



February 16, 2007

The Honorable Nicole Nason  
Administrator  
National Highway Traffic Safety Administration  
400 7<sup>th</sup> St., SW  
Washington, DC 20590

PETITION FOR RULEMAKING

Dear Administrator Nason:

The purpose of this letter is to petition the National Highway Traffic Safety Administration (NHTSA) to initiate rulemaking on occupant protection in school buses. We previously sent you a letter requesting NHTSA to expeditiously initiate the rulemaking actions it discussed in its May 7, 2002, News Release announcing a Report to Congress on school bus passenger crash protection. This letter supersedes our initial request.

We know that NHTSA considers a yellow school bus the safest form of ground transportation in America. We also know that this is due in large part to the current passenger crash protection system called "compartmentalization" and other federal motor vehicle safety standards (FMVSS) that NHTSA has established. We believe, however, that it is vitally important to constantly reassess existing safety measures no matter how safe our children currently are on school buses.

NHTSA is the federal regulatory body that our organization and the vast majority of its membership looks to for clear guidance and definitive recommendations on school bus safety issues in general and passenger crash protection in particular. We believe that statements the agency made about the use of lap belts in its 2002 report to Congress are clear and unqualified – lap belts are not a viable form of passenger crash protection in large school buses. We therefore present and promote these views to our members. We are perplexed, however, by NHTSA's statements about lap/shoulder belt systems.

In our view, NHTSA's estimate of the safety benefit that could derive from lap/shoulder belt technology was based upon two virtually impossible parameters – 100 per cent usage and no misuse. Additionally, NHTSA made a specific point in its report to Congress to note that if states and local school districts decide on their own to require lap/shoulder belt systems, they should be aware of "unintended consequences", including the possibility that the reduced capacity of individual school buses and the nation's school bus fleet as a whole could result in more children being killed or injured when using alternative forms of transportation to get to and from school.

We interpret these statements to mean that the current system of passenger crash protection called compartmentalization, which has been required in all school buses since April 1, 1977, continues to be the best approach, providing excellent automatic protection in all but the most catastrophic circumstances where injuries and fatalities likely could not be avoided by any safety system. As a result, our organization will only support changes to compartmentalization when we are sure that those changes will not compromise student safety in any way.

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Michael J. Martin, Executive Director

Moreover, we believe modifications to the current system of school bus passenger crash protection should only occur when we can be sure beyond a reasonable doubt that those modifications will improve the safety of each and every child in a school bus.

NHTSA has been working for nearly 4 decades to increase belt use in traditional passenger motor vehicles. This leads to the common opinion that “if my car has seat belts so should my child’s school bus”, which is one of the reasons calls for seat belts in school buses make headlines after every serious crash. In these situations, we encourage you to join us in reminding parents and the news media that school buses and the family car are very different vehicles from a crashworthiness perspective and, therefore, do not necessarily utilize the same safety strategies.

We are also asking you to write a new chapter in pupil transportation by initiating the rulemakings discussed in the May 2002 News Release to determine whether there is an opportunity to make children even safer by upgrading FMVSS 222.

We hereby petition NHTSA to begin, on a priority basis, a review of FMVSS 222, “School Bus Passenger Seating and Crash Protection,” with the goal of establishing a safety system that will definitively enhance the current passenger crash protection for all children that ride a school bus. We also request that NHTSA make an active effort afterwards to educate the American public about the importance of safe school bus transportation as a logical way to reduce deaths, injuries and economic losses resulting from motor vehicle crashes.

We are prepared to call upon the Congress in a separate communication to provide, if necessary and in the most expeditious timeframe possible, a mandate and complete funding for this work as well as any necessary changes substantiated by the research

We believe you can help us ensure that students riding in a school bus are as safe as humanly possible and ensure that the public is better informed about school passenger crash protection. We would be glad to meet with you at your earliest convenience to discuss this letter and any of its specific requests. We hope that NHTSA and NAPT can work together to make sure that school bus passenger crash protection remains a sharply focused national priority.

Sincerely,

*Michael J. Martin*

Michael J. Martin  
Executive Director