SUBJECT: Requiring three-point seat belts for new school or school-chartered buses

COMMITTEE: Transportation — committee substitute recommended

VOTE: 5 ayes — Krusee, Deshotel, Harless, Hill, Murphy

0 nays

1 present not voting — Phillips

3 absent — Harper-Brown, Haggerty, Macias

WITNESSES: For — Steve Forman, West Brook Bus Crash Families (*Registered, but did not testify:* Brad Brown, West Brook Bus Crash Families, National Coalition For School Bus Safety, Texas Chapter; JoAnne Bonura; Mike Bonura; Max S. Duplant; Don Joseph)

Against — Sam Dixon and Jim Norman, Texas Association for Pupil Transportation

On — (*Registered, but did not testify:* Ramiro Canales, Texas Association of School Administrators, Texas Association of School Boards; Pam McCurdy, Texas Department of Public Safety)

DIGEST: CSHB 323 would amend Transportation Code, sec. 547.701 to require each bus transporting school children be equipped with three-point — lap/shoulder — seat belts for the driver and each passenger. The requirements would apply to all buses purchased by the school district on or after September 1, 2010, and to all buses operated by or contracted for use by a school district on or after September 1, 2014. The definition of "bus" would include a school bus, a school activity bus, a school-chartered bus, or a bus operated by a mass-transit authority under contract with a school district.

The bill would take effect September 1, 2007.

SUPPORTERS SAY: CSHB 323 would require that all buses used by a school district contain the same safety feature as other automobiles — a seat belt. The bill would give school districts and the companies with which they charter buses a

reasonable amount of time — more than seven years — to comply in a cost-effective manner with these requirements. Studies have shown the lap/shoulder belt to be the best safety option for school buses, and any concerns about cost should not be placed ahead of the protection of our children.

The goal of this bill is to protect the lives of school children who ride buses, particularly in view of a recent, tragic bus accident. On March 29, 2006, a chartered bus carrying 23 soccer players from West Brook High School en route to a playoff game overturned and killed two of the players. The bus did not come equipped with seat belts, causing some players to be thrown about inside and outside of the vehicle. In July, the Beaumont Independent School District became the first Texas school district to require all new buses come equipped with lap/shoulder seat belts and since has purchased 30 new school buses.

Although the Beaumont students were in a chartered bus, most children in Texas still are traveling to and from school in buses employing a technology developed in the 1970s called "compartmentalization." Federal law has required that any new school bus made on or after April 1, 1977, use this method, which requires the installation of closely spaced seats with energy-absorbing seat backs, although smaller buses weighing less than 10,000 pounds are required to have seat belts. Compartmentalization has serious flaws — especially for a child sitting in the front row — and is designed to adequately protect children only in low-speed frontal crashes. Compartmentalization is especially unsafe in side-impact crashes, and its safety level varies from bus to bus depending on the height and padding of each seat back.

The National Highway Traffic Safety Administration (NHTSA), in its most recent study on school safety belts in 2002, found that lap/shoulder seat belts are the safest option for school buses, ahead of compartmentalization and lap belts, which cause problems because of the amount of pressure they place on the abdominal area of still-developing children. Lap/shoulder seat belts do not cause these problems and can be adjusted to properly fit a child of any age. According to NHTSA, usage of lap/shoulder seat belts could reduce frontal crash fatalities in school buses by an annual average of 50 percent and significantly reduce head and neck injuries. They have been found to be particularly effective in reducing ejection in rollover crashes.

Seat belts also would have other safety effects. They would help improve discipline problems on buses because children would not be able to roam the aisles or stand up at all. This would reduce driver distraction. Wearing a seat belt on a bus also would teach children good safety habits. For many children, the school bus is the only place where they do not wear a seat belt, and it is difficult to impart a consistent message about the importance of wearing seat belts if children are unable to use them in the vehicle they ride in every weekday.

Concerns about cost and bus capacity are overblown. Although three elementary school students can fit in a row of seats on an average school bus, buses carrying older — and generally larger — students generally fit two to a seat, so the capacity of these buses would be unchanged with lap/shoulder seat belts. Additionally, NHTSA reports that the average bus operates at 72 percent of its passenger capacity, so a 20 percent reduction might have no effect on a single bus route or at least could be absorbed by reconfiguring certain routes without requiring additional vehicles. The average life of a school bus is around 10 years, so most school districts will have to replace large portions of their fleets by 2014 in any case. This bill simply would mandate that the new buses come equipped with lap/shoulder seat belts.

OPPONENTS SAY:

School buses are the safest form of ground transportation in America today, and this bill would use an admittedly tragic event to impose an enormous unfunded mandate on school districts without any real safety benefit. School districts would have to pay several hundred million dollars annually to comply, and this bill would not provide for any changes in school funding formulas or new appropriations to help defray that cost.

School buses today are extremely safe. Each year, school buses travel more than 4.3 billion miles, and the fatality rate for each 100 million vehicle miles traveled is 0.2 percent. Compared with traveling in a car, riding in a school bus is eight times safer. The most dangerous place to be actually is outside the bus — other vehicles, pedestrians, and bicyclists all are at higher risk than children inside school buses.

Although NHTSA has shown lap/shoulder seat belts to be the safest option, that is predicated on the idea that they are worn properly by 100 percent of the passengers. Given the demographic involved, such a scenario is not very likely. Improperly wearing a seat belt could do more damage to a child than not wearing one at all. If this were such a definitive

safety solution, it would be required by the federal government and employed in more than five states. Other tangential safety benefits, such as reducing driver distraction, are questionable. In fact, this bill could lead to different distractions for drivers, such as trying to ensure that all the children had properly fastened their safety belts.

School districts such as Beaumont that want to spend the additional money for buses they believe are safer for their students should have that option, but school districts that either do not have the money or question the safety benefits should not be required to do so. Installing lap/shoulder seat belts reduces the capacity of a bus by 20 percent, which would lead to more districts buying more buses. The costs would add up quickly after that — more bus drivers, more salary and benefits, and more space needed to park the buses. This assumes a school district could find enough drivers, which would be difficult in some areas, given the strict requirements the state imposes.

The committee substitute would exacerbate the impact on districts by moving up the deadline for full compliance from 2017 to 2014. Few, if any, school districts will cycle through an entire fleet of buses in the next seven years, so they would face additional costs retrofitting existing buses on top of the costs of purchasing new buses. Although districts would not have to purchase new buses with lap/shoulder seat belts until 2010, as opposed to 2008 in the original version, most districts purchasing new buses before 2010 would buy those equipped with lap/shoulder seat belts in order not to incur additional costs to retrofit those vehicles by 2014.

OTHER OPPONENTS SAY:

Requiring school buses to have seat belts is a good idea, but the state should compensate districts to help them comply. The Legislature should increase the Foundation School Program transportation allotment to account for the additional buses and route miles that likely would be created by reducing current bus capacity.

NOTES:

The Legislative Budget Board does not anticipate a state fiscal impact associated with this bill. It estimates, based on an assumption that school districts annually would replace 25 percent of their school buses between fiscal 2011 and fiscal 2014, costs of purchasing new buses, retrofitting existing buses, and reduced capacity would be $260.7 million in fiscal 2011 and $318.5 million in fiscal 2012. Costs would increase at a similar rate until full implementation in fiscal 2015.

If the Legislature amended Education Code, sec. 42.2516 to increase the transportation allotment in proportion to the additional route miles traveled by school buses that resulted from compliance with CSHB 323, the LBB estimates such a change would cost the state $18.4 million in fiscal 2011 and $36.8 million in fiscal 2012, increasing until full implementation in fiscal 2015.

The committee substitute moved the date by which school districts would be required to purchase buses equipped with lap/shoulder seat belts to 2010, instead of 2008, as in the bill as introduced. The substitute also moved the date of full compliance from 2017 in the original version to 2014.

The companion bill, SB 724 by Lucio, is pending in the Senate Education Committee.

A related bill, HB 229 by Ritter, which would require that all school buses have lap/shoulder seat belts by September 1, 2007, is pending in the House Transportation Committee. Its identical companion, SB 118 by Zaffirini, is pending in the Senate Education Committee.

Another related bill, HB 1791 by Anderson, which would require that every new school bus purchased after September 1, 2007, be equipped with lap/shoulder seat belts and would reimburse school districts for half the costs associated with retrofitting existing buses, is pending in the House Transportation Committee.