



June 2, 2016

The Honorable Mark R. Rosekind, Ph. D.  
Administrator  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Dear Dr. Rosekind:

Thank you for inviting the National School Transportation Association (NSTA) and the National Association for Pupil Transportation (NAPT) to your March 24 meeting with representatives of the six states that require seat belts to be installed in large school buses. We appreciate your recognition of our commitment to school transportation safety.

At the outset, we wish to be very clear. We believe that the decision of whether or not to equip a school bus with three-point seat belts should be made at the local level after a careful consideration of the science and data to support that decision, available resources, and provided as many children as possible have access to the safest environment in which to travel and from school – the iconic yellow school bus.

Your February 17, 2016 letter that provided background for the meeting noted “NHTSA’s new policy is we should do everything necessary to provide the best protection for our children.” The letter also reiterated your perspective that “there should be no tradeoffs for child safety”, specifically noting that you want “three-point seat belts on all our new buses . . .” For the entirety of NHTSA’s existence, until your remarks on November 8, 2015, NHTSA addressed this and all other school bus safety matters through the federal rulemaking process. But now that you have attempted to forge a new, informal path regarding seat belts in large school buses, it is unclear to many in our industry and state/local decision-makers how NHTSA intends to bridge the gap between its existing regulatory statements on this issue and the data supporting that position, and the policy change you announced on November 8. We continue to believe it is incumbent upon NHTSA to use the regulatory process to either correct or rescind any information and data in the existing regulatory record to foster an unequivocal factual basis for your request.

More specifically, given NHTSA’s statutory authority under its enabling legislation and subsequent laws and amendments, we do not understand why in 2009-2010 school bus occupant protection was addressed by rulemaking, that included the benefit of public comment and scientific qualification, but not now. And especially so when the action you are calling for would have significant economic impact on state and local school systems and their transportation service providers.

In addition to your perspective on belts, you also indicated we, “should implement strong programs to protect child pedestrians around the bus” and that “We should . . . make certain there are enough buses to serve our school transportation needs.”

We find several challenges with the goals you have expressed and summarize them here because they are formidable barriers for states and local jurisdictions that must evaluate and make difficult resource and other decisions. For example:

- NHTSA is relying on data derived in large measure from your experience with passenger cars to conclude that students on school buses are unequivocally safer with three-point seat belts. Passenger cars are very different in size, structure and safety performance and circumstances in crashes. The school transportation community and NHTSA, previously, have very clearly followed the practice that anything that is thought to improve safety shouldn't be allowed on a bus until the enhanced safety has been proven and no unintended consequences that impede safety in any way are realized through the addition of the new feature. The safety record of the yellow school bus is unmatched and it has stayed that way because of this practice. While we agree that three-point seat belts are safer than lap belts, it is critical to know how effective they are in concert with compartmentalization before they should be mainstreamed on the school bus. This demands not just data analysis but dynamic crash testing; the same as routinely conducted for passenger cars. A rulemaking process would demand such scientific rigor.

In addition, asking States and localities to just accept this as true is problematic when reviewing the current laws. Five of the six states with school bus seat belt legislation allow lap belts. If in fact three-point belts are safer than lap belts, as NHTSA has stated and NSTA and NAPT believe, then data should be provided to all parties to ensure there is no doubt and those States should be encouraged to review their laws.

- States and school districts use resources for the transportation of students that are part of broader state educational budgets, all of which are different. Some states are facing significant financial hardship that is affecting all areas of education, including pupil transportation.

NSTA recently attended the National School Boards Association (NSBA) meeting in Boston, Massachusetts and spoke with several school board members across the country. Although these conversations were anecdotal, there were two universal trends facing school districts in virtually every conversation we had –budget constraints and aging fleets. Individually those concerns make it difficult to justify the additional cost of three-point seat belts, but together it is almost impossible for many school districts to consider purchasing a school bus with three-point seat belts in the immediate time frame.

In addition, we remain concerned that some school districts could decide to reduce their school transportation service, forcing students to choose less safe means to get to and from school. As NHTSA's petition denial from 2011 addressing seat belts on large school buses states, “Under the described conditions, NHTSA estimates that the increased risk from students finding alternative, less safe means of getting to and from school could result in an increase of 10 to 19 school transportation fatalities annually.”


Until you announced the agency's new position last November, we were told—and communicated to school districts across the country—that the 2011 petition denial would be the agency's final word on the matter. Now, we must tell these same constituents that NHTSA's policy has changed, but without any new data or testing to support it. Moreover, the NHTSA final rule and petition denial remain unchanged on the public record.

- Many of the states represented at the March 24 meeting expressed concern for evacuation of students in thermal and immersion events from school buses with seat belts. NSTA and NAPT have also expressed this concern and once again urge NHTSA to conduct a study on whether or not seat belts would impede passenger evacuation in the event of a thermal or immersion event, or in the case of a rollover situation with an incapacitated driver.

We understand that NHTSA explored this issue when States enacted mandatory belt use laws for passenger cars, but a school bus is very different from a car – and carries far more passengers. Everyone with sincere interest in student transportation safety has a responsibility to ensure that all students, especially the youngest passengers and those with special needs are capable of safely and quickly disengaging their seat belts and exiting the vehicle in an emergency. As representatives of school transportation operators across the country, we are not confident that all of the riding populations are capable of evacuating in an emergency and we ask for your leadership on this issue.

Your February 17 letter indicates you are planning a meeting with the school transportation industry in the near future to discuss these and other issues. We also understand that your agency is preparing for a mid-December meeting to discuss the danger zone surrounding the school bus. We stand ready to meet with you and your staff at your convenience and participate in the December safety event. The issues you have raised are of the utmost importance to us and we look forward to working with you to ensure school buses remain the safest mode of transportation in America.

Sincerely,



Keith Henry, CDPT  
President  
National Association for Pupil Transportation



Ronna Sable Weber  
Executive Director  
National School Transportation Association