



NATIONAL ASSOCIATION OF
STATE DIRECTORS OF
PUPIL TRANSPORTATION SERVICES

April 15, 2003

The Honorable Jeffrey Runge
Administrator
National Highway Traffic Safety Administration
400 Seventh Street, SW
Washington, DC 20590-0001

Dear Dr. Runge:

The National Association of State Directors of Pupil Transportation Services commends the ongoing efforts of the National Highway Traffic Safety Administration (NHTSA) to improve the safety of the Nation's transported school children. NHTSA's "Report to Congress—School Bus Safety: Crashworthiness Research" (April 2002) and the research itself have provided a tremendous benefit to school transportation providers and policymakers, by sorting out the facts versus the myths regarding the relative safety provided by compartmentalization, lap belts, lap/shoulder belts, and other existing or potential passenger crash protection systems for school buses.

The report documented the impressive safety record of current school buses, in which compartmentalization is the primary passenger crash protection method. It also clearly determined that lap/shoulder belts on school buses could provide some safety benefit, unless misused, and assuming that the increased cost of lap/shoulder belts did not displace students into less-safe modes of transportation.

There are a few states and local jurisdictions, however, that have an immediate question that we believe needs to be answered in greater depth than has been done in existing NHTSA documents or statements. In its News Release that accompanied the Report to Congress, NHTSA stated:

"Some states and local school districts have voluntarily installed lap belts in their large school buses. NHTSA continues to recommend that, if states or local school districts require seat belts on school buses, they should ensure that passengers wear them correctly. States and local school districts considering purchasing seat belts for large school buses should be aware of the results of this new NHTSA research report."

We assume that when NHTSA used the term "seat belts" in the last two sentences that in fact the agency was referring to the potential dangers of "lap belts" versus the potential benefits of "lap/shoulder belts."

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We do not believe this level of information will have any effect on future decisions about lap belts in large school buses at the state or local level. First, the information in NHTSA's report is complex from both the technical and policy perspectives. As such, its real meaning could easily be misjudged. Most states and local school districts do not have the knowledge and experience needed to fully understand and appreciate the meaning of the NHTSA research. Second, government reports about lap belts that came to essentially the same conclusion have been ignored or trivialized in the past by organizations and individuals that have campaigned for lap belts in large school buses in the past. We believe the same will likely happen to the NHTSA report unless the agency expands on its professional and expert guidance on the efficacy of lap belts in large school buses in the future.

Florida, New Jersey and New York, as well as some local school jurisdictions, require that all new large school buses be equipped with lap belts. Each year a number of other states typically consider school bus safety restraint legislation. For example, the sponsors of House Bill 34 in Illinois are fully supportive of lap belts in new large school buses and specifically have chosen not to consider lap/shoulder belts as the only appropriate belt system for school buses.

The Report to Congress found that lap belts in large school buses could increase the incidence of serious neck injuries and possibly abdominal injury among young passengers in severe frontal crashes. While not discussed nor quantified, clearly there potentially could be negative consequences to lap belts in large school buses in other crash configurations.

Over the past decade, NHTSA has undertaken regulatory and voluntary efforts to stop the installation of lap belts in most passenger motor vehicles. With the known potential disadvantages of lap belts, and the distinct advantages of a lap/shoulder belt system, it is understandable that NHTSA would want to do everything it could to discourage the continued installation of lap belts in any new motor vehicle. In fact, that enactment of Anton's Law, which directs NHTSA to initiate rulemaking to eliminate the use of lap belts in all types of motor vehicles under 10,000 pounds Gross Vehicle Weight Rating reinforces the past actions of NHTSA to discourage lap belts.

We recognize that NHTSA's regulatory authority only extends to the manufacture and first sale of new motor vehicles and items of motor vehicle equipment, and not to end users. However, NHTSA frequently has provided guidelines and recommendations to states and other users in its publications and letters, especially in the critical area of school bus safety (e.g., Highway Safety Program Guideline 17 and the Guideline for Seating of Pre-school Age Children in School Buses). Additionally, the recent amendments to Federal Motor Vehicle Safety Standard (FMVSS) No. 217, "Bus Emergency Exits and Window Retention and Release," include a requirement for a warning label at emergency exit doors and windows that is specifically aimed at the end users of the school bus. The same is true of all of the other warning labels that are required on various types of motor vehicles and items of motor vehicle equipment by the FMVSSs.

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In light of:

- NHTSA's research findings regarding lap belts;
- the agency's announced intention to initiate rulemaking that would disallow the installation of lap belts in new small school buses;
- the continuing recognition that lap belts are outdated technology, as reflected in the recently enacted Anton's Law; and
- NHTSA's continuing role in ensuring the highest levels of crash protection for school bus passengers.

The State Directors Association respectfully requests the agency's answer to the following questions.

1. Does NHTSA believe its past letters of interpretation and/or public statements concerning the installation of lap belts in new large school buses are still appropriate?
2. What are NHTSA's specific recommendations to New York, New Jersey, Florida and any local school jurisdictions that currently require lap belts in all new large school buses about whether they should continue to require the installation and use of lap belts by children in large school buses?
3. What are NHTSA's specific recommendations to any state or local school jurisdiction that is considering legislation to require lap belts in all new large school buses?

While we understand that NHTSA's school bus passenger crash protection research is ongoing, we believe answers to the above questions are necessary in the short term to provide guidance to states or other jurisdictions on the issue of lap belts in new large school buses.

Thank you for your attention to this matter. Please call or write if you need further background or have questions.

Sincerely,

Deborah Lincoln
President