December 21, 2015

The Honorable Mark R. Rosekind, PhD
Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Dear Dr. Rosekind:

On behalf of the National School Transportation Association (NSTA) and the National Association for Pupil Transportation (NAPT), we would like to take this opportunity to thank you for speaking at the NAPT Summit in Richmond, Virginia on November 8, 2015, and addressing one of the most important issues to the school transportation industry – seat belts on large school buses.

Given the significance of the change in NHTSA's policy announced on November 8, 2015, we would like to explain our many concerns with your recent recommendation. We would also like to meet with you and your senior staff to discuss these concerns and ask to be included in the committee you are forming to further explore this issue. We are not opposed to seat belts, but for us this issue is about two things – decisions that are supported by science and data and ensuring that as many children as possible have access to the safest environment in which to travel to and from school.

*School Bus Safety*

The National Highway Traffic Safety Administration (NHTSA) and the school transportation industry recognized many years ago that the safest and most effective design for school buses is a passive restraint system. This type of design requires no action to engage by either the traveling student or the driver and provides highly-effective crash protection. In addition to the design, school buses comply with 36 Federal Motor Vehicle Safety Standards (FMVSSs) and are operated on designated routes with highly trained drivers.

We have previously requested and continue to urge NHTSA to research any additional enhancements which could be made to compartmentalization to increase the safety benefit of the passive restraint system. It would be extremely disappointing if the Agency that conceived, created and codified compartmentalization simply defaulted to seat belts as the best way to improve school bus passenger crash protection without doing the necessary research.

With respect to safety, in the 2011 Petition Denial, NHTSA recognized the following:

> "We estimated that lap/shoulder seat belts would save about 2 lives per year and prevent about 1,900 crash injuries, of which 97 percent are minor/moderate severity (mainly cuts and bruises), assuming every child wore them correctly on every trip."
>
> "Under the described conditions, the Agency estimates that the increased risk from students finding alternative, less safe means of getting to and from school could result in an increase of 10 to 19 school transportation fatalities annually."

NHTSA's statements show that the unintended effect of requiring seat belts on large school buses could endanger more children (10 to 19) than it would potentially benefit (2). Moreover, NHTSA estimates that every year, on average, five students are killed inside a school bus; eleven students are killed in the danger zone area around the school bus; and 800 students are killed travelling to and from school by any means other than by a school bus. By focusing safety efforts on the danger zone around the bus, NHTSA could have a more significant impact on safety and a greater reduction in the fatality rate than could be realized by adding seat belts to school buses.

That same 2011 NHTSA Petition Denial noted:

> "A requirement for seat belts could affect funding for school transportation."
>
> "Increased costs to purchase and operate large school buses could reduce the availability of school bus service overall, and reduce school bus ridership. The reduced ridership may result in more students finding alternative, less safe means of getting to or from school or related events, such as riding in private vehicles – often with a teenage driver. When alternative means are used, the risk of traffic-related injury or fatality to children is greater than when a large school bus is used."

If a school district has to choose between buying school buses with three-point seat belts or reducing the routes they currently offer either because they are forced to make financial decisions that may include cutting service or having an insufficient number of buses to meet their needs, then safety is no longer the first priority. Any time even one child is displaced from a school bus and forced to find a less safe means to and from school, any safety benefit realized by one child wearing a three-point seat belt is far outweighed by another child traveling to school by any other less safe means.

*Regulatory Procedure and Economic Impact*

NHTSA has, until your remarks of November 8, 2015, addressed this issue through the regulatory process. By not addressing your change in position through the regulatory process it is unclear how NHTSA intends to bridge the gap between the most recent regulatory statements on this issue, the data supporting that position, and the policy change announced by you on November 8, 2015. We, therefore, ask you to clarify if NHTSA intends to rescind the August 25, 2011 petition denial and the rationales supporting that decision that previously were the definitive Agency answer on this issue.

We are concerned that NHTSA may not fully appreciate the economic impact this recommendation would have on the school transportation industry. The economic impact includes many components, such as: the actual seat belt costs; additional driver and passenger training to ensure use; passenger monitoring to ensure proper use; and potentially longer route times due to ensuring compliance, which could ultimately effect school bell times.

According to our seat belt manufacturer members, if every new bus across all manufacturers were to be built with three-point belts, it would approximately cost an extra $250 million per year. This estimate does not account for any retrofitting of current school buses resulting from your November 8, 2015 statement or any future retrofits that NHTSA could require. There are approximately 480,000 school buses on the road today and if we use 2015 statistics from the industry magazine, *School Bus Fleet* to break down the numbers by bus type and multiply the number of buses by the estimated retrofit costs provided by our seat belt manufacturer members, we would see the following:

| **School Bus Type** | **Number of Vehicles Currently on the Road** | **Cost for Seat Belt Retrofit Per Bus** | **Total Cost Per Type** |
|---|---|---|---|
| Type A | 92,781 | $4,225* | $391,999,735 |
| Type C | 306,513 | $15,000* | $4,597,695,000 |
| Type D | 73,608 | $17,746* | $1,306,247,568 |
| **TOTAL COST:** | | **$6,295,942,293** | |

*This is an average estimated cost.

Because of the cost and the myriad of issues in dealing with the varying ages of the buses currently on the road, we strongly encourage NHTSA to avoid consideration of any retrofit requirement.

*Availability and Equity of Federal Funding*

Along with our local transportation funding concerns, we would also like to take this opportunity to speak to any potential Federal funding for seat belts. We noted that on November 8, 2015, you stated that "NHSTA is in contact with safety advocates and looking at the Agency's available resources to determine how NHTSA, in coordination with other entities, might help overcome the financial barriers of making seat belt universally available to students." We recognize that Federal assistance will be difficult to achieve within the currently tight budgetary climate, but ask that any federal assistance be available to all. School districts have made the choice across the country to either be publicly operated or to outsource to school bus contractors. If school buses are required to have seat belts and funding is available to assist with the purchase of seat belts, funding should be available equitably to all who purchase school buses – be that entity public or private. If the safety of our children is truly driving this decision, it should not matter how their transportation is provided.

*Operational Concerns*

We also wish to raise, for your consideration, several operational issues with requiring seat belts on school buses. First, we strongly encourage you to carefully consider and study whether or not seat belts would impede passenger evacuation in the event of a thermal or immersion emergency, or in the case of a rollover situation with an incapacitated driver. We are most concerned with the youngest passengers and those with special needs, but the safety of all passengers is critical in an emergency when every second counts. A young or disabled child who may be able to unbuckle a belt when no danger is present would likely not be able to do so in a crash situation with fire, smoke or water filling the bus. To suggest this would be the case would be the equivalent of saying it would be safe to let a 4 year old walk to school by themselves.

We also urge you to address actual seat belt use – if students are required to use these seat belts, who will be responsible for ensuring they are being worn and will they also be responsible for being sure they are being worn correctly?

In addition, the school transportation industry needs clear direction on liability. The responsibility for ensuring seat belts are worn and if additionally required, worn properly, is a very important consideration and one that for now remains unaddressed.

*NHTSA Committee and Next Steps*

Our final point is that in your November 8, 2015 remarks you announced the creation of a committee to further study this issue. You stated in particular that you would be contacting the Governors of the six States with current seat belt laws in place to ask them "to nominate one participant from state government and one from a local school district" to join in your efforts. Those states can speak to their own varying belt laws, but that leaves 44 states unrepresented despite the significant effect your announcement and the subsequent actions of this committee would have on them. On behalf of all school transportation operators – in states with seat belt laws and particularly in states without – we request that both our associations be included on the committee. We have served in similar capacities with other federal agency advisory committees, such as the Federal Motor Carrier Safety Administration (FMCSA) on its most recent Entry Level Driver Training Negotiated Rulemaking Committee, and made valuable contributions.

We understand January 27, 2016 is the date set for the meeting of those invitees and we request to be included in this meeting and all subsequent meetings on this issue. We hope NHTSA would not exclude the stakeholders with the most knowledge and expertise from this critical discussion. This would in effect deprive NHTSA and the public of the best available insight, operational experience and safety knowledge on the very issues under consideration.

Finally, in the interests of supporting the agenda for the January 27 meeting, we would also like to request a preliminary meeting with you and your senior staff to discuss our specific concerns more thoroughly. We are available for such a meeting at your convenience.

As we stated at the beginning of this letter, we are not opposed to seat belts, but for us this issue is about two things – decisions that are supported by science and data and ensuring that as many children as possible have access to the safest environment in which to travel to and from school.

In closing, we again thank you for speaking on this most important issue and thank you for your consideration of our concerns. Should you have questions, Mike Martin of the National Association for Pupil Transportation may be reached at (518) 452-3611 or via email at mike.martin@napt.org and Ronna Weber of the National School Transportation Association may be reached at (703) 684-3200 or via email at rweber@yellowbuses.org.

Sincerely,

Michael J. Martin
Executive Director
National Association for Pupil Transportation

Ronna Sable Weber
Executive Director
National School Transportation Association