



Comments from the National Association for Pupil Transportation® (NAPT®) to the National Highway Traffic Safety Administration (NHTSA) regarding its Advanced Notice of Proposed Rulemaking (ANPRM) concerning FMVSS 208 (Docket No. NHTSA-2019-0093)

The National Association for Pupil Transportation® (NAPT®) is a non-profit §501 (c) (6) organization that serves as the world’s premier student transportation market space, a diverse community of people and organizations that share a passion for safe and efficient student transportation. In concert with the NAPT Foundation Inc.®, our §501 (c) (3) nonprofit educational affiliate, we offer school districts and their transportation and transportation-related service providers a wide variety of communication, leadership, education and advocacy services.

We are pleased to respond to NHTSA’s Advanced Notice of Proposed Rulemaking (ANPRM) on a requirement for seat belt use warning systems for rear seats, as directed by the Moving Ahead for Progress in the 21st Century Act of 2012 (MAP-21).

Our interpretation of the Congressional intent for such warning systems is to investigate their application and safety benefit primarily for rear seat passengers riding in common use passenger vehicles like cars, light trucks, vans, and SUVs - vehicles where belts are installed, and use is already the majority practice. NHTSA in this ANPRM is seeking broader public comments as to whether the requirement should extend to larger commercial vehicles, including school buses.

Specifically, “NHTSA seeks comment on the vehicles to which any proposed rear seat belt warning requirements should apply. We also seek comment on whether any vehicles within the broad applicability criteria should be exempt. Rear seat belts are generally required except in certain buses (such as school buses) between 10,000 lbs. and 26,000 lbs., and for school, perimeter, and transit buses over 26,000 lb. (Other exceptions also apply.) We especially seek comment on whether a rear seat belt warning should be required for high-occupancy vehicles such as 15-passenger vans, large sport utility vehicles, school buses, and large trucks and vans with a GVWR less than or equal to 4,536 kg (10,000 lbs.). [Footnote 86] “

We concur with NHTSA that, “Vehicles with a larger number of rear seats may present visual signal complexities and other challenges. At the same time, such vehicles could be at least as likely, if not more likely, to have rear occupants. With respect to school buses, we acknowledge that a rear seat belt warning requirement might place additional cost burdens on school systems, given that such cost can lead to reductions in school bus service, resulting in greater risk to students. [Footnote 87] We also note

that school buses of all sizes offer passengers compartmentalization protection to reduce the risk of crash injury, even to the unbelted.”

While this ANPRM is silent regarding applicability to large school buses we take this opportunity to caution that any such future application would be fraught with operational challenges for school bus operations. In a previous regulatory process resulting in a final rule on the subject of school bus occupant protection, the agency declined to mandate seat belts in large school buses. And, unlike passenger cars where belt effectiveness is well documented by FARS and New Car Assessment Program (NCAP) crash data, the agency has never, to our knowledge, announced an effectiveness number for the benefit of seat belts in school buses, even smaller school buses with a GVWR less than or equal to 10,000 lbs. that are currently required to have lap/shoulder seat belts.

Our intent in making this point is not to dispute the effectiveness of safety belts, but to reiterate the lack of a regulatory mandate for belts in large school buses, along with no effectiveness numbers, as ongoing challenges for states and school districts attempting to reach decisions on whether to order new school buses with belts. Absent a legal or regulatory requirement, ultimately the decision to equip large school buses with belts is a matter for states and school districts to decide based on the many complex decision factors involved in allocating state and local educational resources.

Several accident investigations of school bus crashes by the National Transportation Safety Board (NTSB) led the Board to strongly advocate that all school buses be equipped with lap/shoulder belts. While most of the nation’s 480,000 school buses are still not equipped, consumer demand is bringing about a voluntary change.

In addition, NAPT® and the National Association of State Directors of Pupil Transportation Services (NASDPTS) are seeking to foster the highest level of safety performance in a program we created to achieve zero school bus-involved passenger and pedestrian fatalities by 2025. Called “Zip. Zero. Nada. None.”, we believe it’s the most ambitious safety goal in the transportation sector. We recommend additional safety equipment and technology aboard school buses, along with improved driver recruitment and training to achieve the goal.

Our industry begins this safety initiative with a strong existing safety culture that pre-dates the 1966 advent of most federal highway and motor vehicle safety programs. Today’s school buses not only must meet more Federal Motor Vehicle Safety Standards than other vehicles on the road, but also consistently have achieved the best safety record in U.S. transportation, a model that foreign countries seek to emulate. But any fatality is one too many since every parent’s safety expectation of our performance is no fatalities, period.

Smaller Type A and B school buses (GVWR less than or equal to 10,000 lbs.), the stated group included for consideration in this ANPRM, are required to have lap and shoulder belts by NHTSA standard and often are used to transport special needs students. Typically, these smaller school buses carry up to 30-32 students, depending on configuration and the requirements of the special needs students transported, some of whom may be in wheelchairs.

We offer below several practical concerns and unanswered questions for NHTSA to consider regarding these school buses (as well as large school buses), which we believe, should be exempt from the MAP-21 requirement for which you are seeking public comments:

- The primary job responsibility of school bus drivers is to transport children to and from school by driving safely and maintaining on time routing. Classrooms start times depend on this and, likewise, parents rely on the school bus to arrive at the neighborhood drop off point on time at the end of the school day.
- Requiring an audible rear seat belt warning for the back seat(s) of a passenger car, pickup truck, SUV or van with a few close proximity seats, usually occupied by a family member, friend, or fellow commuters, is one thing, but on a school bus with 30-32 children it would be problematic for a driver to enforce without additional time at each stop (i.e. a routing delay).
- If a driver got an audible alert at each of the many stops that a seat belt (or many seat belts) were not fastened, what is he/she to do?
 - Would the driver be required to walk the aisle like an airplane flight attendant inspecting the entire bus and requiring students to buckle up? Would the driver be required to refuse to move the bus until all belts are buckled (and what if some kids balk)?
- Requiring seat belt warning systems in commercial applications with large numbers of passengers get to a more fundamental question that NHTSA should address in its consideration of the matter: Whose job is it to enforce buckling up? Is it the driver's responsibility, or the responsibility of passengers (children) to avail themselves of the belt and obey any applicable state law (along with parental and school information and encouragement)?
- All states have seat belt/child safety seat laws, but there is variation based on age, and/or height and weight. School buses carry children from kindergarten age up through high school. Every bus ride would be different based on what mix of students are aboard. Here again, presenting a very complex situation for school bus drivers.
- Would a driver be legally liable in a crash if a student is not buckled up and injured if it was ascertained that the driver got a warning that not all belts were fastened and did nothing, or not enough? With the reality of our tort law system, would the addition of such a system become a *de facto* unfunded mandate forcing school systems to hire bus monitors to supervise belt use, adding a significant cost to state and local budgets? We believe these operational realities must be addressed before the addition of these systems in school buses.
- If school bus drivers were compelled to respond to audible seat belt reminders, lengthening the time at each stop, what would be the impact on other motorists (often commuters during rush hours) stopped in either direction while the bus is loading/unloading? Would delays exacerbate the existing epidemic in this country (estimated to be nearly 18 million times a year) of motorists passing stopped

school buses illegally while stop lamps are flashing, and for which there is concern within our industry, pending legislation in Congress and interest by the NTSB?

- There is a national school bus driver shortage. Any belt-monitoring requirement would be still one more driver responsibility/ distraction on top of many others. In addition to driving safely and on time, school bus drivers today are involved in homeland security awareness around bus stops, and deal daily with student misbehavior, including bullying and physical assaults. We believe a part of the driver shortage problem involves the increasing and complex demands of the job.
- Because children that ride in school buses are of varying ages and sizes, and on smaller school buses often include children with fragile medical circumstances, we wonder if the sensors that would monitor belt usage are sophisticated enough to deal with the variations found in the school bus operating environment?

Again, we appreciate the opportunity to share our concerns and raise questions about this ANRPM and want to underscore our commitment to achieving the highest level of safety for pupil transportation. We are asking that school buses be exempt from the requirement because we do not believe the addition of a seat belt use warning system requirement for school buses at this time contributes to our safety goal and may impede it by adding complexities, including many unanswered questions unique to our form of transportation.

We would be happy to discuss any of our concerns in greater detail with the NHSTA staff during its deliberations on this matter. Please feel free to contact me at your convenience.

Sincerely,



Michael J. Martin
Executive Director