



November 22, 2019

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue SE
West Building, Ground Floor, Room W12-140
Washington, DC 20590-0001

**RE: Docket No. NHTSA-2019-0093
Advanced Notice of Proposed Rulemaking of Occupant Crash
Protection
Written Comment from the National School Transportation Association
to the National Highway Traffic Safety Administration**

Dear Sir or Madam:

The National School Transportation Association (NSTA) is pleased to offer comments to the National Highway Traffic Safety Administration Notice regarding the Agency's advanced notice of proposed rulemaking for occupant crash protection, as published on September 27, 2019, in Volume 84, Number 188 of the Federal Register.

NSTA is the leading resource for school bus transportation solutions and the voice for private contractors for over 55 years. NSTA was formed in 1964 as a membership organization for school bus contract-operators engaged primarily in transporting students to-and-from school and school-related activities. Our members range in size from small family businesses serving one school district, to large corporations operating tens of thousands of buses across multiple states committed to the safe, efficient and economical transportation of our nation's children and future leaders.

School bus transportation is the safest way to transport a child to and from school – even safer than walking, biking, or riding in a parent or fellow student's car. In fact, students are seventy times more likely to arrive at school safely when being driven by a school bus, than they would if they were riding in a car.¹ Each day, 26 million children are transported to-and-from school on an estimated 480,000 yellow school buses. Daily, the lives of children on a school bus are entrusted to certified school transportation professionals, who have received special training² and have the experience to ensure the safe transport of children to-and-from school and school related activities.

NHTSA has requested public comment on its proposal to initiate rulemaking on Federal Motor Vehicle Safety Standard No. 208 entitled "Occupant Crash Protection" requiring seat belt warning systems for rear seats, as outlined under MAP-21. This proposal applies to school buses weighing 10,000 lbs. and less. NSTA expresses concern over the potential unintended

consequences by implementation of NHTSA's proposal to mandate seat belt use warning systems for rear seats, without the Agency first having identified an appropriate funding source. NSTA strongly believes that as many children as possible should have access to the safest mode of transportation to travel to-and-from school, and that school transportation service should not be compromised because limited funding gets diverted as a result of equipment mandates being thrust upon the industry without any accompanying revenue to support the mandate.

In addition, NSTA remains concerned over passenger avoidance of seat belt warning systems by simply buckling the seat belt restraint behind him/her, and thus turning off the alarm without having complied with the purpose of the alarm. As a result, NSTA encourages NHTSA to outline a hold-harmless provision in the regulations to cover school bus operators for instances where a student passenger, intentionally and voluntarily, evades a seat belt restraint system and sustains injuries as a result.

Furthermore, based on experience from our contractor members, we do not believe these systems, as per the proposal, will provide the desired results. NHTSA should be cognizant that seat belt sensors must be sensitive enough to distinguish between pre-k children up-to-and-including high school students – who may travel on the exact same school bus. Due to this unique dynamic, NSTA highlights the fact that seat sensors must accurately detect the differentiating weight of all pupils riding that particular bus.

In addition, we strongly believe that further external factors have not been adequately considered. For example, can these systems distinguish between a high school student, and a band instrument or backpack when that item is placed on an empty seat? Will “false alarms” impact the safe and efficient operation of the school bus as a result? In addition, from first-hand experience, many school bus operators note that students are less likely to utilize their seat belts when they reach adolescence. School bus drivers have limited resources at their disposal to enforce seat belt compliance, and often the student passengers' failure to comply with a seat belt deployment may actually come after repeated requests to do so from school bus drivers or aides.

Based upon these multiple concerns, NSTA is unable to recommend best practices for enforcement of rear seat sensor systems on school transportation passenger vehicles weighing 10,000 lbs. or less. Overall, if and when this rule is implemented, we believe it will be nearly impossible for appropriate agencies to uniformly apply and enforce this rule.

Finally, NSTA believes that these types of equipment mandates should be carefully considered at the state and local level, and where they can be tied to appropriate funding streams. We strongly believe that decisions, like this one, that require funding should be determined by the appropriate state or local government entity. In this manner, many of the issues that we raised previously can be vetted carefully, and with input from parents, administrators, and students. This way, the ramifications of the mandate can be carefully considered within the full context of the school transportation realm. We cannot allow pupil transportation availability to be eroded due to limited funding being spent in ways that are inconsistent with what empirical data suggests.

Just as NHTSA's top priority is to achieve the highest standards of excellence in motor vehicle and highway safety, NSTA's priority is to ensure school transportation remains the safest form

of student transportation. Every student should have access to safe and reliable transportation on a yellow school bus. It is for those reasons that NSTA cautions NHTSA on the potential challenges associated with deployment of alarm systems for rear seat belt use.

NSTA appreciates the opportunity to offer comments on the NHTSA Notice, Docket No. NHTSA-2019-0093, and looks forward to working to craft a solution with you on this and other proposed rules. If further clarification is required, please do not hesitate to contact me at 703-684-3200 ext. 700, or by e-mail at cmacysyn@yellowbuses.org.

Sincerely,



Curt Macysyn
Executive Director
National School Transportation Association

¹ U.S. Department of Transportation, National Highway Traffic Safety Administration, "School Bus Safety," <https://www.nhtsa.gov/road-safety/school-bus-safety>; see also, American School Bus Council, "fact: The School Bus is the Safest Way to Travel to and from School," <http://schoolbusfacts.com/wp-content/uploads/2016/12/Safety-Benefits.pdf>

² See American School Bus Council "Safety Features of the School Bus," <http://schoolbusfacts.com/wp-content/uploads/2017/01/SafetyFeatures.pdf>