



State of New Hampshire

GENERAL COURT

CONCORD

MEMORANDUM

DATE: November 1, 2017

TO: Honorable Shawn N. Jasper, Speaker of the House
Honorable Chuck W. Morse, President of the Senate
Honorable Paul C. Smith, House Clerk
Honorable Tammy L. Wright, Senate Clerk
Honorable Chris Sununu, Governor
Michael York, State Librarian

FROM: Representative Steven Smith, Chairman

SUBJECT: Final Report of the Committee to Study Requiring Passengers on School Buses to Wear Seat Belts.
HB 196, Chapter 21:1, Laws of 2017

Pursuant to HB 196, Chapter 21:1, Laws of 2017, enclosed please find the Final Report of the Committee to Study Requiring Passengers on School Buses to Wear Seat Belts.

If you have any questions or comments regarding this report, please do not hesitate to contact me.

I would like to thank those members of the committee who were instrumental in this study. I would also like to acknowledge all those who testified before the committee and assisted the committee in our study.

Enclosures

cc: Members of the Committee

FINAL REPORT

Committee to Study Requiring Passengers on School Buses to Wear Seat Belts.

HB 196, Chapter 21:1, Laws of 2017

November 1, 2017

Representative Steven Smith, Chairman
Representative Donald LeBrun
Representative Mariellen MacKay, Clerk
Representative Michael O'Brien
Senator William Gannon

Committee Charge and Study Purpose:

The committee was charged with studying the issue of requiring passengers on school buses to wear seat belts.

Process and Procedures:

The committee organized on Tuesday, August 29th and elected Representative Steven Smith as Chair. The Chair appointed Representative Mariellen MacKay as committee clerk.

The committee met three times throughout the study period. The following is a review of each meeting. The minutes are attached with more in depth information.

August 29: The committee organized and discussed its charge. Attendees were invited to speak on the subject of requiring school bus passengers to wear seatbelts. A number of groups were represented including the New Hampshire School Transportation Association, Department of Safety, and Manchester School Bus Transportation Authority, among others.

September 19: The committee heard from representatives from the New Hampshire School Transportation Association and Transit Local 233. The committee discussed issues including enforcement, compliance, liability, school bus accidents involving fire or submergence in water, costs, and more.

October 10: The committee discussed school bus crash data. The committee reviewed many questions still unanswered and determined New Hampshire lacks conclusive data.

Findings:

Each year, school buses log more than 4 billion miles on U.S. roadways, transporting roughly 25 million students. But despite all the inherent risks, the number of students killed in school bus crashes is relatively small. According to the National Highway Traffic Safety Administration (NHTSA), most of the 301 children killed in school bus crashes from 2006 to 2015 were

pedestrians or occupants of other vehicles. Only fifty-four of those killed were school bus passengers.¹

This committee is mindful that if one of the five or six fatalities per year is your child, the scope no longer matters. However, in crafting a state wide policy, we need to ensure that policy to help prevent that death does not incur further risk. Requiring seat belt use may add time to each stop, which is also dangerous.

The lack of data has led to speculative positions that vary widely. The American Academy of Pediatrics has long recommended that passenger seat belts be installed on newly manufactured school buses. Implementation is the real problem. “Nobody cares more about kids’ lives than I do. That’s my job,” said Rich Casey, transportation director for Bellevue Public Schools in Nebraska. “If I really believed school buses were unsafe with their current configuration, I would be 100 percent behind putting seat belts on school buses. But there is no scientific or empirical data that shows they would offer more protection than the current system.”²

Further, if you happen to live somewhere requiring the school bus to travel over bridges or along a body of water, you may need data about escape times, which this committee was unable to find. “Young children may not be able to unbuckle themselves without assistance, and panicked or disoriented students could be trapped by their belts,” said Danielle Batchelder, business services director for Windsor Public Schools in Connecticut, in her January testimony before a state House committee.”³

According to the National Education Association, bus drivers have concerns:

1. Students can and do use the heavy belt buckles as weapons, injuring other riders.
2. It is next to impossible to make sure that all students keep their belts properly fastened, so that they are not injured by the belts in an accident.
3. If a bus has to be evacuated in an emergency, such as a fire, panicked or disoriented students might be trapped by their belts.⁴

The first point is an outlier. Effective discipline and follow up is the answer to the weapon issue. Point two does make it difficult to determine effectiveness, but is speculative and also not a factor. Point three is significant. Before establishing a state mandate, it is incumbent upon us to ensure that we are not creating a more dangerous situation than already exists.

This is probably why NHTSA does not currently require seat belts on large school buses. NHTSA’s position is:

¹ NHTSA’s National Center for Statistics and Analysis, *Traffic Safety Facts 2006-2015 Data: School-Transportation-Related Crashes*, National Highway Traffic Safety Administration (August 2017), <https://crashstats.nhtsa.dot.gov/Api/Public/Publication/812366>.

² Jenni Bergal, *More States Debate Requiring Seat Belts on School Buses*, The Pew Charitable Trusts (Mar. 9, 2017), <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/03/09/more-states-debate-requiring-seat-belts-on-school-buses>.

³ *Id.*

⁴ *Seat Belts, School Buses and Safety*, Ohio Education Association, <https://www.ohea.org/cms/assets/uploads/2016/12/Seat-Belts.pdf>.

Seat belts have been required on passenger cars since 1968; and 49 States and the District of Columbia have enacted laws requiring the use of seat belts in passenger cars and light trucks. There is no question that seat belts play an important role in keeping passengers safe in these vehicles. But school buses are different by design, including a different kind of safety restraint system that works extremely well.

Large school buses are heavier and distribute crash forces differently than passenger cars and light trucks do. Because of these differences, bus passengers experience much less crash force than those in passenger cars, light trucks and vans.

NHTSA decided the best way to provide crash protection to passengers of large school buses is through a concept called “compartmentalization.” This requires that the interior of large buses protect children without them needing to buckle up. Through compartmentalization, children are protected from crashes by strong, closely-spaced seats that have energy-absorbing seat backs.

Small school buses (with a gross vehicle weight rating of 10,000 pounds or less) must be equipped with lap and/or lap/shoulder belts at all designated seating positions. Since the sizes and weights of small school buses are closer to those of passenger cars and trucks, seat belts in those vehicles are necessary to provide occupant protection.⁵

Recommendations:

- Monitor other states’ attempts to implement this policy in order to gather data on the risks and rewards.
- Create a mechanism to receive and evaluate updates from NHTSA.

It is the position of the committee that there is insufficient data to decide if requiring seat belts to be worn on school buses would result in a net decrease in deaths and injuries. Consequently, we cannot state that it would. School districts are encouraged to evaluate this topic themselves when considering the cost of purchasing new buses. It was generally agreed that a statewide retrofit was cost prohibitive. A phase-in has much less economic impact. Adding seat belts adds approximately 6% to the cost of a new school bus. A phased approach solves the initial problem of any type of state requirement, namely the fact that the buses don’t have the belts available to use.

In 2015, NHTSA changed its position on school bus seat belts. Prior to that, they opposed requiring seat belts. In 2015, they changed that position to “requires more study”. Current NHTSA efforts involve identifying data and statistic requirements to prove the model, and

⁵ National Highway Traffic Safety Administration, *School Buses*, <https://www.nhtsa.gov/road-safety/school-buses> (last visited Oct. 23, 2017).

identifying methods of collecting the data . Considering the risks, and that school buses and their drivers are already the safest form of public transportation, it is prudent to wait for the result of the work NHTSA is doing before crafting a state policy.

Respectfully Submitted,

Representative Steven Smith, Chairman