

# Connecticut School Transportation Association – COSTA

## Transportation Committee Public Hearing

February 17, 2010

### HB 5033 An Act Requiring The Installation and Use of Seat Safety Belts in School Buses

My name is Leslie Sheldon and I am the Operations manager for All-Star Transportation, a school bus company located in Waterbury, CT. With me today is Geraldine “Jeri” McEwen, Safety and Training Manager for B & B Transportation, who has also been a school bus driver for many years, as well as a State of Connecticut Master Instructor. We are speaking on behalf of The Connecticut School Transportation Association (COSTA), which is a trade association comprised of owners and operators of school buses, school transportation vehicles and other associate members. Together, our companies operate more than 10,000 school buses and student transportation vehicles that transport nearly 500,000 children to and from school safely each day.

We are here today to speak to the practical implications of HB 5033, a bill that would require that all school buses in Connecticut be equipped with lap/shoulder (3 point) seat belts by Jan.1, 2011. The bill also requires that the commissioner of the Department of Motor Vehicles suspend the registration of any school bus not equipped with these types of seat belts until such belts have been installed.

The cost of mandatory seat belts is a considerable factor that needs to be addressed in conjunction with the municipalities and the Board of Education, as they will be the ones who will have to pay for such a requirement. However, beyond the cost, there are a number of practical and safety aspects which COSTA’s members need to have addressed.

- Retrofit is difficult, costly and impractical: Three-point belt systems cannot be installed in existing bus seats. All seats need to be removed and replaced with new belt-equipped seats that have reinforced chair backs and seat coils, as well as stronger brackets and legs for installing into the floor of the bus. In order to withstand the force on these seats, the bus floor also needs to be reinforced with steel plates. New holes have to be drilled into the floor to attach these seats, which are wider than the existing seats. As a result, two things happen:
  1. There will be one less row of seats on each side of the bus (2 less rows total) due to the thicker seats;
  2. The manufacturers’ warranty on the bus will be voided because of the substantial alteration of the original vehicle.

*The cost of retrofitting is significant.* The cost of retrofitting can be up to \$20,000 to replace the seats and reinforce the floor. The cost of a new school bus is around \$80,000. The cost analysis may not justify the means.

**COSTA requests that there be no retrofit provision for seat belts.**

- The average length of a school bus contract is five years. Many school districts mandate that new buses be purchased at the beginning of each contract. The contract length is five years to help amortize the cost of the buses. This means, that on average, 20 percent of the state's school buses are replaced each year. However, the actual lifespan of a school bus can be as long as 10 years.
- Whose responsibility will it be to wear the seat belt? The bus driver cannot be responsible for ensuring seat belt usage, on top of all his/her other responsibilities for the safe operation of that vehicle. Drivers are not allowed by law to leave their seat on the school bus without turning off the bus and taking the key. What that would mean is that the bus would have to be shut down, including the flashing lights, for the driver to get out of his/her seat and go back to help a student with a seat belt. *This is totally impractical and very unsafe!*  
**The mandate to wear the seat belt would need to be placed on the student, without assistance from the driver.**
- Whose responsibility is it to train the student in proper seat belt usage? Three point belts have to be worn properly in order for a person to benefit from any positive effect. This means that the strap cannot be placed around the back of a student so they can turn around and talk to their friends. Many young children are going to have difficulty putting the seat belt on and taking it off.  
**Seat belt training must be the responsibility of the Board of Education, as mandated by the state Department of Motor Vehicles, if such a mandate were to pass.**
- Can a bus be safely evacuated in an emergency if students are belted in? Evacuation training is mandated by the state and practiced by school districts. If a bus was in an actual accident, these training skills would be put to the test. Several years ago, a truck broadsided a school bus exiting the high school in Danbury, where seat belts are mandated. The bus turned over and students were suspended in their seats. Many of these high school students were not able to release themselves from their belts due to the pressure placed on them. It took the driver and several good Samaritans boarding the bus to help free these students from their seats. Timing is critical in an evacuation – and this is assuming the driver is uninjured and able to help in the evacuation.
- Who is liable if a student does not wear the seat belt and gets injured? Are drivers, school bus companies and boards of education considered more liable if seat belts are on the bus and students are injured? *This is a very real question because Connecticut has a law, C.G.S. 14-100a(C)(3) that states that failure to wear a seat belt shall not be considered as contributory negligence nor shall such*

*failure be admissible evidence in any civil action.* This would present a huge liability to school bus operators, their employees and boards of education, and become a boon for trial attorneys. Several other states that have passed seat belt mandates have included liability exemptions.

**School bus drivers, school bus companies and boards of education would need criminal and civil liability exemptions for any injury that occurs as a result of failure on the injured students' part to use the seat belt properly.**

- Municipalities already have the authority to require that seat belts be placed on school buses in their localities. Because state law does not prohibit the use of seat belts on school buses, they are allowed. As a result, several municipalities over the years have required seat belts on school buses. The numbers were higher in the early 1990s, but as towns assessed the costs versus the benefits, many towns have removed the mandate from their transportation contracts. Currently, there are three towns that we are aware of that mandate seat belts. They are Cromwell, Danbury and Redding.

**COSTA requests that the option of requiring seat belts on school buses be left to the individual municipalities, as allowed by current statute.**

We realize that the safe transport of children to and from school is our primary concern. We certainly grieve for the family of the young student that recently lost his life in the tragic school bus accident, and for the other students who were injured. We are saddened that this is the first on-board school bus fatality in Connecticut in the forty plus years that the state has been keeping records.

We know that you as legislators must wrestle with the reality of this unfortunate circumstance while you balance the responsibilities and fiscal realities facing your own municipalities. Please be mindful that the practical implications of a seat belt mandate extend well beyond the cost factor, and these components need to be addressed as well.

Thank you for your time and we would be happy to answer any questions.