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SCHOOL BUS OCCUPANT PROTECTION

A Consideration of the Issues for State Policy-Makers

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Executive Summary

The National Highway Traffic Safety Administration adopted new regulations to upgrade the safety of America's school buses in October 2008. The new rules require small school buses, under 10,000 lbs GVWR, to have lap/shoulder belts rather than lap belts; and large buses to have higher seat backs. While the regulation sets forth standards for the voluntary installation of seat belts in large buses, it stops short of requiring seat belts. NHTSA said that because school buses are already very safe, a federal mandate is not warranted. Instead, states and local districts should be free to make that decision for themselves.

In August 2011, NHTSA reiterated its position in denying a petition to require lap/shoulder belts in large school buses. NHTSA pointed out that the cost of buying and operating large school buses with seat belts could cause school districts strapped for money to reduce the number of students they transport. Since students are at much greater risk traveling to school in other ways—particularly in teen-driven automobiles—the agency calculates that a seat belt mandate could result in an increase of 10-19 student fatalities each year.

NHTSA's new regulation did not end the school bus seat belt controversy; it merely shifted the focus to the states. In an effort to help state and local policy-makers understand all the issues involved in a discussion of school bus seat belts, NSTA has prepared a guide to the safety, cost, and operational factors that decision-makers should consider in looking at a possible mandate. We also recommend elements that should be included in any legislation requiring seat belts, and suggest alternatives that may be more attractive than mandates.

The safety benefits of lap/shoulder belts are well-documented. NHTSA reported in 2002 that lap/shoulder belts could improve crash protection for school bus passengers, and the National Transportation Safety Board concluded in their investigation of the Huntsville, Alabama, crash that lap/shoulder belts could have prevented one of the four fatalities and mitigated many of the serious injuries. Still, since most of the five (on average) annual school bus occupant fatalities occur to students seated in the direct line of impact, NHTSA estimates that only one life would be saved each year if all buses in the country were equipped with belts. And if fewer students are

transported because of the lost capacity on buses due to lap/shoulder belts, more students are likely to die going to and from school by riskier means.

It is important, therefore, that any legislation take into account the cost of replacing lost capacity, averaging about 10%. In order to be effective, legislation must also include a usage requirement, a training requirement, and liability protection.

It is always difficult to talk about cost when discussing school bus seat belts, as the issue is so emotionally charged, particularly following a fatality. But as policy-makers, you don't have the luxury of emotion; you are charged with the responsibility to spend limited resources wisely. School buses are already the safest way for kids to get to school, and while they would be even safer with lap/shoulder belts, the critical question is whether spending money that way rather than on competing priorities is the best investment for your children.