with the floor when the vehicle is being operated under the following conditions:

A. full-throttle acceleration on dry pavement from a standstill to a speed of 25 miles per hour with the vehicle at its curb weight plus one occupied wheelchair;

B. maximum braking from a speed of 22 miles per hour to a standstill on dry pavement with the vehicle at its curb weight plus one occupied wheelchair; and

C. driving both clockwise and counterclockwise with the outer, front wheel around one of the following:

(1) a 50-foot diameter circle at a minimum steady speed of 12 miles per hour;

(2) a 75-foot diameter circle at a minimum steady speed of 14 miles per hour; or

(3) a 100-foot diameter circle at a minimum steady speed of 16 miles per hour.

Subp. 2. **Attachment.** A user-friendly securement device must attach to the wheelchair without damaging it during normal vehicle operations. "Damage" includes effects harmful to the strength, integrity, or serviceableness of the wheelchair but does not include minor dents, scratches, or other cosmetic blemishes not materially affecting serviceableness. A bent wheel or broken spoke for example is "damage."

Subp. 3. **Release.** A user-friendly securement device must be designed so as to prevent an unintended mechanical release.

Subp. 4. **User-friendly.** A user-friendly securement device must be designed so that it can be readily engaged and released by the user, or remotely by the vehicle driver, subject to the following conditions:

A. The manual operating control for the user must be located within the upper 33 inches of a 48-inch cube occupied by the secured wheelchair.

B. The force required by the user to engage and release may not exceed five pounds force and may not require tight grasping, pinching, or twisting of the wrist.

C. When a device is manually engaged, the reach, force, and dexterity required to manually release the device may not exceed that required to manually engage it.

D. The device may be automatically engaged by the wheelchair or remotely by the vehicle driver, but a manual release must be available that meets the specifications of items A and B. A device that may be remotely engaged or released by the driver must have an indicator light to inform the driver that the device has engaged or released the wheelchair.

E. A user-friendly device does not need to be able to secure all types of wheelchairs. A user-friendly device must secure all types of wheelchairs for which it is approved by the commissioner.

7450.0460 MINIMUM STANDARDS FOR USER-FRIENDLY DEVICES.

Subpart 1. **Force to be restrained.** A user-friendly securement device must be able to restrain force as follows:

A. A user-friendly securement device and its attachments used on a vehicle with a gross vehicle weight rating of 30,000 pounds or more must withstand a force in a forward longitudinal direction of up to 2,000 pounds per securement leg or clamping mechanism and a minimum of 4,000 pounds total for each wheelchair.

B. A user-friendly securement device and its attachments used on a vehicle with a gross vehicle weight rating of over 15,000 pounds but less than 30,000 pounds must withstand a force in a forward longitudinal direction of up to 2,500 pounds per securement leg or clamping mechanism and a minimum of 5,000 pounds total for each wheelchair.

Subp. 2. **Attachment to vehicle.** A user-friendly securement device must be attached to a part of the vehicle that can, when attached, withstand the forces specified in subpart 1.

Subp. 3. **Damage to device.** After the test modes in subpart 1 have been removed, a user-friendly securement device must be operable to the extent that it will release a wheelchair, as specified in part 7450.0430, subpart 4.

7450.0500 APPROVAL PROCEDURE.

Subpart 1. **Application.** Application for approval of a wheelchair securement device ~~shall~~ must be made in writing to the commis-

sioner and ~~shall~~ must be accompanied by the manufacturer's actual or proposed written installation and use instructions and photographs or drawings clearly depicting the construction of the device and its physical characteristics, including all mounting hardware. The application must also include the labeling used for identifying the manufacturer and the model designation. An application for approval of a user-friendly securement device must also include a test report or engineering document certifying that the device and it's attachment to the vehicle can withstand the forces specified in part 7450.0460, or the manufacturer's specifications to the same effect listed in catalogs or publications by the manufacturer.

Subp. 2. **Demonstration of frame-attached securement device.** ~~The~~ When requested by the commissioner, an applicant for approval of a frame-attached securement device shall ~~furnish~~ provide a vehicle with the securement device installed ~~therein~~ in it, and demonstrate the device by attaching it to a wheelchair ~~furnished~~ provided by the applicant. The commissioner may load the wheelchair to 140 pounds and require that the vehicle be accelerated, driven around corners, and subjected to hard braking at speeds of 30 miles per hour or less. Movement of the wheelchair more than one inch in any direction, including vertically, during ~~such~~ the test ~~shall be~~ is grounds for ~~refusal of~~ refusing approval. Measurement of movement ~~shall~~ must be at the points where wheelchair wheels contact the floor. Damage to the wheelchair or ~~any~~ other property or injury to a person during ~~such~~ the test ~~shall be~~ is the responsibility of the applicant.

Subp. 2a. **Demonstration of user-friendly securement device.** When requested by the commissioner, an applicant for approval of a user-friendly securement device shall provide a vehicle with a wheelchair and with the securement device installed in the vehicle and demonstrate compliance of the device to the requirements of parts 7450.0430 and 7450.0460. Damage to the wheelchair or other property or injury to a person during the test is the responsibility of the applicant.

Subp. 3. **Approval.** ~~Upon~~ On determining that the securement device meets the requirements of this chapter, the commissioner shall issue a certificate of approval authorizing use of the device. If the device does not secure all types of wheelchairs, the certificate must state the types of wheelchairs for which the device is approved.

Subp. 4. **Denial and revocation.** The commissioner ~~may~~ shall deny or revoke ~~any~~ an approval ~~granted hereunder~~ upon a showing that the securement device does not meet a requirement of ~~this chapter~~ parts 7450.0100 to 7450.0800. The commissioner shall notify the applicant in writing of a denial or revocation of approval.

Subp. 5. **Label.** Each wheelchair securement device ~~shall~~ must be permanently labeled with the name, initials, or trademark of the manufacturer and the model designation of the device. The label ~~shall~~ must be readily visible and legible from the outside of the device when it is properly mounted to the vehicle and in use.

7450.0600 OCCUPANT RESTRAINT.

Subpart 1. **Seat belt assembly.** Each vehicle equipped with a wheelchair securement device ~~shall~~ must be equipped with a Type 2 seat belt assembly with a detachable upper torso portion at each wheelchair position in the vehicle or, in the alternative, ~~shall~~ must be equipped with a Type 1 pelvic restraint assembly and a length of Type 1 or Type 2 seat belt webbing, with buckle, adequate to encircle the chest of the wheelchair occupant and the backrest of the wheelchair.

Subp. 2. **Standard.** Type 1 and Type 2 seat belt assemblies ~~shall~~ must meet the requirements of ~~sections~~ S1 to S4.4 of ~~Federal Motor Vehicle Safety standard~~ FMVSS No. 209~~, Code of Federal Regulations 1977, title 49, part 571.209~~.

Subp. 3. **Installation and anchorage.** Type 1 and Type 2 seat belt assemblies and the detachable upper torso restraint, if a detachable upper torso restraint is installed ~~in lieu~~ instead of using a length of seat belt webbing to encircle the chest of the occupant and the backrest of the wheelchair, ~~shall~~ must be installed and anchored in accordance with ~~sections~~ S1 to S4.3.2 of ~~Federal Motor Vehicle Safety standard~~ FMVSS No. 210~~, Code of Federal Regulations 1977, title 49, part 571.210~~.

7450.0700 USE OF SECUREMENT DEVICE.

~~It shall be the responsibility of~~ The driver of ~~any~~ a vehicle equipped with a wheelchair securement device ~~to~~ has the following duties:

A. ~~Properly secure~~ The driver shall ensure that an occupied wheelchair ~~prior to~~ is properly secured before moving the vehicle~~, unless the wheelchair occupant is capable of securing the device and does so~~.

B. ~~Fasten~~ When requested by the wheelchair user or when seat belt usage is required of all passengers in the vehicle, the driver shall ensure that the seat belt assembly, and upper torso restraint if so equipped, is fastened around the ~~occupant of the~~ wheelchair~~, unless the occupant is capable of fastening same and does so~~ user, before moving the vehicle. The ~~driver shall not fasten the~~ seat belt assembly or the upper torso restraint must not be fastened, however, if the ~~occupant~~ wheelchair user or other responsible

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

person advises the driver that to do so would aggravate a physical condition of the ~~occupant~~ wheelchair user. ~~In the event~~ If the physical condition would be aggravated by the use of but one of the devices, the device that would have no adverse effect on the physical condition ~~shall~~ must be fastened in the required manner.

C. ~~Retract, remove, or otherwise store~~ The driver shall ensure that securement devices and seat belt assemblies are retracted, removed, or otherwise stored when not in use to prevent tripping of persons and damage to devices.

7450.0800 INSPECTION, REMOVAL, AND CORRECTION.

Subpart 1. **Inspection.** Annual inspections of securement devices must be performed in accordance with *Minnesota Statutes*, section 299A.14.

Subp. 2. **Removal, correction.** The commissioner ~~may~~ shall order the removal or correction of ~~any~~ a securement device upon determining that the device, without regard to date of installation:

A. is not capable of sustaining loads imposed ~~thereon~~ on it in restraining an occupied wheelchair; ~~or~~

B. ~~the securement device~~ permits excessive movement of an occupied wheelchair; or

C. does not meet the requirements of parts 7450.0100 to 7450.0800.

REPEALER. *Minnesota Rules*, part 7450.0900, is repealed.

Department of Transportation

Proposed Permanent Rules Relating to Railroad Grade Crossings

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Transportation intends to adopt the above entitled rules without a public hearing following the procedures for adopting rules without a public hearing set forth in *Minnesota Statutes*, Sections 14.22 to 14.28. The specific statutory authority to adopt the rules is *Minnesota Statutes*, Sections 218.041, 219.072, 219.073, 219.17, 219.26, 222.50, and 222.62.

All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30 day comment period. If 25 or more persons submit written requests for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed.

If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes*, Section 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Patricia Schrader
Minnesota Department of Transportation
925 Kelly Annex, Transportation Building
395 John Ireland Boulevard
St. Paul, Minnesota 55155
(612) 296-0358

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on February 28, 1992.

The proposed rules may be modified if the modifications are supported by data and views submitted to the Department and do not result in a substantial change in the proposed rules as noticed.

A copy of the proposed rules is attached to this notice. A free copy of the rules is available upon request from Patricia Schrader at the address noted above.

The proposed rules include standards governing the establishment, vacation, relocation, consolidation, and separation of grades at public grade crossings, in compliance with *Minnesota Statutes*, Section 219.073. These standards are included in parts 8830.2720 to 8830.2760.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the

(L)

HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY
Southwest Street Level Government Center, Minneapolis, MN. 55487-0016 612/348-9260
Fax. 612/348-9710

I called Hennepin & explained that we cannot re-define what the statute defines.

January 23, 1992

Mr. Richard Schultz
State Patrol
107 Transportation Building
395 John Ireland Boulevard
St. Paul, MN 55155

Re: Proposed Rule Amendments of State Department of Public Service
Relating to Wheelchair Securement Devices

Dear Mr. Schultz:

Hennepin County Regional Railroad Authority (HCRRA) is concerned that the definition used in subparagraph 6a., for Transit Vehicle, does not clearly exempt rail transit vehicles, or specifically light rail vehicles, from this proposed rule change. HCRRA recommends, to eliminate possible ambiguity in the future, that subparagraph 6a. be changed to read:

> Transit Vehicle. "Transit Vehicle" means a bus with a gross vehicle weight rating greater than 15,000 pounds. Transit vehicle does not include a school bus as defined in Minnesota Statutes, Section 169.01, subdivision 6, or rail transit vehicles.

This minor change would clearly define the intent of the proposed rule and conform it to the Federal Americans with Disabilities Act (ADA), which exempts rail transit vehicles from the wheelchair securement devices requirement.

Please let me know if further discussion is needed to resolve this concern. Thank you for the opportunity to comment, and if you have any questions, please do not hesitate to call.

Sincerely,

Kenneth E. Stevens

Kenneth E. Stevens, Director
Light Rail Transit

cc: Vern T. Genzlinger

BOARD OF COMMISSIONERS
Mark Andrew, Chairman; John E. Derus, Vice Chairman; Judy Makowske, Treasurer; Tad Jude, Secretary; Peter McLaughlin; Randy Johnson; John Keefe

St. PAUL PUBLIC SCHOOLS
LIFELONG LEARNING
TRANSPORTATION
DISTRICT 625 • 360 COLBORNE STREET • ST. PAUL, MINNESOTA 55102-3299 • (612) 227-7764

Carl Karl
293-5906

Richard Schultz, Minnesota State Patrol
107 Transportation Building
395 John Ireland Boulevard
St. Paul, Minnesota. 55155

Dear Sir,

The following are comments pertaining to the proposed wheelchair securements rules as published.

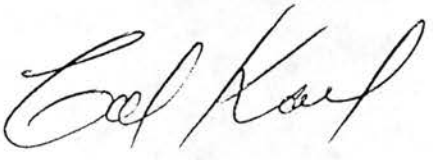
1. Page 5 lines 3-5
   Reference is made to an equivalent. This equivalency has caused considerable confusion in the past. Suggestion; include an understandable table in the rules as an appendix and refer to it as such.
2. Page 7 lines 14-17 under E.
   Since there is no requirement that a securement device must secure all types of wheelchairs, there should be no mention of a device being approved to secure only certain types. For the industry push has been to encourage engineering to design better securement devices and better wheel chairs. This language suggests that it is OK to be selective and limited in design. I feel it is counter-productive and the language in E should be deleted.
3. Page 7 lines 33-35
   This does not appear to be well thought out in terms of enforcement. Past practices has shown that manufactures do not install and some dealers do not install. But they do sell to most anyone that wants to install their own . I see a problem with such installations without further restrictive language.
4. Page 9 lines 12-14
   This new language may intended to encourage manufactures to design securements for all wheelchairs but I believe it does the opposite. The language should be deleted.

5. Page 10 lines 21-23

Please change from the negative to the positive. Even in vehicles where seat belt usage is not required, require the driver or person designated by the driver to fasten passenger restraints unless requested not to by the passenger providing the passenger is able to communicate such a request.

Thank you for your consideration in these comments. At his time I am not requesting a public hearing. However, these concerns should be discussed and I look forward to hearing from you before February 26,1992.

Sincerely,
Calvin D. Karl
Traffic Operations Coordinator
St. Paul Schools



Bloomington PUBLIC SCHOOLS
INDEPENDENT SCHOOL DISTRICT #271

14, February 1992

Dick Schultz
State Patrol
102 Transportation Building
395 John Ireland Blvd
St. Paul, Minnesota 55155

Dear Dick,

This is in response to the Department of Public Safety proposed permanent rules relating to Wheelchair Safety Devices.

The Special Education committee for Minnesota Association for Pupil Transportation and Minnesota School Bus Owners Association both feel that it is important to change the wording in section 7450.0700.

7450.0700 Use of Securement Device:
B. When requested by the wheelchair user or when seat belt usage is required of all passengers in the vehicle or in a school bus, the driver shall ensure that the seat belt assembly and upper torso restraint if so equipped , is fastened around the wheelchair user, before moving the vehicle.

The underlined area would be added to insure the safety of all students transported in wheelchairs on a school bus. It is important to exclude school students from the responsibility of making a seat belt or safety decision unless it is harmful to the students physical condition which would be covered in the students IEP.

This request is essential for the safety of our school age students.

Sincerely,

Janice Dittbrenner
MAPT/MSBOA Special Education Committee Chair

Twin Ports Convalescent

211 EAST SECOND STREET • DULUTH, MN 55805
TELEPHONE 218/727-3036

• Wheelchair Van

February 20, 1992

Department of Public Safety
Transportation Building
St. Paul, MN 55101

RE: Comments regarding proposed rules to wheelchair safety devises.

Comments:

RE: Subp. 6a and Subp. 4. refer to vehicles with a gross weight rating greater than 15,000 pounds. Transit vehicle does not include a school bus defined...

Subp. 4. "nor do they apply to incidental transportation of an occupied wheelchair under circumstances other than provided in subpart 3.

Why are the less than 15,000 pounds gross vehicle weight and school buses left out. My opinion is that if it is permissible for those vehicles, it should apply to the smaller, less weight vehicles like the special transportation vehicles.

Sincerely,

Harvey A. Hengel, Director

Southern Minnesota Independent Living Enterprises & Services

(507) 345-7139 Voice & TDD

(507) 345-8429 FAX

February 20, 1992

Richard Schultz
State Patrol
107 Transportation Bldg.
395 John Ireland Blvd.
St. Paul, MN 55155

Dear Mr. Schultz:

Please send us a copy of the proposed rules which govern the use of tie-downs in buses.

Thank You.

Sincerely,

Patrick M. Ellis

Patrick M. Ellis
Executive Director

PE:dm

SAT 2-26-92

709 South Front Street, Mankato, Minnesota 56001-3804

Member of United Way

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
STATE PATROL DIVISION

In The Matter Of The Adoption
Of Rules Of The State
Department Of Public Safety
Relating To Wheelchair
Securement Devices

DECLARATION
OF COUNSEL

I, Jeffrey Bilcik, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010, have been followed. Any exceptions are listed below. For Attorney General Billing purposes, the four-digit docket client code is

0715.

Jeffrey Bilcik
Special Assistant Attorney General

Dated: 3-13-92

(P)

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
STATE PATROL DIVISION

In The Matter Of The Proposed Amendments To Rules Of The State Department Of Public Safety Relating To Wheelchair Securement Devices	**AFFIDAVIT OF MAILING THE STATEMENT OF NEED AND REASONABLENESS TO THE LEGISLATIVE COMMISSION TO REVIEW ADMINISTRATIVE RULES**

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

Dave Orren, being sworn says:

That on the fifteenth day of January, 1992, I mailed the Statement Of Need And Reasonableness for the above-captioned Rules to the Legislative Commission To Review Administrative Rules in compliance with Minnesota Statutes, sections 14.131 and 14.23. The mailing was done through the interoffice mail of the State of Minnesota.

Dave Orren

Dave Orren

Subscribed and sworn
to before me this 15 day
of January, 1992.

Laura Nehl-Trueman

Notary Public

Laura Nehl-Trueman
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires 4-4-96