ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 8672

3805 HTRA HB 684

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James O. Smith
Signature of Camera Operator

10/31/89
Date

02-519 (REV 8/78)

HB

6834

HB 681

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to unemployment insurance. The bill makes several amendments to current law.

A new section is added, AS 23.20.351, which establishes a formula for computing unemployment insurance benefits. Currently, benefits are set by a statutory schedule, any change in which requires legislative action. Under the proposed formula, benefits would be tied to the state average weekly wage, and would be adjusted annually in accordance with changes in wage levels in the state. The proposed formula raises benefits from their current levels, particularly for high wage earners. The new section also liberalizes the law regarding dependents' allowance, removing the provisions which preclude a parent from claiming a dependent already claimed by the other parent until the latter parent's benefit year has expired, even if that parent is not actually receiving benefits.

The bill establishes an employee surcharge (proposed AS 23.20.290(g)) to finance the initial increase in benefits under the proposed formula. For "contributing" employers (AS 23.20.165), any subsequent increase in benefit levels will be borne by both employers and employees in the same ratio as they are now. For nonprofit organizations and government entities who choose to reimburse the department for benefits paid to their former employees, instead of paying contributions under AS 23.20.165, there are two options: (1) they can collect the surcharge and pay an amount determined by the formula in proposed AS 23.20.277(m), or (2) under proposed AS 23.20.277(n), reimburse the department the full amount of their respective shares (as described in proposed AS 23.20.277(b)) of the benefits paid to their former employees, and forego collection of the surcharge.

Under proposed AS 23.20.390(f), individuals who obtain benefits fraudulently incur an additional monetary penalty of 50 percent of the amount improperly received, unless the department waives the penalty. To facilitate collection, proposed AS 23.20.391 establishes a lien in favor of the department on the individual's property, and proposed AS 23.20.393 and 23.20.394 enable the department to attach the individual's property. The proposed amendment to AS 23.20.130(d) provides that any penalties collected go to the training and building fund.

Proposed amendments to AS 16.10.290(a) and AS 23.20.520(13) also enhance the department's ability to collect unemployment insurance contributions from delinquent employers, with AS 16.10.290(a) focusing on fish processors and fish buyers. The department's figures indicate that in 1984, 36 percent of all fish processors and buyers were delinquent in their contributions. Under the proposed amendment, the department may assert claims for contributions against the fish processors' and buyers' surety bonds, such claims having next priority after claims for wages and payment for raw fish.

HB 681

Under current law, an individual's eligibility for unemployment insurance benefits is based upon wages paid to the individual; thus, if an individual works for an employer who files for bankruptcy and does not pay its employees, such an employee does not qualify for unemployment benefits. The proposed amendment to AS 23.20.530(a) rectifies this situation.

This bill also makes some "housekeeping" amendments.

Sincerely,

/s/

Bill Sheffield
Governor"

HB 682

HOUSE BILL NO. 682 by Jenkins, entitled:

"An Act relating to elections."

was read the first time and referred to the State Affairs, Judiciary and Finance Committees.

HB 683

HOUSE BILL NO. 683 by Herrmann, entitled:

"An Act relating to commercial fishing vessel registration; and providing for an effective date."

was read the first time and referred to the House Special Committee on Fisheries and the Resources and Judiciary Committees.

HB 684

HOUSE BILL NO. 684 by Navarre and M.M. Miller by request, entitled:

"An Act relating to school vehicle safety; and providing for an effective date."

was read the first time and referred to the Transportation, Health, Education & Social Services and Finance Committees.

Introduced: 2/17/86
Referred: Transportation,
Health, Education and Social
Services and Finance

IN THE HOUSE

BY NAVARRE AND M.M.MILLER
BY REQUEST

HOUSE BILL NO. 684

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to school vehicle safety; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 28.05 is amended by adding a new section to article 2 to read:

Sec. 28.05.100. SCHOOL VEHICLES. (a) Except as provided in (b) of this section, a school bus or other vehicle for transporting children that is purchased or leased by the state or a school district after the effective date of this Act must

(1) be equipped with seatbelts or, if the vehicle is to be used to transport children under four years of age, child safety devices meeting the standards of the United States Department of Transportation for child safety devices for infants; the number of seatbelts or child safety devices in each vehicle must be equal to the seating capacity of the vehicle;

(2) be equipped with seat backs that are at least 28 inches high, if the vehicle is over 10,000 pounds gross vehicle weight; and

(3) comply with the safety standards of the United States Department of Transportation for school vehicles.

(b) The Department of Public Safety may exempt a school vehicle from the provisions of (a) of this section to the extent necessary to accomodate a passenger who is confined to a wheelchair or who requires special equipment to ride in a school vehicle

(c) The chief school administrator of each school district and

regional educational attendance area shall set standards for instruction in the use of seatbelts and child safety devices.

(d) The Department of Public Safety shall provide for periodic inspections of school vehicles to ensure compliance with this section.

(e) The driver of a school vehicle is not personally liable for injury to a passenger caused by failure of a passenger in a school vehicle to use a seatbelt or child safety device.

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-10.070(c).

Dear MS Cato,

April 7, 1986

I am writing you in support of the House Bill on Seat Belts for School Buses.

APR 09 1986

My 2 children will be riding on icy hills w/ very narrow roads to school this Coming September & without seat belts I & my husband would worry about them & other children. Our children will be going a long distance 24 miles both ways

My eldest daughter has asked me- Why does the bus driver wear a seat belt and we can't? Please see about giveing her the right & way to protect herself & other children if they choose. Most of these children have worn belts since they were born - all most wear in Cars by a state law. It doesn't make sense the way it is now.

also - I heard a testimony from a spokesperson from the Bus Company in Anchorage on the teleconference-

over

last Tuesday. He asked for further studies proving the safety of seat belts before this bill can be voted on- Does that mean our children are at risk already because not enough studies have been done? I hope not but I surely can't trust a person who's seems more concerned about cost than a childs life.

I'm glad you are taking time to consider this bill. It is an important serious issue which needs to be resolved as soon as possible.

the children cannot vote, yet this bill, if not passed, could very much affect their lives forever.

thank you -

Carole Hamek
59155 E End Rd
Homer, Alaska
99603
235-7628

APR 2 2 1986

PUBLIC OPINION MESSAGE

TO: REPRESENTATIVE BETTE CATO

FROM: TIM POLLARD
BOX 9
SEWARD 99664
224-3181

BILL NO: HB 684

SUBJECT: SEAT BELTS IN SCHOOL BUSES

MESSAGE:

THERE ARE FEW THINGS AS PRECIOUS TO US AS OUR CHILDREN. AS AN EMERGENCY ROOM DOCTOR AND A FATHER, I URGE YOUR SUPPORT REQUIRING SEAT BELTS IN SCHOOL BUSES.

DATE: 04/21/86 TIME: 13:13:42 SENT BY: SOLDOTNA LIO

COPIES TO: HOUSE HEALTH, EDUCATION & SOCIAL SERVICES
HOUSE FINANCE
HOUSE TRANSPORTATION
HOUSE RULES

Alaska State Legislature

House of Representatives

Committee on Transportation

Rep. Bette Cato, Chairman

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858

DATE: APRIL 23 1986

TO: COMMITTEE MEMBERS

FROM: Staff

RE: BACK-UP INFORMATION RECEIVED ON HOUSE BILL 684

The following is an index of the various back-up information we have received regarding House Bill 684 An Act relating to school vehicle safety. This does not include information provided for previous meetings which is already in your packets.

*From Romayne Kareen of the Department of Education all members were provided a thick packet containing information on the pros/cons of seat belts on school buses; Alaska Info; Other States; National Safety Council; National School Transportation Association; NHTSA; National Transportation Safety Board; Canadian Test; Coalition for seat belts on school buses.

*March 4, 1986 letter from the Pupil Transportation Systems in Anchorage (letter indicates carbon copies to all transportation committee members) regarding "participation in a program to establish a uniform method of investigation and reporting of school bus accident data nationwide. Upon acceptance and implementation, the industry, for the first time, will be furnished injury data broken down into categories that will supply valuable information relative to the construction of school buses and the design and incorporation of associated safety programs...It also indicates that improved procedures must explored around the bus, where the greater source of problems exist....Request that you do not supporting HB 684"

*April 2, 1986 letter and large package from Bridget A. Ernst, Chairperson, Bus Safety Committee - Homer PTA and Regional Coordinator - National Coalition for Seatbelts on School Buses (letter and package for members review available in transportation committee office) regarding "unequivocal support for House Bill 684"; letter of support to the Homer Parent Advisory Committee for the installation of seat belts

on the new school buses; letter of support for the installation of seat belts from McNeil Canyon Community Council and Elementary School; letter of support from L. Davidhizar, D.O.; various other letters of support; additional information; 700 signatures obtained in Homer and copies of 1000 signatures of registered voters borough supporting seat belts on school buses.

*April 2, 1986 letter of support from Beth H.K. Lauesin, Project Director, Fairbanks Child Passenger Safety Association with additional information provided.

*April 3, 1986 letter from Thomas Hyatt, General manager, Member - Alaska School Bus Safety Commission; President - Alaska School Transportation Association recap of comments made during teleconferences as well as other thoughts. "First of all, there is a serious question of whether seat belts and compartmentalization are compatible...Urge the legislature to consider two recommentations. The first is to urge the the Federal government to immediately implement a comprehensive testing program in two areas: One area would be the retrofitting of existing buses....The second area of testing with a resultant set of standards would be for newly manufactured buses...Another aspect of the school bus seat belt issues is that of priorities....attempted to get a safety minimum standard for school bus driver training. We have also attempted to get funding for a state monitoring and training program for school bus driver training and school bus inspections.We are considering the appropriation and spending of millions of dollars for seat belts, yet we don't have but a minimum effort at best in the areas of school bus driver training and school bus inspections...point is that we must take a strong, emotional, objective look at our priorities and decide where our largest problems are and where our dollars will make the most significant impact...there seems to be two basic issues. First of all,m is there conclusive and comprehensive evidence that seat belts in large buses enhance the total safety environment? The second issue is that of priority...."

*April 12 copy of testimony by Laurel Osborn,Chairman, Galena PTSA Safety Committee, Regional Coordinator, National Coalition for Seatbelts on school buses given at teleconference plus additional information. Feels that the department of education's ability to treat this subject fairly is questionable and urge decision-makers to look at all sides of the issue by consulting the Departments of Health and Social Services and Public Safety as well as Education.

*April 3 letter of Laurie Rockstad, Fairbanks supporting HB 684

Homer News March 20, 1986

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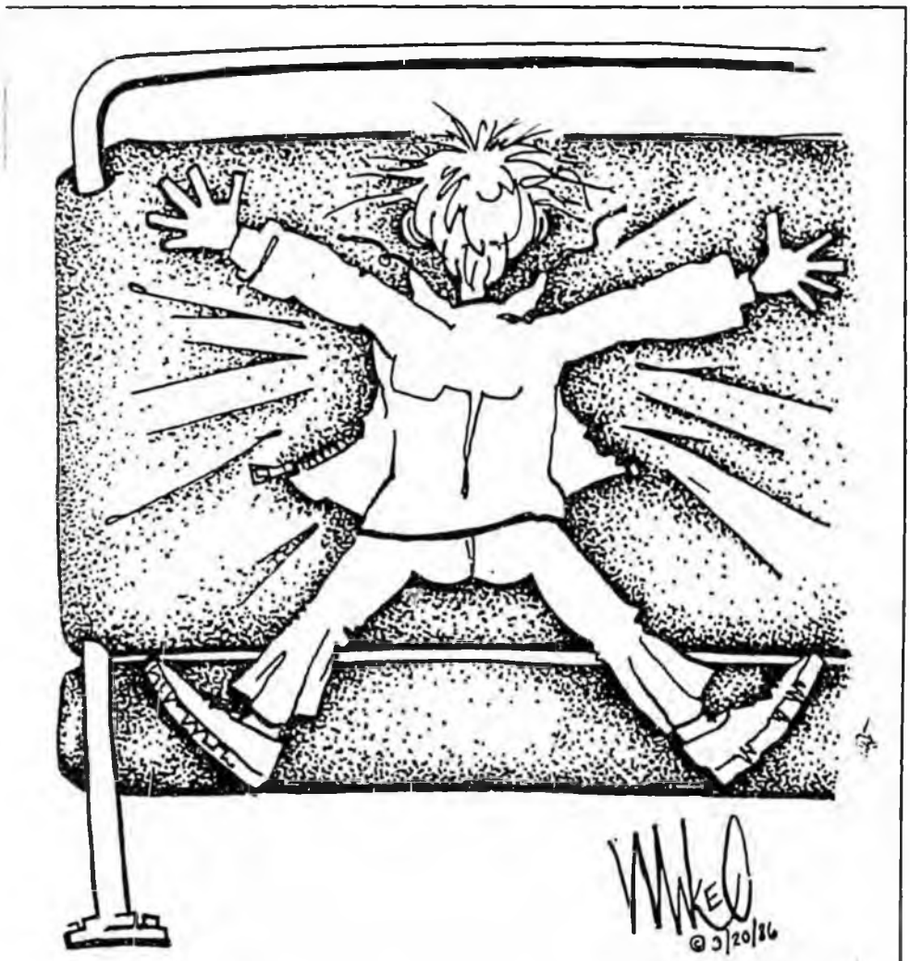


The Kenai Peninsula Borough School District passive restraint system.

to consider this point.

Communications is the most important principle among people or groups of people to maintain social order and intelligent pro-

tional operators from outside, further reducing existing businesses' share of the market and overtaxing already fully utilized facilities and resources?

POSITION PAPER
DEPARTMENT OF EDUCATION
SECOND SESSION OF THE FOURTEENTH LEGISLATURE

HB 684

The Department of Education does not have a position regarding this bill.

4-1-86

for Marshall L. Lind
Commissioner

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB - 684
Title : ...school vehicle safety...

Sponsor : Navarre
Requestor : House Transportation
Date of Request : April 1, 1986

FISCAL DETAIL

Agency Affected : Department of Education
BRU : K-12 support

Components : Pupil Transportation

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This is not a zero fiscal note. The actual cost will depend on whether 28.05.100(a) will apply to contractors who provide pupil transportation services to school districts and whether the cost is based upon two or three belts per seat. Preliminary estimates are between several hundred thousand and several million dollars per year.

Prepared by : Steve Hole
Division : Commissioner's Office
Phone : 465-2800
Date : April 1, 1986

Approved by Commissioner : Marshall L. Lind
Agency : Department of Education
Date : April 1, 1986

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 684
Title : An act relating to school vehicle safety.

Sponsor : Navarre, M. M. Miller
Requestor : H. Transportation
Date of Request : 2/17/86

FISCAL DETAIL

Agency Affected : Public Safety
BRU : Alaska State Troopers, Alaska Highway Safety Planning Agency

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

K Mich

Prepared by : T. Michael Lewis Tim L Phone : 465-4371
Division : Alaska Highway Safety Planning Agency Date : 3/3/86

Approved by Commissioner : [signature] Date : 3/3/86
Agency : Public Safety

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - HB 684

SUPPORT

MARCH 3, 1986

"An act relating to school venicle safety."

The Department of Public Safety supports this legislation because it has the potential to increase the safety of occupants of school vehicles and because it continues the behavior pattern development of regular restraint use introduced by the child restraint law.

Although limited front-end crash tests are inconclusive in regards to the use of restraints in school vehicles, it is considered that restraint use would indeed provide protection in side-angle and rollover crashes. Most bus-related injuries and fatalities, especially in rollover situations, are the result of an unrestrained individual being ejected from the windows or involved with a "second crash" with an object inside the vehicle.

Recommended by: T. Michael Lewis
T. Michael Lewis, Program Director
Alaska Highway Safety Planning Agency

Date: 3/3/84

Approved by: James O Wade for
Robert J. Sundberg
Commissioner
Department of Public Safety

Date: 3/3/86

SPECULATION ON SEATBELTS IN SCHOOL BUSES

A great many of the arguements against seatbelts in school buses are speculative in nature. Most of the speculation can be laid to rest by the experience of districts which have seatbelts in their large school buses. There are presently seatbelts in school buses in school districts in the states of New York, New Jersey, Illinois, Georgia, Michigan, Oregon, Arizona and Vermont. Greenburgh Central School District No. 7 and Ardsley Union Free Districts in New York report the following facts:

1. Safety belts are installed on the seat frame, not on the floor, so tripping on the anchors is not an issue.
2. The short end of the belt is on the aisle, does not dangle and trip passengers and so is not an issue.
3. No districts report students using safety belts (which are very lightweight) as weapons. This is not an issue.
4. There are no problems with insurance.
5. The belts are color coded, three sets to a seat. When two children ride in the seat, they do not use the middle set.
6. Drivers report fewer discipline problems with belted students.
7. Small children, when belted, no longer slide off the seat.
8. These districts report that 80% of their students wear their belts. Additionally many of the children are now buckling up in their family cars as an extension of what they have learned in their school safety belt program. For example, three teenagers who were avid non-users of seatbelts were involved in serious accidents where seatbelts saved their lives. They directly attributed the wearing of belts to the Ardsley school bus seatbelt program.
9. Students, including kindergarteners, can unbuckle their seat belts in emergency circumstances; they do not need driver assistance. Two separate accidents in 1979 involved school vans which overturned and left very young, belted passengers "hanging upside down". They instantaneously unbuckled their belts and all very quickly and calmly escaped unhurt.
10. No extra time has been added to bus runs. Students have found it possible to take the approximately ten seconds necessary to buckle up without causing any delays.
11. Seatbelts are not expensive. The cost is about $1000 on a new bus. The cost of retrofitting is about the same--belts cost $6.25 each , and a district can install them itself with little trouble.

Speculation aside, there are two basic issues in the controversy over seatbelts on school buses which are critical.

1. The NHTSA and the NSTA claim that post 1977 buses utilize the concept of "compartmentalization".
2. The NHTSA and the NSTA claim that "compartmentalization" has been proven in tests to be adequate protection for school children.

Both of these claims are false and are based on misrepresentation and misquotes from studies and tests.

In the paper "The Myth of Compartmentalization, A Deception Which Puts All School Children At Risk," the theory of compartmentalization will be discussed, from its inception at UCLA in 1967 to the final misapplication of the concept to all post 1977 buses.

The National Highway Transportation Safety Administration and the National School Transportation Association quote a number of tests and studies saying that they prove the present school bus seat provides adequate protection for passengers, and that seatbelts are unnecessary and dangerous. Careful examination of these reports reveal the opposite conclusions.

The NHTSA and the NSTA claim that medical opinion is against seatbelts in school buses. They quote one doctor's opinion. That doctor says he has been widely misquoted. Five major medical associations support seatbelts on school buses at this time.

The NHTSA and the NSTA claim that statistically school buses are safer than other modes of transport. It should be noted that statistics involving school bus fatalities and injuries never include accidents which occur on field trips and other extra-curricular activities. The majority of injuries and fatalities occur on field trips.

Some school bus manufacturers say that their post 1977 buses may not be able to withstand seatbelt loads. Federal Standard No. 222 says "The seat is strong enough to take the force of occupants against the seat back if no belts are utilized, or the force of occupants against seat belts if occupants are restrained by belts attached to the seat frame through anchorages provided." These buses apparently do not meet the Federal Standard.

THE MYTH OF COMPARTMENTALIZATION

A DECEPTION WHICH PUTS ALL SCHOOL CHILDREN AT RISK

In the late 1960's the United States Department of Transportation asked the Institute of Transportation and Traffic Engineering at UCLA to undertake a study to find out if crash characteristics of school buses were similar to automobiles and to find out what features of school bus construction cause injury and death during school bus accidents.

The engineers conducted a series of tests and concluded that the major cause of injury in school buses was inadequacy of the bus seat. At that time the seat backs were not padded, were 20" high and had exposed metal bars. The UCLA team determined that a "safety seat" would be the best protection against injuries in school buses.

> "An adequately designed, properly structured and anchored high backed contoured (28" or higher well padded back rest) provided with well padded armrests, harness or a lap belt, built into the seat unit with retractable, inertial-lock mechanism, represents the essential features of a safety seat that provides sufficient protection for a bus passenger to sustain, with probably no more than minor injuries, a 30 mph head-on or a 60 mph side and rear end collision as reported in this study."

This was "compartmentalization". Essential to this concept were 28 inch high seat backs, armrests and seatbelts. "Seatback height for all school buses should be at least 28 inches." "High back seats (28 in. or more) greatly contribute to the compartmentalization of passengers thereby reducing the chances of injuries sustained by passengers being hurled against one another, regardless of their size." "Seats having strong but well padded armrests provide important lateral constraint." "During the bus side-impact experiment, it was observed that armrests provided a significant improvement in passenger safety..."

> "These bus experiments, the many actual school bus accidents, investigated by the authors, the many types of collision experiments conducted during the past 16 years clearly establish the value in passenger protection of lap belts when used with high back seats. The greatest single contribution to school bus passenger safety is

> the high strength, high back safety seat. Next in importance is the use of a three-point belt, a lap belt or other form of effective restraint. These restraints can be added to the safety seat at very little added cost and their presence provides the continuity needed for proper training of youth concerning habitual use of restraints when riding in any vehicle."

The Department of Transportation then asked UCLA to conduct a second series of tests to develop a seat which would provide protection without the use of a seat belt--a passive seat. The resulting safety seat was massive in construction, had a padded side wall, a heavy padded side arm to compartmentalize the passenger in a side collision and the seat back was made of a mesh yielding material which would absorb the impact of crash forces and virtually catch and contain the child. Unfortunately the mesh had to be replaced after every impact, the seat itself was very expensive and because of its size would have greatly reduced the passenger carrying capacity of the bus.

In 1976 legislation was enacted by Congress to require the NHTSA to set standards to upgrade school bus construction. They were specifically instructed to upgrade the inadequate seat. The resulting seat is well anchored and well padded, but is only raised to a height of 24 inches. It fails to protect the average high school student from whiplash in a rear collision and from neck and chest injuries in a frontal collision. There is no padded side wall, no padded side arm or lateral restraint, and there is no seat belt. The NHTSA's Vehicle Safety Standard No. 222 says:

> "The standard relies on compartmentalization between well-padded and well-constructed seats to provide occupant protection on school buses."

But there is no compartment. The NHTSA adopted the word "compartmentalization" from the UCLA studies and applied it to a padded bench seat of inadequate height.

MEDICAL OPINION CONCERNING SEATBELTS IN SCHOOL BUSES

The following medical associations strongly endorse seatbelts in school buses:

1. The American Medical Association
2. The American College of Preventative Medicine
3. The American Academy of Orthopedic Surgeons
4. The American Academy of Pediatrics
5. The Physicians For Automotive Safety

The American Association for Automotive Medicine has been misquoted in a number of papers and articles. In a response to one such article, Elaine Petrucelli, Executive Director for the American Association for Automotive Medicine wrote:

> "I recently had occasion to see a news clipping from the Depew Herald dated April 14, 1983 on the subject of seat belts on school buses. In that column you mentioned that the American Association For Automotive Medicine advises against securing young children soley by lap belts in either passenger autos or buses. I do not know the source of your information concerning this Association, but the statement you made is absolutely incorrect. We have never taken a position as you stated in the newspaper article. I would appreciate knowing who or what your source of information is so we may correct this erroneous information."

The medical opinions against seatbelts in school buses are limited to that of one doctor, Dr. H. Raof Noer, an orthopedic surgeon. He is quoted as saying that seat belts crush kidneys and rupture bladders and are unsafe for children under eleven years of age.

The Honerable Ed Mehler, Mayor of the City of Lomita, California, before the sub-committee on Commerce and Finance on Bill HR 4137 (The School Bus Safety Act of 1973) said the following:

> "When I talked to Dr. Noer regarding his comments, he said he had been widely misquoted. In talking to me he did <u>not</u> say he was opposed to seat belts in school buses, although he felt other safety requirements should be met first, such as adequate strength of bus bodies, better anchorage of seats and a better seat design such as the one recommended by UCLA and escape hatches. He also felt that the seats should be turned around. He stated that if these things were done, he then would recommend seat belts be provided in all school buses."

TESTS AND STUDIES CONCERNING SEATBELTS IN SCHOOL BUSES

The National Highway Transportation Safety Administration and the National School Transportation Association quote a number of tests and studies saying that they prove the present school bus seat provides adequate passenger protection and that sea belts are unnecessary and dangerous. Careful examination of these reports reveal the opposite conclusions. Even those reports which appear to be against seatbelts in buses stress that more research is needed .

A STUDY RELATING TO SEAT BELTS FOR USE IN BUSES
Southwest Research Institute, San Antonio, Texas
Sponsored by the California Highway Patrol
Printed by the U.S. Department of Transportation 1977

> "This program involved a study of farm labor buses, school buses and transit buses in these various categories of new and used buses. The study included visits, inspections and in-depth discussions with bus owners, operators, maintenance personnel, seat manufacturers, belt manufacturers ...
>
> Southwest Research Institute has concluded the study with the recommdation that seat belts not be installed in any category of bus in the State of Calif. until adequate research and design be completed to justify a factual decision in either direction. Sufficient research has not been accomplished to date."

This report was an opinion survey of those persons who do not favor seatbelts in school buses. No tests, experiments or research were conducted in this study.

ACCIDENT DATA ANALYSIS OF VEHICLE CRASHWORTHINESS--TEN PAPERS
Prepared by the U.S. Department of Transportation, National Highway Traffic Safety Administration, April 1981

> "The summary cases from the Ultrasystems Inc. report show that the seats and interior panels cause injuries, severity unknown, to the occupants of the school buses. Also, some cases show that the seats dislodged from their mountings due to the severity of the accident."

9. Seat belts recommended for safety seats. These bus experiments, the many actual school bus accidents investigated by the authors, the many types of collision experiments conducted during the past 16 years by the authors and investigations by others, clearly establish the value in passenger protection of lap belts when used with high back seats. The greatest single contribution to school bus passenger collision safety is the high strength, high back safety seat. Next in importance is the use of a three point belt, a lap belt or other form of effective restraint. These restraints can be added to the safety seat at very little added cost and their presence provides continuity needed for proper training of youth concerning habitual use of restraints when riding in any vehicle."

BUS COLLISION CAUSATION AND INJURY PATTERNS
by A.W. Siegel and A.M. Nahum of the Trauma Research Group, University of California, San Diego
D.E. Runge , Automobile Club of Southern California, 1971

The National Highway Traffic Safety Administration provided financial support. "The authors wish particularly to single out the assistance given by David Soule of the NHTSA."

Restraint Systems and Seats

"In all cases where an individual is ejected from a seat to strike either the forward seat or other areas within the bus, the passenger injury level is increased. It is, therefore, recommended that the seats be padded and that all buses be equipped with restraint systems capable of being activated by each individual. Restraint within the seat area is essential for injury minimization. Restraint must be coupled with removal or reduction of the hazard of the forward front seat back.

For many years certain public and pupil transportation officials have been presenting arguments against installation of restraint systems in buses, particularly school buses. Some insist that it is too costly to retrofit new seats or to pad upper seat backs. Some say that seat structures are too weak, that restraint system maintenance is too difficult, and that bus discipline would be hampered. In part, these arguments are emotional excuses and have delayed needed injury reducing design changes.

Regardless of the cost and the problems, it can be stated quite categorically that the absence of load-distributing, energy-absorbing seats, coupled with the absence of bus passenger restraint systems has and will continue to be directly responsible for the majority of bus injuries and fatalities."

The following report contains the results of a series of tests performed by and for the National Highway Transportation Safety Administration, U. S. Department of Transportation in 1978. The final report is 151 pages long and in a handwritten format. The author very clearly warns of the biases and limitations of the report and stresses that more research needs to be done. All tests were frontal impacts at speeds of 15-20 mph. Unbelted adult dummies suffered serious impact to neck and throat areas, but the author was only allowed to evaluate head, torso, and knee accelerations as potential injuries. The unbelted 6 year old dummy experienced a "severe spinal whipping" on impact, and "All seats fail the injury criteria at 20 mph. For all seat spacings."

Excerpts from:

SCHOOL BUS PASSENGER SEAT AND LAP BELT SLED TESTS
December 1978 Final Report
Prepared for the U.S. Department of Transportation
National Highway Traffic Safety Administration, Washington D.C.

Abstract: Sled tests were performed to determine the response of dummies in simulated frontal collisions with and and without lap belts on both route and activity passenger seats; and the effect of increased spacing of passenger seats on occupant protection..

3.2 Injury Criteria

In the evaluation of the test data of reference, it is necessary to establish a set of restraint performance criteria. These criteria will serve as a basis for judging the restraint effectiveness for a given impact event. In this study, the criteria summarized in Table 1 were assumed (head, torso and knee acceleration forces only). It should be noted that these criteria are not all inclusive. That is, there are other potentially harmfull body loadings that are not covered by Table 1. This became very apparent when viewing the high speed film documentation of the sled tests... resulted with the dummy impacting the seat back with its throat. There are no currently established injury criteria for this body loading. Another example is reflected in Test #27 (it is apparent in many other tests as well). Of particular interest here is the response of the child dummy (unbelted). Because the knee padding was quite stiff, the dummy's hip was stopped abruptly (relative to the sled) allowing the torso to rotate until the head made contact with the seat back, Once the head made contact with the seat back a violent whipping set in the dummy's spine as it attempted to "beam" the inertial loads of the torso to the knee and head contact points, It is not known if this "whipping action" is unique to the dummy structure or is evidence of a real injury problem. Regardless, there are no existing injury criteria to cover this potential injury mode.

4.0 Evaluation and Discussion of Test Data

The first rather obvious observation that can be made of the data is that the Ward seat appears to greatly outperform the Thomas seat in head protection. However, based on the discussion in section 3.0 there are a number of factors affecting the head response of the dummies. Some of these factors eg. head contact geometry) can lead to other potential injury modes which are not covered by acceleration and force measurements (eg. impacts to the throat.) One key observation that can be made of the data in Table 4 is that there are distinct differences in the head contact geometry between the two seat configurations. These differences appear. to be more predominate for the unbelted dummies. ...for the Thomas seat, the head contacted solidly to the mouth and chin whereas for the Ward seats a grazzing blow to the dummy's chin results (ie primary blow is taken by the dummy's neck and throat), Thus, other things being equal, the head acceleration can be expected to be higher for the Thomas seat for these test runs. Comparison shows that, ingeneral, the use of the lap belts do not reduce the peak head accelerations but in fact, in most cases, actually cause an increase in peak accelerations. Table 4 indicates that this increase is probably due to the head contact point moving up on the dummy head with the use of the seat belts. It may also be due to the redirection of the head impact into the stiff axis of the seat back structure.

4.1.2 Dummy Torso Response Evaluation

2. The effect of use/non use of lap belts on torso response is insignificant.

4.1.3. Dummy Knee Response Evaluation

4. Use of belts has a decreasing effect on the dummy's knee loading for both seat configurations.

4.1.4 Compartmentalization Evaluation

Compartmentalization is defined herein as the percentage of the dummy remaining within a reference volume during and following impact. The data shows that in general a belted dummy receives more containment than an unbelted dummy both during impact and rebound. It should be noted that all of the sled tests conducted were normal (0) frontal impacts. It is expected that compartmentalization will be somewhat sensitive to the obliqueness, or angle, or impact (this will be especially true for the unbelted dummy).

4.2.1.1 50th Percentile Adult Dummy

2. The difference in the acceleratiion response between the Wayne/ Carpenter seats and the Blue Bird seats appear to be due to the differences in the head/seat-back contact geometry. (see Table 8). Table 8 shows that the shorter seats (Wayne and Carpenter) result with impacts to the neck and upper chest of the dummies. This results with lower head accelerations due to the relatively "soft" loading point and the longer head stroke caused by the head rotating over the seat back during impact. The Blue-Bird seat results with impacts directed to the chin and mouth of the dummy (a much more solid blow, causing higher head accelerations).

* As explained later, the low accelerations are a result of a "softer" blow to the neck of the dummy. It remains to be proven that this loading is non-injurious.

3.0 The effect of the use of seat belts on head acceleration appears to be insignificant for the Wayne and Carpenter seats (approximately a 20% increase in peak head accelerations.. still well below the design limit). However, the Blue Bird seat appears to show a significant decrease in head accelerations due to the use of seat belts (Figure 16a). This can be explained by looking at Test #38 Table 8 (note 4 indicates floor attachment tore). The noted structural failure could have caused the noted decrease.

4.2.1.2 6 Yr. Child Dummy

1. All seats satisfy the injury criteria at 15 mph impacts.
2. All seats fail the injury criteria at 20 mph. For all seat spacings.

4.2.2.2 6 Yr. Child Dummy

The following observations can be made...

1. The Wayne and Carpenter seats appear* to satisfy the torso injury criteria for both 15 mph and 20 mph impacts. The Blue Bird seat appears* to provide adequate torso protection to 15 mph.

2. Impact speed has a greater, increasing effect on the child dummy as compared to the adult.

* High speed film coverage show that the child dummy's spine undergoes a severe spinal whipping from the "beaming" of the torso inertial loads to the head and knee contact points. There are no currently established criteria for this potential injury mode.

5.0 Conclusions and Recommendations

1. Lap belts do not appear to have a significant effect on the response characteristics of a 50th percentile adult male dummy, for the ~~the~~ test conditions considered herein.

2. Seat spacing appears to have only a minor effect on the response characteristics of the adult dummy and only a slightly higher effect on the child dummy.

3. The head response of the adult dummy appears to be dictated by the head/seat back contact geometry. Impacts to the neck and throat of the dummy appear to offer the greatest protection from head accelerations. However, the injury potential of this loading configuration has yet to be determined. FURTHER STUDY IS NEEDED..

4. Impacts involving the child dummy show a severe spinal whipping which seems to be caused by the "beaming" of the torso inertial loads to the head and knee contact points (generally the child dummy's torso does not contact the seat back padding during impact). It is not known if this spinal whipping phenomenon is unique to the dummy structure or if it represents a real injury threat. Additional studies are needed to investigate this area.

note: all emphasis is author's own.

American Academy of Pediatrics

AAP News
Febr 1985 p.9

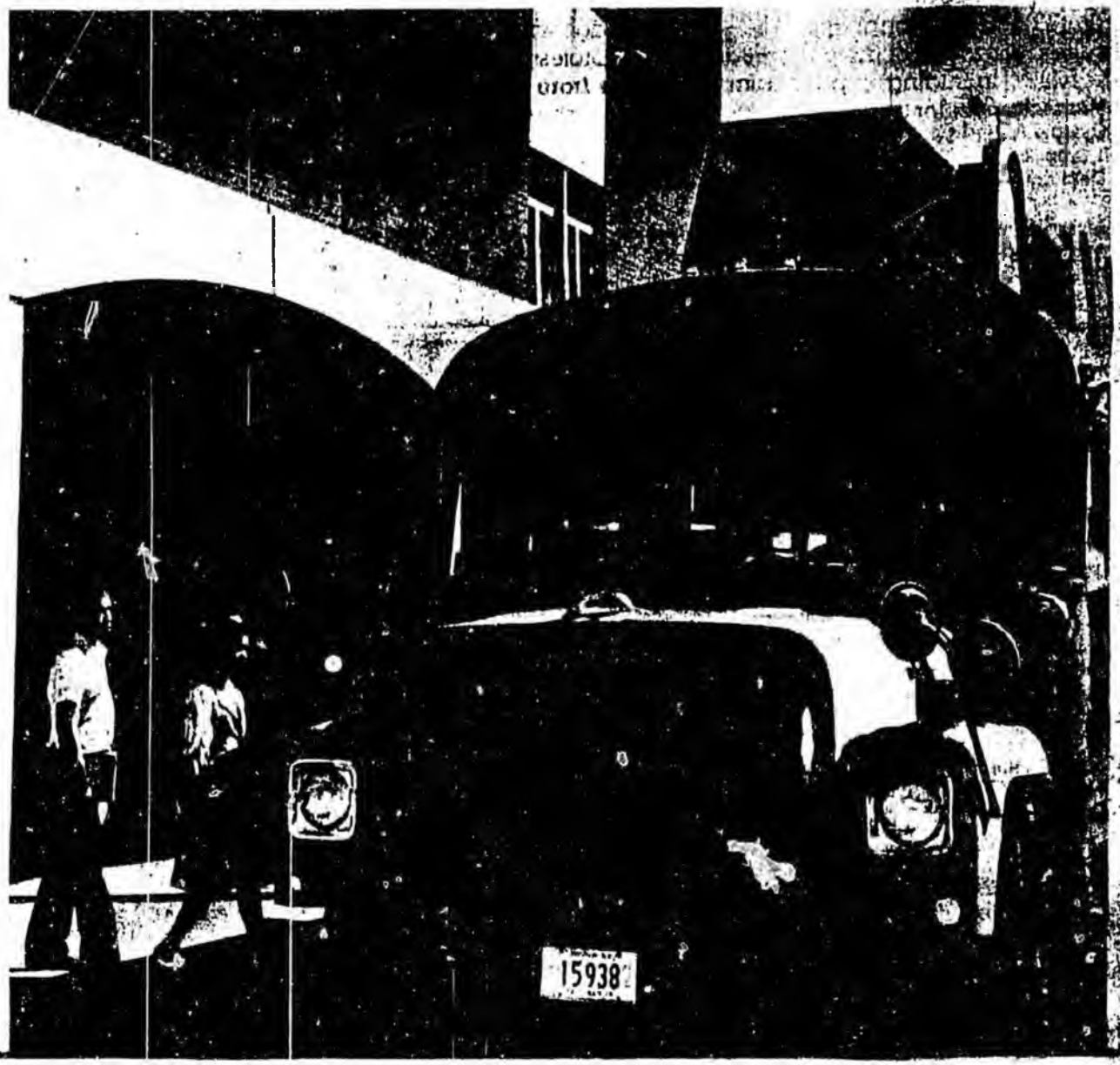
Policy Statement: School Bus Safety

In 1970, the American Academy of Pediatrics, in a supplement to *Pediatrics*, reviewed the laws, regulations, and practices in school busing in the United States.[1] This survey was carried out by Physicians for Automotive Safety. The information available at that time (from 46 states) indicated that 14,709,000 students were being transported in a total of 203,994 vehicles.[1] Recent data now indicate that approximately 22 million pupils are transported daily to and from schools in the United States in nearly 400,000 school buses.[2]

Based in part on the recommendations resulting from the 1970 survey, the National Highway Traffic Safety Administration in February 1973 issued the Federal Motor Vehicle Safety Standard (FMVSS-222), which became effective in April 1977. That standard prescribed passive protection for school bus passengers and looked specifically at: 1) the seat and seat anchorage strength; 2) the seat and restraining barrier height and surface area; and 3) padding on surfaces within occupants' head space.

The National Highway Traffic Safety Administration subsequently has denied a petition from Physicians for Automotive Safety that the FMVSS-222 include requirements for anchorages for seat belts. Seat belts presently are required in vehicles weighing 10,000 pounds or less with a maximum passenger capacity of 16. Seat belts are not required for larger school buses.

The primary reason given for not requiring seat belts in buses weighing more than 10,000 pounds is that the number of "inside bus fatalities" nationally does not justify the expense and maintenance of seat belts. However, in 1982 [illegible] deaths resulting from school bus



injured were students.[3] Therefore, should the number of deaths alone not justify changes, the potential for a reduction in the number of injuries, and/or in the seriousness of those injuries, would seem to make further changes in FMVSS-222 highly desirable.

Unsupported arguments have been presented in an effort to prevent seat belt installation on school buses. Among these are:

1. Children can't handle the buckle adequately. (The American Academy of Pediatrics notes that all children, given their familiarity with seat belts and buckles, should be able to satisfactorily buckle and unbuckle seat belts.)

2. The buckles would entrap children and could leave them dangling from the ceiling in accidents in which the bus is overturned. (This is true, but it is still preferable for children to be strapped in rather than thrown out of the seat or the vehicle at the time of an accident.)

3. Wearing seat belts would produce internal injuries. (With the restraints presently available, any school aged child can safely wear a seat belt.)

4. Children could use the belts as weapons. (Children have much better weapons available, including lunch boxes and books. In addition, the newer, lightweight, smaller, retractable seat belts now available are unlikely to be effective as weapons.)

Based on a review of the available and extensive data, the American Academy of Pediatrics supports the following changes in School Bus Safety Standards:

1. Seat backs should be elevated to 28 inches. This is four inches above the height now mandated by federal regulations and will support and cushion a child's head and neck.

2. All seat backs and tops should be padded with firm materials that adequately absorbs impact. The padding should completely cover the entire rear of the seat in addition to the top rail. The padding also should be placed on all stanchions and "modesty panels." Seat construction should be designed to eliminate sharp or unyielding objects that could cause or worsen injury.

3. Seat belts should be required on all *newly-manufactured* school buses—regardless of their size and the number of pupils transported.

4. Adequate and appropriate bus driver training should be mandatory in all school districts and should include provision for health screening on a periodic basis, including vision and hearing evaluations.

"Seat belts should be required on all newly-manufactured school buses — regardless of their size and the number of pupils transported."

Committee on School Health
Joseph R. Zanga, M.D., Chairman
Michael A. Donlan, M.D.
Jerry Newton, M.D.
Maxine M. Sehring, M.D.
Martin W. Sklaire, M.D.
John Trieschmann, M.D.

Liaison Representatives:
Janice Hutchinson, M.D., American Medical Association
Betty McGinnis, M.A., CPNP, National Association of Pediatric Nurse Associates and Practitioners
Marjorie Hughes, M.D., American School Health Association
Thomas Coleman, M.D., Section on Child Development
Jerry C. Jacobs, M.D., Section on Rheumatology
Charles Zimont, M.D., American Academy of Family Physicians

Committee on Accident and Poison Prevention
Joseph Greensher, M.D., Chairman
Regine Aronow, M.D.
Leonard S. Krassner, M.D.
Ronald B. Mack, M.D.
H. Biemann Othersen, Jr., M.D.
Mark D. Widome, M.D.

Liaison Representatives:
Andre l'Archeveque, M.D., Canadian Pediatric Society
Gerard Breitzer, D.O., American College of Osteopathic Physicians
Jerry J. Foster, M.D., Section on Emergency Medicine
Joyce A. Schild, M.D., Section on Otolaryngology
Chuck Williams, Product Safety Association

References:

[1] Charles S, Sheiness A: How Safe Is Pupil Transportation? Study of Laws, Regulations, and Practices in School Busing in the United States Carried Out by Physicians for Automotive Safety. Supplement to *Pediatrics* January 1970, Part II, 45:1

[2] Protection for School Bus Occupants, Issue Paper, U.S. Department of Transportation, September 1981; 83:39-46

[3] National Safety Council: School Bus Accidents, 1982. *Accident Facts*, 1983 ed., Chicago, IL, p. 92.

Date of approval by Executive Board: October 1984
Date of publication: February 1985

TABLE IV

SCHOOL BUS RELATED FATALITIES 1977-1983

	1977	1978	1979	1980	1981	1982	1983
Occupants of Bus	21	23	18	15	15	22	19
Killed by Own Bus	31	38	25	21	26	17	23
Killed by Vehicle	23	19	14	9	11	11	8

Source:

Kansas Department of Transportation
Fatal Accident Reporting System (FARS), U.S. Department of Transportation. Washington, D.C.

Conclusions:

The number of deaths in each category per year are not significantly different, suggesting that no one category deserves more attention than another.

note: These statistics represent only a portion of the actual fatalities. Each state reports bus accidents differently, and most do not include fatalities which occur on field trips. The state of Alaska only reports school bus fatalities if four or more children are killed in the accident.

Cost of Seatbelts When ordered (Factory Installed) on New School Buses

Wayne, Inc.
P.O.Box 1447, Richmond, IN 47374
317-962-7511
Attn: Bob Kurre — $ 1,175.

Carpenter Body, Inc.
Mitchell, IN 47446
812-849-3131
Attn: Larry Arnold — $ 1,650.

American Transp. Corp (Ward)
P.O. Box 849, Conway, AR 72032
501-327-7761
Attn: Jerry Williams — $2,000. (approx)

Blue Bird
P.O.Box 937, Ft. Valley, GA 31030
912-825-2021
Attn: RICHARD MADDOX — $ 1,870.

T[illegible]s-Built Bus, Inc.
1406 Courtesy Road
High Point, NC 27260
919-889-4871
Attn: BOB PRICE — $ 1,400.

Superior Bus Co. (no longer active in market)

Note: All prices are based on 66 passenger school bus ($30-35,000), with installation of belts meeting the 222 seat standard as it is met in the Type II vehicle
All prices are subject to distributor's 10-15% markup.

Survey conducted by Barbara Russell, Regional Coordinator for Ct., Nat'l Coal. for Seatbelts on School Buses
March 1985

BOARD OF EDUCATION
WEST ORANGE, NEW JERSEY 07052
TELEPHONE: 201-736-7900
Ext. 344

179 EAGLE ROCK AVENUE

Robert M. Brown
Transportation Coordinator

March, 1985

TO WHOM IT MAY CONCERN:

My name is Robert Brown, Transportation Coordinator for the West Orange Board of Education. I have had the experience of using school buses with seat belts, 28" high seat backs and roof hatches for the past school year.

I enthusiastically endorse the concept and urge school boards to implement seat belts, 28" high seat backs and roof hatches on all new school buses purchased in New Jersey.

I have heard all of the arguments offered in opposition to these important safety features and from experience on the road with the children in normal use we have experienced none of these imagined difficulties:

1. Seat belts are not being used as weapons. Fingers are not being caught as the buckles are push-button release type.
2. The children have learned to use them rapidly and free themselves with a flick of the wrist.
3. Discipline has simultaneously improved.
4. Insurance costs have not gone up.
5. In regard to the 28" high seat back, our drivers report no vision problem.

We are very pleased with seat belts, 28" high seat backs and roof hatches, more important is the knowledge that we are offering our children a far safer ride back and forth to school.

Very truly yours,

Transportation Coodinator

WILLIAMSON COUNTY HOSPITAL
1320 West Main Street, Franklin, Tennessee 37064 (615) 791-0500

March 26, 1985

Ilene Maslin
110 River Oaks Road
Brentwood, TN 37027

Dear Mrs. Maslin:

In December of 1984, two different school bus accidents occurred in Williamson County. A total of fifteen children were injured in these two accidents. On the basis of my observation of these children on arrival at Williamson County Hospital and from my personnel's descriptions of the mechanisms of injury, I feel that the majority of these injuries would not have occurred had the children been wearing seatbelts.

Sincerely,

Dakin Cook
Director/Emergency Medical Services

DC:mwr

Box 225
Galena, Ak.
99741

Feb. 28, 1986

Representative Mike Navarre
Pouch V
State Capitol
Juneau, Ak. 99811

Dear Mr. Navarre:

Thank you so much for introducing House Bill #684 which would require seatbelts and 28 inch high backs on all new school buses. I am Bridget Ernst's co-coordinator for the National Coalition For Seatbelts on School Buses and have been researching the subject for over two years. I am CONVINCED that seatbelts are necessary for the safety of our children.

I have enclosed a copy of my critique of the resolution issued by the Alaska School Bus Safety Committee, an explanation of why 28 inch high seatbacks are not in today's school buses, a copy of my speech at the Department of Education meeting last November in Anchorage and a few other odds and ends.

I have not included the latest comments on the Canadian studies, which I would be happy to forward to you if you wish. It may be that we can dispense with the Canadian Study altogether, as Mark Johnson called Grant Smith of Transport Canada(the Canadian DOT) to ask about Canada's plans to install belts in buses, and Mr. Smith said that the Canadian Study is being misrepresented in the United States and that those studies in no way suggest that seatbelts are dangerous on school buses. Both Bridget and I are trying to get this in writing.

I have a fairly concise statement of the seatbelt in school bus issue which I will send you as soon as I finish. Is there any other specific information which you could use? I have the NHTSA data base computer print outs--this is where the Tables come from. There are clearly 22 "compartmentalized" buses which have had 30 on-board fatalities from 1978-1983. I am trying to get the 1984 data, but NHTSA may have wised up and not send it to me. The accidents were <u>not</u> "catastrophic" in nature (where kids would have been killed belted or not) see Table II. More than half involved rollovers, or side impacts where belts may have prevented the fatalities. The National Transportation Safety Board has not investigated these accidents--I do not know why. There were 578 students who were involved in these 22 accidents who were not killed, and perhaps injured--this we also do not know --tho I am working on it.

I should also soon have a complete copy of 1978 DOT Sled Tests--the last crash tests of school buses done in the U.S.(I now have just a portion of the results). All buses tested failed the injury criteria for the child dummy and several failed for the adult dummies. Those which passed, because of lower head accelerations, did so because they took the impact in the uninstrumented neck, thus lowering head acceleration. The author warns of the potential injury--but this report was never even typed up--the final draft is in poor handwriting and ALMOST illegible. And the industry went right ahead with "compartmentalization" despite the test results--and have not crash tested a single school bus since.

Gov. Sheffield has recently asked DOE and Dept. Health and Social Services to resolve their differing positions on this subject--neither wants to give in.

We have no legislative office here in Galena anymore--can you help me track this bill? Also, what can I do to help? Write letters to legislators in the committees where the bill has to go? Write a general letter to all legislators? What info should I provide them with etc.

Again, thanks for introducing this most important bill.

Sincerely yours,

Laurel Osborne

Laurel Osborne
Chairman, Galena PTSA Safety Committee
Regional Coordinator, National Coalition
For Seatbelts on School Buses

ROCHESTER GENERAL HOSPITAL
UNIVERSITY OF ROCHESTER
SCHOOL OF MEDICINE AND DENTISTRY

JOHN D. STATES, M.D.
CHAIRMAN AND PROFESSOR
DEPARTMENT OF ORTHOPAEDICS

DOCTOR'S OFFICE BUILDING
1445 PORTLAND AVENUE
ROCHESTER, N.Y. 14621
(716) 338-4700

December 26, 1984

Mrs. Carol Fast, Director
National Coalition for Seatbelts on School Buses
11 Orlando Avenue
Ardsley, N.Y. 10502

Re: Seat Strength for Safety Belt Installation in School Buses Meeting FMVSS 222

Dear Mrs. Fast:

Contractors providing school buses to users are currently objecting to the installation of safety belts in buses meeting Federal Motor Vehicle Safety Standard 222 because they believe the seats are not sufficiently strong to accept the loads imposed by the belts in a collision. I have reviewed the federal motor vehicle safety standards including 208, 209, 210 and 222, and have examined buses manufactured by Wayne, Thomas and Carpenter which meet FMVSS 222. It is noteworthy that FMVSS 222 requires that the seats provide restraint for the occupants in a headon collision configuration. This restraint is provided by the seat backs which are impacted by the forward moving passengers in a headon impact collision. Based on this strength and performance requirement and my examination of the actual seats in buses manufactured by Wayne, Thomas and Carpenter, I find that the seats are sufficiently strong enough to take the loads imposed by safety belts because they are all ready required to provide restraint through the seat backs for the passengers. The loads may be actually reduced somewhat by the use of safety belts because the moment arm with respect to the floor mounts is shorter thus reducing the peak loads imposed on the seat structures and floor mounts. I can only conclude that the seats in school buses meeting FMVSS 222 have sufficient strength to permit the installation of safety belts.

Very truly yours,

John D. States, M.D.

JDS/rmk

xc: Mrs. Laura G. Schwarz
Mrs. Martha Spital
Dr. Arthur Yeager

ALASKA MOTOR COACHES, Inc.

P.O.Box 952, Delta Junction, Alaska 99737

Telephone (907) 895-4550

March 28, 1986

Dear Dick,

I wasn't sure if we'd be seeing you over the Easter holiday so figured I'd just send this on down to be sure you got it.

As you probably already know, we are opposed to HB 684. We believe that the post-1977 school bus, with compartmentalized seating, is safer for our passengers than lap belts would be. Romayne Kareen of the Department of Education has accumulated reams of material about seat belts in school buses and I hope this has been made available to the House Transportation Committee.

We were dismayed to learn that the Fairbanks North Star Borough School Board voted to install belts on their buses. Unless those buses are already equipped with seats designed to accept seat belts, they're asking for trouble.

The Delta LIO informed me that the House Transportation Committee will be having a hearing via teleconference on HB 684 between 7 and 7:45 am on Wednesday, April 2. At that hour on Wednesday, April 2, I will be busy with getting The Delta Paper distributed and probably also getting ready to drive my school bus route.

I ask that you please view the enclosed VHS video tape at your convenience -- perhaps other members of the committee would like to see it as well -- and consider this as my testimony on 684.

Realize, please, that this tape was prepared by a bus manufacturer. All buses, regardless of the brand name, must meet the same rigid standards. Thomas buses are no better, nor worse, than Blue Bird, Carpenter, Ward, Wayne, etc. And I would also point out that we are discussing the large school bus, not the mini buses like van conversions or vans. All of us feel that belts are needed in these smaller vehicles because they are structurally more like automobiles; especially the van types!

The seat-belts-in-school-buses proponents are vocal and so very emotional in their presentations. They are especially fond of citing deaths and injuries of children and only when asked pointed questions do they reveal that they're talking about unbelted kids in cars!

The majority of children who are injured and killed in accidents involving school buses or the loading zone, are injured or killed OUTSIDE the bus. A seat belt will NOT do a thing for a kid who's hit by a car while playing in the road at a school bus stop.

Motorists need to be educated about driving with caution near school bus stops. Students need to be educated about safe waiting and safe walking habits. Better school bus driver training will help prevent accidents.

I thank you for your time in reading this and in viewing this tape. Please contact me if there's anything else I can do. I would hate to see Alaska knuckle under to the emotionalists when there are good and valid arguments <u>against</u> seat belts in large school buses.

Sincerely,

Loretta

Loretta Nistler

P.S. If I'm reading 684 correctly, it only seeks to have seat belts on district-owned or district-leased school buses; it does not appear to apply to buses for which a district contracts with a private contractor. Odd wording, since Alaska has both district-operated and contractor-operated school transportation. Contractor-operated buses are not "leased" to the state or a school district.

Fairbanks Child Passenger Safety Association

500 First Avenue
Fairbanks, Alaska 99701
(907) 456-6935

April 2, 1986

Representative Cato:

Thank you for the opportunity to testify in support of HB 684.

The following is an example of an actual accident where seat belts on a large school bus were life saving (Child Passenger Protection Report, Spring/Summer 1985):

NHTSA Campaign Update
Bus Accident
Shows Belts Protect

On April 15, 1985, in Palmetto, Florida, a heavily laden dump truck struck a large school bus, flipping the bus onto its roof. Four of its six occupants—the ones wearing belts—walked away from the crash. The other two, an adult monitor who was not wearing a belt, and a handicapped child restrained in his wheelchair with straps with velcro closures were admitted to the intensive care unit of the local hospital with head injuries. One other child restrained in a wheelchair with a safety belt was among the uninjured. The bus was equipped with belts because it was used for transportation of the handicapped. The Florida Highway Patrol has issued an affidavit stating that the use of belts prevented injuries to those using them.

I urge the State of Alaska to make seat belts on school buses a priority as a positive step, rather than in reaction to a serious accident.

I disagree with the gentleman who stated that putting seat belts on our school buses may not save a single life. Motor vehicle accidents remain the numer one killer of children and adults (up to the age of 38). It has been statistically proven that seat belts can reduce fatalities and serious injuries by 50-60%. The carry over effect of buckling up twice a day on the school bus is immeasurable. Seat belts on school buses will not only keep our children safe while being transported to and from school, it provides an opportunity to reinforce a habit that may keep the same persons safe into adulthood.

(1)

The School Bus Committee of the Fairbanks Child Passenger Safety Association has received the following local endorsements in support of seat belts on school buses:

Fairbanks Medical Association
MADD, Norther Lights Chapter
Alaska Nurses Association, Fairbanks Chapter
North Central Alaska Dental Society

We have also collected over 700 signatures in support of this issue.

I would like to thank you and the Committee again, for the opportunity to address this important issue via teleconference. Please call upon our organization if we can be of further assistance.

Beth H.K. Lauesen
Project Director
Fairbanks Child Passenger
Safety Association

enclosure

NHTSA Campaign Update

Bus Accident Shows Belts Protect

On April 15, 1985, in Palmetto, Florida, a heavily laden dump truck struck a large school bus, flipping the bus onto its roof. Four of its six occupants—the ones wearing belts—walked away from the crash. The other two, an adult monitor who was not wearing a belt, and a handicapped child restrained in his wheelchair with straps with velcro closures were admitted to the intensive care unit of the local hospital with head injuries. One other child restrained in a wheelchair with a safety belt was among the uninjured. The bus was equipped with belts because it was used for transportation of the handicapped. The Florida Highway Patrol has issued an affidavit stating that the use of belts prevented injuries to those using them.

Canadian Study Rebutted

The National Coalition for Seatbelts on School Buses has published a position paper on the 1984 Canadian school bus crash study which has been causing a stir around the country. It is available from the Coalition, PO Box 781, Skokie, IL 60076.

More Communities to Belt Pupils

The number of school districts with belts on their buses in Westchester County, NY, will grow from two this year to 14 in upcoming school year. Eighty-seven buses in Fairfax County, VA, will have belts, and the Montgomery County, MD, board of education is reviewing the equipping of its new buses with belts.

The Price is Right

Barbara Russell, Connecticut Regional Coordinator for the National Coalition for Seatbelts on School Buses surveyed the major school bus manufacturers in March, 1985, regarding factory installation costs of belts on new buses. Here are her findings:

Wayne, Inc.	$1,175
Carpenter Body, Inc.	$1,650
Ward	(approx.) $2,000
Blue Bird	$1,870
Thomas-Built Bus, Inc.	$1,400

Fix for Locking Belts, from p. 5

The agency is therefore proposing that lap belts or the lap portion of lap-shoulder belts that utilize ELRs in any designated seating position other than the driver's "shall be equipped with a locking means to permit secure restraint of child restraint devices." This is feasible, as there are devices now available that would serve this purpose.

The ruling makes a crucial exception for *right front-seat manual lap-shoulder belts in passenger cars*, because the agency reasons that it should not require manufacturers to modify belts that are going to be phased out as automatic restraints are phased in. This means that all the passenger cars made between now and 1989 (or after, should the automatic restraint requirements be cancelled), which are required by the same standard to be equipped with ELRs for their front seat belts, will come off the assembly line with the same compatibility problems that parents face today.

This rule also would apply *only* to lap belts that are installed for compliance with FMVSS 208, meaning that those used in air-bag equipped cars to meet lateral and roll-over requirements would have to comply, while those installed in conjunction with a single diagonal automatic belt would not have to, as the automatic belt would, itself, fully meet the 208 requirements. This appears contradictory, because child restraints placed in the front seat of either type of automatic restraint-equipped car would need the same lockable belt (see previous story, p. 5).

The bottom line is that the rear seat lap belts of cars made after September 1, 1986 and front seat lap belts will have locking mechanisms added. While this will be of some benefit, it does not go far enough. NCPSA has responded to the proposal by calling on the agency to expand the requirement to include front seat manual lap/shoulder belts and manual lap belts used with automatic belts. The association has also notified all child restraint manufacturers of the rule-making and its potential significance for the compatibility of child safety seats and safety belts.

Congressional Flack for Safety Agency

Both Senate and House members are showing their irritation at the National Highway Traffic Safety Administration's (NHTSA's) handling of the occupant protection standard, FMVSS 208. When questioned during recent authorization hearings in the House, NHTSA Administrator Diane Steed was unable to cite any precedent for states' action causing recision of a federal rule, as 208 allows. Steed said that NHTSA would not certify any of the state mandatory belt use laws for compliance with FMVSS 208 at this time, saying that the agency wants to see how the laws will be enforced. Rep. John Bryant (D-TX) called the agency's position "preposterous" and decried the situation in which NHTSA could "rig" the rules to accept any law and cancel the automatic protection rule.

In the Senate, a bill requiring manufacturers to install air bags has been introduced by Senator Jack Danforth (R-MO), co-sponsored by Frank Lautenberg (D-NJ), Slade Gorton (R-WA) and Daniel Moynihan (D-NY). Danforth called the kind of weak seat belt use law passed in Missouri "a hoax [that] breeds contempt for the law." He does not want the Department of Transportation to "bury air bags for good by approving toothless state safety belt laws."

Status Report, May 25, 1985

American Academy of Pediatrics

T E S T I M O N Y

BEFORE THE

SUBCOMMITTEE ON TRANSPORTATION

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ON

MANDATORY SEAT BELTS IN SCHOOL BUSES

PRESENTED BY

Joseph R. Zanga, M.D., F.A.A.P.

MAY 1, 1985

Office of Government Liaison
1331 Pennsylvania Avenue, N.W.
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(4)

APR 0 4 1986

Box 225
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April 2, 1986

Representative Bette Cato
Chairman, House Transportation Committee
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Dear Representative Cato:

Thank you very much for the opportunity to testify before the Transportation Committee today.

As per your request I have enclosed a copy of my testimony.

I have also enclosed a copy of the data referred t testimony by Fairbanks residents (Table III). Copies of computer print-outs of the data base for Tables I, II, and III are in my files.

I realize that liability and legal precedent may a be a concern, though this has not proved to be a problem for districts with small and mid-sized school buses equipped with seat belts. I have enclosed a recent letter from the law firm Sherman and Howard to the Denver Board of Education which addresses these concerns.

With respect to seat strength, the Federal Standard states:

> "The seat is strong enough to take the force of occupants against the seat back if no belts are utilized, or the force of occupants against seat belts if occupants are restrained by belts attached to the seat frame through the anchorages provided."

However, most bus manufacturers, when installing belts at the factory, use a specially strengthened seat. This is the same seat that is used in small and mid-sized buses (which have been required to have seat belts since 1977). This seat meets Federal Motor Vehicle Safety Standards No. 208, 209 and 210. The seat of a large school bus does not have to meet this standard.

* PLEASE AMEND SECTION 1, ARTICLE 3 TO READ:

(3) meet the Federal Motor Vehicle Safety Standards and Regulations, numbers 208, 209 and 210.

In this way, you will be assured that the manufacturer will provice the strongest seat and anchorages available. I have enclosed a copy of New Hampshire's bill and a copy of the Standards.

If I can provide you with any additional information, please do not hesitate to contact me.

Sincerely yours,

Laurel Osborne

Laurel Osborne
Chairman, Galena PTSA Safety Committee
Regional Coordinator, National Coalition
For Seatbelts on School Buses

contact phone: 656-1345

Testimony Given In Favor of House Bill 684

Alaska Legislative Teleconference--April 2, 1986

by Laurel Osborne

I am a mother of two girls who ride a school bus every day. I became affiliated with the National Coalition for Seatbelts on School Buses in an effort to make our school bus safer.

I am very concerned by statements made by the pupil transportation industry that "compartmentalization provides ADEQUATE protection and has been PROVEN effective in crash tests. This statement is INCORRECT.

Compartmentalization, as it exists today, has little resemblance to the original concept created by UCLA in 1968. That seat had a 28 inch high back for whiplash protection, padded side walls and side arms AND seatbelts. The compartmentalized seat specified in the Federal Standard of 1977 is little more than a padded bench seat and may NEVER have been adequately tested. In tests conducted by the United States Department of Transportation in 1978, the seats of all 6 makes of buses FAILED the injury criteria for the child dummy.

The author stressed that more testing was IMPERATIVE. Unfortunately these crash tests were the last ever done on school buses by the United States government.

The National Highway Traffic Safety Administration stated in 1985 that school buses which were compliance tested in 1977 passed the Federal standards. However this agency cannot or will not provide a schedule

of compliance testing of school buses SINCE 1977 and it is likely that none has occurred.

It is unrealistic to expect that the Federal Goverment will crash test school buses to determine the effectiveness of seatbelts. If they have not crash tested ANY school buses to determine the effectiveness of the standard in EIGHT YEARS.

Data shows that 30 students and drivers have died in compartmentalized school buses since 1977. Most of the accidents involved side impacts and/or rollovers (Table I and Table II). Compartmentalization failed to protect the occupants.

Compartmentalization also did not work in tests performed by the Canadian Government in 1984.
Three out of 11 unrestrained dummies landed in the aisle and one was thrown through a restraining barrier and landed upside down on the door opening mechanism.

Uncertified dummies with exceptionally stiff necks were used in these tests. Seatbelts were fastened but never tightened, thus allowing belted dummies to slide 10 INCHES on the seat before contacting the seatbelt. This slide may have contributed to the head injuries experienced in the smaller buses.

Despite the built-in biases of these tests, the belted dummies in the LARGE school bus outperformed their unrestrained counterparts, one of which received a fatal chest injury.

The most serious question raised by the Canadian tests is WHY DID ALL 3 BUSES TESTED SUFFER MAJOR STRUCTURAL FAILURES? Fuel systems failed, the driver space was obliterated, windows shattered, and restraining barriers tore loose. These buses were all post-1977 buses and SHOULD have met Federal standards.

The intense opposition to seatbelts on school buses by the pupil transportation industry MAY BE MORE OF AN OPPOSITION TO THE SCRUTINY OF SCHOOL BUS STRUCTURAL INTEGRITY which could accompany the installation of seatbelts. If a school bus fails to meet the standards, the Federal Goverment may ask a manufacturer to recall and fix all buses produced since the previous compliance testing. If the previous compliance testing was in 1977, a recall could have a serious financial impact upon the industry.

I would like to remind legislators that seatbelts are required equipment in all cars and trucks. The Federal Government has required seatbelts in SMALL AND MID-SIZED SCHOOL BUSES SINCE 1977. In these smaller buses, seat spacing is the SAME as in large school buses. The combination of lap belts and closely spaced seats has proved compatible for nearly 10 years on small and mid-sized school buses.

I thank the members of the House Transportation Committee for giving me the opportunity to speak to you. You CAN make the difference. You can decide to provide seatbelts in school buses--and so provide the restraints which are available in EVERY OTHER type of vehicle on the road--and which are ESSENTIAL to the survival of a child in a school bus crash.

TABLE I

SCHOOL BUS OCCUPANT FATALITIES

TYPE I LARGE SCHOOL BUSES--PRE-1977 AND POST-1977

	1977	1978	1979	1980	1981	1982	1983
Drivers	0	3	5	1	2	0	2
Passengers	15	16	12	13	10	10	15
Total	15	19	17	14	12	10	1

Grand total: 104 fatalities

SCHOOL BUS OCCUPANT FATALITIES

TYPE I LARGE SCHOOL BUSES--POST-1977 "COMPARTMENTALIZED" BUSES

	1977	1978	1979	1980	1981	1982	1983
Drivers	0	2	1	0	2	0	1
Passengers	0	1	3	4	4	6	6
Total	0	3	4	4	6	6	7

Total: 30 fatalities

Source:

Fatal Accident Reporting System Data Base
For Accidents Involving a School Bus or Vehicle Used As a School Bus When An Occupant Died in the Accident File
U.S. Department of Transportation, Washington, D.C.

Conclusions:

30/104 or 29% of all large school bus fatalities have occurred on "compartmentalized" buses.

TABLE II

SCHOOL BUS OCCUPANT FATALITIES BY TYPE OF IMPACT

FOR ACCIDENTS INVOLVING "COMPARTMENTALIZED" POST-1977

LARGE SCHOOL BUSES

Year of Accident	Year of Bus	State	Occupant	Type of Accident
1978	1977	NC	Driver	Side Impact
1978	1977	PA	Driver	Head-On
1978	1977	TX	Passenger	Sideswipe/Overturn
1979	1977	IL	Driver	Railroad Train
1979	1977	LA	Passenger	Hit Tree
1979	1977	MN	Passengers(2)	Rear-End/Overturn
1980	1978	GA	Passenger	Fell From Bus
1980	1978	OH	Passengers(2)	Rear-End
1980	1978	TX	Passenger	Hit Utility Pole
1981	1978	PA	Driver	Side Impact
1981	1978	TX	Passengers(3)	Overturn
1981	1977	AL	Passenger	Overturn
1981	1978	MI	Driver	Side Impact/Overturn
1982	1978	GA	Passenger	Side Impact
1982	1982	GA	Passenger	Head-On/Rollover
1982	1978	LA	Passenger	Side Impact
1982	1981	MO	Passenger	Hit Culvert/Overturn
1982	1977	TX	Passenger	Sideswipe/Overturn
1982	1981	MS	Passenger	Side Impact
1983	1982	NY	Driver/ Passengers(4)	Sideswipe
1983	1977	OH	Passenger	Overturn
1983	1978	TX	Passenger	Head-On

Source:

Fatal Accident Reporting System Data Base
For Accidents Involving a School Bus or Vehicle Used as a
School Bus When an Occupant Died in the Accident File (1977-1983)
National Highway Traffic Safety Administration
Department of Transportation, Washington, D.C. 20590

REFERENCES

Severy, Derwyn M., Brink, Harrison M., and Baird, Jack D. "School Bus Passenger Safety." Institute of Transportation and Traffic Engineering, University of California at Los Angeles, Society of Automotive Engineers, Inc., Transactions Vol. 76, paper 67004, New York, 1967.

Transport Canada. "School Bus Safety Study", Volume I. Report. Prepared by G. M. Farr, Automotive Safety Engineer, Crashworthiness Section, Ottowa, January 1985.

U. S. Department of Transportation, National Highway Traffic Safety Administration, "School Bus Passenger Seat and Lap Belt Sled Tests, DOT HS-804 985, Washington D. C. 1978.

TABLE III

SCHOOL BUS OCCUPANT FATALITIES BY TYPE OF IMPACT

FOR ACCIDENTS INVOLVING SMALL, MID-SIZED AND LARGE SCHOOL BUSES

1977-1983

Type of Impact	Total No. Fatalities	Secondary Overturn	Ejection
Head-On	1 (8%)	2	1
Hit tree, pole	11 (8%)	3	1
Culvert, Ditch	22 (17%)	12	0
Embankment	4 (3%)	3	3
Shoulder	1 (.8%)	0	0
Rear-End	16 (12%)	2	1
Side-Swipe	10 (8%)	3	1
Side Impact	26 (20%)	0	6
Railroad Train	3 (2%)	2	1
Fell From Bus	12 (9%)	0	5
Injured in Bus	1 (.8%)	0	0
Primary Overturn	16 (12%)	-	7
Total	133	34	26 (20%)
		Primary Overturn 16	
		Total Overturn 50 (38%)	

Source:

Fatal Accident Reporting System Data Base
For Accidents Involving a School Bus or Vehicle Used As a
School Bus When An Occupant Died in the Accident File (1977-1983)
National Highway Traffic Safety Administration
U.S. Department of Transportation, Washington D.C.

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RODNEY D. KNUTSON

February 11, 1986

Denver Board of Education
Denver Public Schools Administration Building
900 Grant Street
Denver, Colorado 80204

Re: School Bus Seat Belts

Ladies and Gentlemen:

We have been asked by our client, Coloradans for Seat Belts on School Buses, to address certain liability issues relating to the installation of seat belts in the new school buses to be purchased this year. We understand that earlier administrators' recommendations to include seat belts have been questioned because of the Board's concern that the fact belts were installed could expand the District's potential liability if students failed to wear the belts properly.

Two Colorado Court of Appeals cases have triggered this concern. One involved a child injured while riding a bicycle home from school contrary to a school policy that permitted only older students to bicycle to and from school.[1] The second involved a kindergarten student injured as she crossed a sometimes guarded intersection that was unguarded at the time of injury.[2] In each of these cases the trial judge found so little merit in the claims against the school district involved that he did not allow the case to be determined by the jury. The Court of Appeals decision in each was not a decision to impose liability upon the school district; rather, that Court merely decided that the trial court should have permitted the question of liability to be determined by the jury.

It is certainly possible that juries would find liability against school districts under the facts such as those presented in these two cases. Both involved the application of school safety policies: a policy restricting the ages of students allowed to bicycle to school and a policy concerning guarding of crosswalks. Both also involved students among the youngest in

the school system: a kindergartner and a first grader. It is important to realize, however, that lawsuits likely would have been brought and liability possibly imposed as a result of these accidents even in the absence of these school policies on the theory that safety policies should have been in place.

If a child is killed or injured in a school bus accident, an ambitious personal injury lawyer might attempt to find some way of holding the school board liable. He might assert that when a school district transports pupils it has a duty to do so with reasonable safety.[3] Despite the unworkability of doing so, the District might be held to a standard of care commensurate with the age and experience of each of the pupils riding a bus.[4] The plaintiff's attorney might try to find fault with the way the bus was driven, designed and maintained, with the quality of supervision on the bus and with the way in which students were instructed in the use of safety equipment. If the bus is lacking in safety equipment, that fact could well be raised as an issue in the suit (as it has been raised many times before).

We have conducted a computerized search of reported cases from around the country and have found none in which a school district was held liable because a student failed to buckle a seat belt which was provided.[5] Further, none of the articles we have consulted describes such a case.[6] Several cases have held airlines negligent when pilots failed to warn passengers to buckle up because of turbulent weather ahead.[7] A California appellate court has held that a taxicab company could be held negligent when seat belts installed in its cab slipped behind the seat so that the passenger could not use them.[8] However, common carriers such as taxicab companies and bus lines may also be subject to liability if they fail to install seat belts and the jury decides that such failure amounts to negligence.[9] In other words, wher scrutiny is very strict, failure to provide seat belts leads to a question of negligence just as failure to make people buckle up may.

Although a school district may not be held to the high standards to which a common carrier is held,[10] if the court allows the jury to decide the amount of care that should be taken, a case could just as well be based on the question of whether seat belts should have been installed when they were not as on failure to insist on proper use if they were installed.[11] The two Colorado cases that have caused the Board concern suggest that courts are willing to allow increasingly close jury scrutiny of school district actions, both in terms of that which was done

and that which was left undone. In a case of injury that reaches the jury, we believe it would be persuasive to argue that the school installed safety equipment, taught students how to use such equipment, and urged them to do so. Further, it would not be in the District's best interest for the jury to perceive that safety equipment was omitted because the school district felt that policy would lessen liability or costs.[12]

It also appears likely that the District would decrease its liability exposure if it equipped new buses with seat belts. First, the children wearing seat belts may be less likely to be injured, thereby reducing the total number of plaintiffs. Second, the trend across the country appears to require buses to be equipped with seat belts. If this becomes the standard practice, the argument for liability on a non-equipped bus would be primarily that the District had failed to meet this standard. Since any such standard would surely first arise with respect to new buses, any minimal protection the district might achieve for old buses by leaving belts out of new ones would almost certainly be outweighed by increased exposure were a new, unequipped bus to be involved in a crash. It would, we feel, be much better to argue to a jury that safety devices were being added in a rational and orderly way than to be perceived, whether correctly or not, as omitting them in an effort to avoid liability on a somewhat dubious legal argument.

In sum, we find it difficult to imagine the Board adopting a policy not to use safety goggles in laboratory or shop classes merely because a small number of students occasionally do not use or misuse the equipment. Similarly it seems unlikely that safety equipment such as helmets or face masks for students involved in sports would be eliminated for fear that occasional misuse or nonuse of these items could somehow expand school district liability. Clearly the potential liability for failure to provide the safety equipment has always been perceived to outweigh any concerns over potential school district exposure for isolated abuses of the policies requiring the safety equipment. We are not aware of any legal reason to treat seat belts on school buses differently.

Sincerely,

Rodney D. Knutson

RDK:ld

Attachment: Footnotes

1 Justus v. Jefferson County School Dist. R-1, 683 P.2d 805, 806 (Colo. App. 1984), cert. granted (Colo.) June 25, 1984.

2 Gilbert v City of Arvada, 694 P.2d 847, 848 (Colo. App. 1984), cert. granted (Colo.) Jan. 14, 1985.

3 There appear to be no Colorado cases saying this in so many words. However, a California court has stated this essentially self-evident truth as follows:

> A school district is under no legal duty to supply transportation to its pupils. Once it does so, no one would deny a concomitant obligation to provide a reasonably safe system. Statutory, administrative and judicial expressions demonstrate concern for the safe operation of vehicles engaged in the important business of transporting school children.

31 Cal. Rptr. 847, 853 (Cal. Dist. Ct. App. 1963) (citations omitted). Statutory and administrative expressions of concern for pupil safety in transit appear in C.R.S. §§ 22-51-107, 108 (1985 Supp.) (requiring compliance with safety standards to be set by the Commissioner of Education before a district may participate in the Public School Transportation Fund) and 1 C.C.R. §§ 301-25, -26 (setting standards for the construction and operation of school buses). See also Pratt v. Robinson, 336 N.Y.S. 2d 612, 613 (Sup. Ct. 1972) (duty exists, but does not extend beyond point where students leave the bus).

4 There is a conflict as to the degree of care required; some authorities require the degree of care required of a common carrier, others require only ordinary care, but taking into account the youth of the students. See generally Annotation, Tort Liability of Public Schools and Institutions of Higher Learning for Accidents Associated With the Transportation of Students, 34 A.L.R. 3d 1210, 1221-22 (1970 & 1985 Supp.). See also 78 C.J.S. Schools and School Districts § 1338 at 1337-39 (discussing the standard of care required of the driver).

5 The only case that is arguably close is one in which the school district failed to use a wheelchair tie-down mechanism provided on the bus. Gen. Accident, Fire & Life Assurance Corp. v. Fountain, 112 S.E. 2d 630 (Ga. Ct. App. 1959), rev'd 114 S.E. 2d 120 (Ga. 1960). However, this question was not

the central issue in the case. In any event, wheelchairs are plainly a special case. Colorado requires tie-down mechanisms in vehicles intended to carry disabled students. 1 C.C.R. § 301-25(96).

6 Annotation, Tort Liability, supra note 4 at 1230-36. See also Annotation Personal Liability of Public School Executive or Administrative Officer in Negligence Action for Personal Injury or Death of Student. 35 A.L.R. 4th 272 (1985 & Supp.).

7 Annotation, Liability of Owner or Operator of Motor Vehicle or Aircraft for Injury or Death Allegedly Resulting From Failure to Furnish or Require Use of Seat Belt. 49 A.L.R. 3d 295, 302-04 (1973 & 1985 Supp.).

8 McNeil v. Yellow Cab Co., 147 Cal. Rptr. 733 (Cal. Ct. App. 1978). See also Twohig v. Briner, 214 Cal. Rptr. 729 (Cal. Ct. App. 1985) (jury issue of negligence when private vehicle owner removed seat belts from her car).

9 Greyhound Lines, Inc. v. Superior Court, 83 Cal. Rptr. 343 (Cal. Ct. App. 1970) (passengers in a bus crash); Tiemeyer v. McIntosh, 176 N.W. 2d 819 (Iowa 1970) (failure to install seat belts in a taxi cab is not negligence as a matter of law, but presents an issue for the finder-of-fact; here, the trial judge's finding that the defendant was not negligent as a

HB 252-FN

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand
nine hundred and eighty-five

AN ACT

requiring school buses used in the state which are manufactured after January 1, 1986, to be equipped with seat belts and with seat backs elevated to 28 inches.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 School Bus Design Requirements. Amend RSA 266:62 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

266:62 School Bus Design Requirements and Rules.

I. School Bus Design Rules. The director shall adopt, pursuant to RSA 260:5, and shall enforce all needful rules to govern the design of all school buses used for the transportation of school children when owned and operated by any school district, publicly or privately owned, or operated while under contract in this state.

*II. All school buses manufactured after January 1, 1986, purchased or contracted for use in the state shall be equipped with individual seat belts for each occupant that meet the Federal Motor Vehicle Safety Standards and Regulations, numbers 208, 209 and 210. The seat backs on such school buses shall be at least 28 inches in height.

Standard No. 124 - Accelerator Control Systems

This standard establishes requirements for the return of a vehicle's throttle to the idle position when the driver removes the actuating force from the accelerator control, or in the event of a breakage or disconnection in the accelerator control system.

Standard No. 205 - Glazing Materials

This standard specifies requirements for all glazing materials used in windshields, windows, and interior partitions of motor vehicles. Its purpose is to reduce the likelihood of lacerations to the face, scalp, and neck, and to minimize the possibility of occupants penetrating the windshield in collisions. It requires, among other things, that windshields be of a type that tend to cushion those that impact them, rather than allowing head penetration and even decapitation - a problem with older windshields. An amendment to this standard added two new categories of glazing materials, amended the certification requirements, and made minor changes to the chemical resistance tests.

Standard No. 207 - Seating Systems

This standard establishes requirements for seats, their attachment assemblies, and their installation to minimize the possibility of failure as a result of forces acting on the seat on vehicle impact. This standard was amended, effective January 1, 1972, to extend applicability to the driver's seat of buses.

* Standard No. 208 - Occupant Crash Protection

This standard amends Standard No. 208, Seat Belt Installations, by specifying requirements for both active and passive occupant crash protection systems for passenger cars, multipurpose passenger vehicles, trucks and buses. Effective January 1, 1972, passenger cars were required to have improved safety belt systems which incorporate automatic adjuster, single point release and a belt use warning system. Effective August 15, 1973, passenger cars were required to provide occupant crash protection for front seating positions by passive means that require no action by vehicle occupants or to provide belt starter interlock systems. Light trucks and multipurpose passenger vehicles were required to have one of these systems after August 15, 1975. An amendment disallowed the starter interlock systems and established requirements for a visual signal, a "Fasten Seat Belt," sign and an audible signal that operates for a 4- to 8 second period after the ignition is operated, effective February 25, 1975, for passenger cars and January 1, 1976 for multipurpose passenger vehicles and light trucks. A recent amendment continues present options for occupant protection in passenger cars until August 31, 1976.

*Standard No. 209 - Seat Belt Assemblies

The National Bureau of Standards, Standards for Seat Belts for Use in Motor Vehicles, was originally incorporated only by reference to this standard. On December 24, 1968, the specifications were made a part of this standard. In order to mitigate the results of an accident to a person in a motor vehicle, the standard specifies requirements for seat belt assemblies. The requirements apply to straps, webbing, or similar devices as well as all necessary buckles and other fasteners, and all hardware designed for installing the assembly in a motor vehicle. This standard was amended to upgrade webbing abrasion, buckle crush and emergency locking requirements. It was further amended to reduce the minimum retraction force required of emergency-locking retractor force.

*Standard No. 210 - Seat Belt Assembly Anchorages

This standard specifies the requirements for seat belt assembly anchorages to insure effective occupant restraint and to reduce the likelihood of failure in collisions. Included is a requirement for anchorages for lap and upper torso restraint belts in all forward facing outboard seats (four in standard sedans). This standard was amended extending the requirements to driver's seats in buses and upgrading the test requirements effective January 1, 1972.

Standard No. 217 - Bus Window Retention and Release

This standard establishes minimum requirements for bus window retention and release to reduce the likelihood of passenger ejection in accidents and enhance passenger exit in emergencies. The effective date is September 1, 1973. The standard was amended to exempt certain buses manufactured for the purpose of transporting persons under physical restraint and to clarify marking requirements. It was amended further to require that each school bus have an interlock system which will prevent the engine from starting if an emergency door is locked and an audible warning system which will sound an alarm if an emergency door release mechanism is not closed while the engine is running, effective October 26, 1976.

Standard No. 219 - Windshield Zone Intrusion - Rule (PC (9/1/76), MPV & TR, 8 of 10,000 lbs. or less GVWR - 9/1/77

The purpose of this standard is to reduce crash injuries and fatalities that result from occupants contacting vehicle components displaced near or through the windshield. The standard regulates the intrusion of vehicle parts from outside the occupant compartment into a defined zone in front of the windshield during a frontal barrier crash test. An amendment changed effective dates as noted above, substituted the term "daylight opening" for "windshield opening."

Elections (miscellan. changes)

HOUSE BILL NO. 682, by Rep. Jenkins. Makes miscellaneous changes to the election code. Under Rep. Jenkins bill:

--a candidate would have to report contributions in excess of $300 (currently must report contributions in excess of $100);

--the Alaska Public Offices Commission (APOC) would have to have probable cause to examine papers, books, accounts, etc., of a candidate;

--persons believing violations of campaign law have occurred could file a complaint with the commission and the commission could investigate if it found there was a substantial reason to believe a violation had occurred. If the commission judged a violation had occurred it would immediately report it to the attorney general.

--two or more groups that share a common officer shall be treated as a single group for the purpose of determining whether the group has receive contributions during the year exceeding $2,500;

--municipal candidates would have 15 days to file the name of the campaign treasurer (currently 7);

--a candidate would have 72 hours to report the death, resignation or removal of a campaign treasurer (currently 48);

--raises amount an individual could contribute to a campaign to $2,500 (currently $1,000); groups other than political parties could not contribute any more than $5,000 to a single candidate. Nothing prohibits a candidate from contributing more than $2,500 of his own money.

Makes other miscellaneous changes.

Introduced February 17 and referred to State Affairs, Judiciary, Finance.

Fishing Boat Registration

HOUSE BILL NO. 683, by Rep. Herrmann. Would allow a person to register only one fishing vessel for the commercial capture of salmon for each limited entry permit or interim-use permit held by the person, but the Dept. of Fish and Game would have to adopt regulations providing for the registration of another vessel if the registered vessel sinks, suffers irreparable damage, or incurs mechanical or other problems that make it impossible to continue operations with the vessel. Provide Act takes effect January 1, 1987.

Introduced February 17 and referred to the Special Committee on Fisheries, Resources, Judiciary.

School Vehicle Safety

HOUSE BILL NO. 684, by Reps. Navarre & M. M. Miller by request. School buses or other vehicle for transporting children purchased or leased after this bill takes effect by the state or a school district would have to be equipped with seatbelts, or if used for children under four, with car seats. The number of seatbelts or car seats in each vehicle would have to be equal to

HB 684, (cont'd)

the seating capacity of the vehicle. The buses would also have to have back seats meeting specified standards, and comply with safety standards of the U.S. Dept. of Transportation for school vehicles. Vehicles could be exempted to the extent necessary to accomodate wheelchairs.

Introduced February 17 and referred to Transportation, HESS, Finance.

Patronizing a Prostitute (crime of)

HOUSE BILL NO. 685, by Reps. Jenkins, Pearce and Hanley. Makes it a crime of patronizing a prostitute if a person offers or agrees to pay another person a fee to engage in sexual conduct; or enters or remains in a place of prostitution with the intent to engage in sexual conduct other than as a prostitute. Patronizing a prostitute is a class B misdemeanor.

Introduced February 17 and referred to Judiciary, Finance.

Native Family Protection

HOUSE BILL NO. 686, by Reps. Duncan and Goll. Would set up the office of Native family services in the Divison of Family and Youth Services. The office would be headed by a coordinator who is a qualified professional trained and experienced in the administration of social services programs and Indian or Alaska Native affairs.

Introduced February 17 and referred to HESS, Finance.

Appropriation (special) (new borns)

HOUSE BILL NO. 687, by Reps. Koponen, Gruenberg & Taylor. Makes a special appropriation in the amount of $1,500,000 to the newly born children's fund to provide financial assistance for the medical care of newly born children. Provides Act takes effect on effective date of HB 691.

Introduced February 17 and referred to HESS, Finance.

Education Tax Credits (schools)

HOUSE BILL NO. 688, by Reps. Gruenberg, Koponen, Ringstad, Boucher, Cato, Clocksin, Collins, Cotten, Duncan, Frank, Grussendorf, Hanley, Hurley, Jenkins, Larson, Marrou, Martin, M. M. Miller, Navarre, Phillips, Pignalberi, Shultz, Szymanski, Taylor, Uehling and Wallis. Allows credit against taxes 50 percent of contributions made by a person engaged in a trade or business to an accredited nonprofit, public or private, in-state two or four year college or university. Tax credits against the tax due on estates are allowed for 10 percent of bequests to those schools. Producers of oil or gas are allowed as credits against taxes due 50 percent of contributions to those schools. Credits may not exceed the amount of tax due.

Credits for 50 percent of contributions are also allowed for taxes due for oil or gas property, mining business taxes, and fisheries businesses taxes.

Introduced February 17 and referred to HESS, Finance.

MEMORANDUM State of Alaska

TO Marshall Lind
Acting Commissioner
Dept. of Education

DATE March 25, 1986

FILE NO

TELEPHONE NO

FROM John R. Pugh
Commissioner
Dept. of Health and Social Services

SUBJECT Task Force to Address Issue of Seat Belts on School Buses

In February Ramayne Kareen, Pupil Transportation Officer on your staff, requested that our two departments reconcile our position statements regarding seat belts on school buses. Since that time, Division of Public Health staff have met on two occasions with Ms. Kareen and others to discuss this issue.

At the most recent meeting on March 6, Ms. Saundra Hutchins, who chairs the Alaska School Bus Safety Committee, explained to our staff the rationale on which the committee based its position on seat belts, and also reviewed the scope of the committee's activities and interests, which are much broader than that one issue. It was agreed that the committee should appoint a special task force to address the issue of seat belts on school buses. The task force would include selected committee members, as well as representatives of several groups who are concerned about this particular issue, but who haven't been involved previously in committee decisions. In addition, Ms. Hutchins plans to expand the representation on the regular committee to include some parents of school children.

I believe the establishment of this task force will provide a vehicle for continued study of this complex issue, a forum for discussion in which all views can be heard, and a means for pressuring the federal agencies responsible for setting safety standards to undertake the additional research and crash testing necessary to resolve the many unanswered questions of concern to both proponents and opponents of seat belts on school buses.

This department was requested to submit a list of organizations and suggested representatives to be appointed to that task force. I have enclosed a list with our recommendations.

In addition, I am enclosing a brief outline of activities which we think might be appropriate for this task force to undertake, as well as a list of questions to consider.

I understand that Ms. Hutchins plans to bring up this matter for consideration at the next regular meeting of the Alaska School Bus Safety Committee, which is on March 28.

The Department of Health and Social Services will support any efforts of the Department of Education to foster further consideration of this safety issue, and we look forward to participating in the process.

Attachments

cc: Romayne Kareen
Sandra Hutchins

Attachment A

Recommendations by the Department of Health and Social Services for organizations which should be involved in a task force on seat belts in school buses. These would be in addition to selected members of the Alaska School Bus Safety Committee.

Agency/Organization	Suggested Representative
1. Emergency Medical Services Section Division of Public Health Dept. of Health & Social Services	Gloria Way, Planner EMS/Injury Prevention, EMS Section P.O. Box H-06C Juneau, Alaska 99811 465-3141
2. Highway Safety Planning Agency Dept. of Public Safety	Ellen Moore HSPA P.O. Box N Juneau, Alaska 99811 465-4375
3. Alaska Chapter, American Academy of Pediatrics	Clint Lillibridge, M.D. State Chairman American Academy of Pediatrics 4001 Dale Street, #117 Anchorage, Alaska 99508 563-1984
4. National Coalition for Seat Belts on School Buses	Bridget Ernst, Regional Coordinator Box 3331 Homer, Alaska 99603 235-7240 or Laurel Osborne, Regional Coordinator Box 225 Galena, Alaska 99741 656-1345

ATTACHMENT B

Suggested Scope of Activities for the
Task Force on Seat Belts on School Buses

1. Review and disseminate to all interested parties information on all aspects of the issue: pros and cons of different types of seat belts on different types of buses; feasibility of installation and use; costs; crash test data and conclusions for both large and small buses, etc.

2. Review and disseminate to all interested parties new information on both sides of the issue as it becomes available.

3. Monitor related activities in other states and build up a file on documented experience with seat belts as more school districts opt for installation.

4. Identify areas of concern, and unanswered questions, that require more research and crash testing at the federal level. Push for appropriate action.

5. Identify problems with current federal standards which could be solved by modifying the regulations, and which do not require testing. Push for appropriate action.

6. Research actual number of school bus occupant injuries and deaths in Alaska in recent years, for both home-school trips and field trips: by year (before and after 1977 standards) and type of bus; by circumstances; by type of terrain involved; by type and severity of injury involved. Identify problems and gaps in acquiring this type of information.

7. Identify criteria for recommending the most appropriate protective measures for a given school district depending upon predominant terrain and road system, and other considerations.

PUBLIC OPINION MESSAGE

APR 0 3 1986

TO: REPRESENTATIVE BETTE CATO

FROM: BECKY JUDD
6230 NEWT
ANCHORAGE 99507
562-3663

BILL NO: HB 684

SUBJECT: SEAT BELTS IN SCHOOL BUSES

MESSAGE:

PLEASE VOTE YES ON HB 684. LETS REINFORCE THE SEAT BELT MESSAGE.

DATE: 04/02/86 TIME: 08:33:47 SENT BY: ANCHORAGE LIO

COPIES TO: HOUSE MEMBERS

PUBLIC OPINION MESSAGE

APR 0 3 1986

TO: REPRESENTATIVE BETTE CATO

FROM: PENNY LITTLE
148 NORTH BINKLEY
SOLDOTNA 99669
262-5846

BILL NO: HB 684

SUBJECT: SEAT BELTS IN SCHOOL BUSES

MESSAGE:

IN VIEW OF THE FACTS PRESENTED TO OUR SCHOOL DISTRICT OUR BOARD OF EDUCATION VOTED NOT TO INSTALL SEAT BELTS ON LARGE SCHOOL BUSES. IN SPITE OF PRESSURE FROM VARIOUS GROUPS A REDESIGN OF BUSES IS NEEDED SO THAT COMPARTMENTALIZATION DOES NOT CONFLICT WITH BELTS BEFORE BELTS SHOULD BE CONSIDERED.

DATE: 04/02/86 TIME: 13:42:58 SENT BY: SOLDOTNA LIO

COPIES TO: HOUSE MEMBERS
SENATE MEMBERS

PUBLIC OPINION MESSAGE

APR 0 3 1986

TO: REPRESENTATIVE BETTE CATO

FROM: LEE OLSEN
BOX 2563
SOLDOTNA 99669
262-1611

BILL NO: HB 684

SUBJECT: SEAT BELTS IN SCHOOL BUSES

MESSAGE:

I WOULD LIKE TO HAVE THIS BILL TO REMAIN IN COMMITTEE UNTIL FURTHER INFORMATION CAN BE OBTAINED ON TESTS AND STUDIES. DUE TO COMPARTMENTALIZATION A CHILD WILL RECEIVE LESS INJURIES WITHOUT LAP BELTS THAN WITH. I'M IN FAVOR OF RESTRAINTS BUT NOT IN PRESENT DESIGNED SCHOOL BUSES.

DATE: 04/02/86 TIME: 13:47:33 SENT BY: SOLDOTNA LIO

COPIES TO: HOUSE MEMBERS
SENATE MEMBERS

MAR 1 8 1986

Alaska State Legislature

House of Representatives

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

March 17, 1986

Ms. Laurel Osborne
Post Office Box 225
Galena, Alaska 99741

file

Dear Ms. Osborne:

Thank you for your letter expressing your concern over school bus safety. House Bill 684 - an act relating to seat belts in school buses is in the House Transportation Committee, Chaired by Representative Cato. When the bill moves from the House Transportation Committee it has a further referral to House HESS and Finance Committees.

This bill will undoubtedly undergo several revisions before it comes to the full House for final action.

I have taken the liberty of forwarding a copy of your letter to the House Transportation Committee for their review and information.

Again, thank you for contacting me with your concerns.

Sincerely,

Representative John G. (Jack) Fuller

Box 225
Galena, AK.
99741

March 10, 1986

Representative Jack Fuller
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Fuller:

We have a problem. School buses are not safe. Recent school bus crash tests by the Canadian Government resulted in major structural failure of all three buses tested. Fuel systems failed, the driver's compartment was crushed, windows shattered, and restraining barriers tore loose. Three of the unrestrained dummies landed in the aisle and one was thrown through a restraining barrier and landed upside down on top of a door opening mechanism.

The failure of the seating compartment to contain unrestrained passengers in a head-on collision is a clear demonstration that the present seating configuration, known as "compartmentalization", does NOT provide adequate protection for school children.

Alaskan legislators have an opportunity to make school buses safer NOW. House Bill #684 would require seatbelts and 28 inch high seatbacks in all new school buses to be purchased or leased by the state. Alaska's fleet of 600 school buses will be slowly upgraded as the new safer buses are rotated into use. There is always a price to be paid for safety. Approximately $1,300 will be added to the cost of a $40,000 bus, which has a life expectancy of 10-13 years.

In the first 6 weeks of 1986 Alaska has already had three school bus accidents. Do not wait for a major crash with multiple deaths and injuries before taking action. Seatbelts are required equipment on all cars, trucks, school vans and mid-sized school buses. Your support of House Bill #684 is crucial to the safety of Alaska's youth.

Sincerely yours,

Laurel Osborne

Laurel Osborne
Chairman, Galena PTSA Safety Committee
Regional Coordinator, National Coalition For
Seatbelts on School Buses

Message Phone- 656-1345

MAR 17 1986

Box 225
Galena, Ak.
99741

March 10, 1986

Representative Bette Cato
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

MAR 17 1986

Dear Representative Cato:

We have a problem. School buses are not safe. Recent school bus crash tests by the Canadian Government resulted in major structural failure of all three buses tested. Fuel systems failed, the driver's compartment was crushed, windows shattered, and restraining barriers tore loose. Three of the unrestrained dummies landed in the aisle and one was thrown through a restraining barrier and landed upside down on top of a door opening mechanism.

The failure of the seating compartment to contain unrestrained passengers in a head-on collision is a clear demonstration that the present seating configuration, known as "compartmentalization", does NOT provide adequate protection for school children.

Alaskan legislators have an opportunity to make school buses safer NOW. House Bill #684 would require seatbelts and 20 inch high seatbacks in all new school buses to be purchased or leased by the state. Alaska's fleet of 600 school buses will be slowly upgraded as the new safer buses are rotated into use. There is always a price to be paid for safety. Approximately $1,500 will be added to the cost of a $40,000 bus, which has a life expectancy of 10-15 years.

In the first 6 weeks of 1986 Alaska has already had three school bus accidents. Do not wait for a major crash with multiple deaths and injuries before taking action. Seatbelts are required equipment on all cars, trucks, school vans and mid-sized school buses. Your support of House Bill #684 is crucial to the safety of Alaska's youth.

Sincerely yours,

Laurel Osborne

Laurel Osborne
Chairman, Galena PTSA Safety Committee
Regional Coordinator, National Coalition For
Seatbelts on School Buses

Message Phone- 656-1345

MAR 19 1986

DELIVER TO: JPOM

ORIGINAL

15

SENT: 03/18/86 TIME: 14:39
FROM: LTCF
SUBJECT: POM/FAIRBANKS AN
PRINT DATE: 03/18/86 TIME: 14:48

TO: HOUSE TRANSPORTATION COMMITTEE

REPS: CATO, DAVIS, SHULTZ, HERRMANN, FURNACE, PIGNALBERI, MARROU

ALSO: REPS FRANK, M.W. MILLER, KOPONEN, RINGSTAD
SENS FAHRENKAMP, COGHILL, BENNETT

FROM: ALLISE GUTTENBERG, P.O.BOX 81622, COLLEGE 99708

PHONE: 455-6805

RE: HB684 SCHOOL BUS SAFETY

PLEASE SUPPORT HB684. STATISTICS SHOW HIGH SEAT BACKS PREVENT WHIPLASH INJURY TO CHILDREN. WITHOUT SEAT BELTS ON SCHOOL BUSES OUR SAFETY LAWS ARE INCONSISTENT. OUR CHILDREN ARE DENIED THE CHOICE OF BUCKLING UP. AFTER ALL THE COST IS SO MINIMAL COMPARED WITH INJURY AND LOSS OF LIFE.

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*                                                              *
* DELIVER TO: JPON                                             *
*                                                              *
*                                                              *
* ORIGINAL                                                     *
* SENT:            03/12/86   TIME: 11:35                      *
* FROM:            ANNIE NEUBAUER                              *
* SUBJECT:         PON/FAIRBANKS                               *
* PRINT DATE:      [illegible]   TIME: [illegible]             *
*                                                              *
****************************************************************
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MAR 12 1986

15

TO: HOUSE TRANSPORTATION COMMITTEE

REPS: CATO, DAVIS, [illegible], HERRMANN, [illegible], PIGNALBERI, [illegible]

FROM: [illegible]

ADD: [illegible], FAIRBANKS 99701

PHON: [illegible]

RE: [illegible] VEHICLE SAFETY

WE STRONGLY SUPPORT [illegible] TO IMPROVE SCHOOL BUS SAFETY BY PUTTING [illegible] ON SCHOOL BUSES AND INCREASING THE SEAT BACK HEIGHT TO [illegible] INCHES. THIS BILL WOULD INCREASE THE SAFETY OF OUR SCHOOL CHILDREN AND EDUCATE THEM IN SEAT BELT USE.

MAR 1 8 1986

15

DELIVER TO: JPOM

ORIGINAL
SENT: 03/17/86 TIME: 14:53
FROM: PAULA GRAY
SUBJECT: POM-FAIRBANKS
PRINT DATE: 03/17/86 TIME: 14:53

TO: HOUSE TRANSPORTATION COMMITTEE

REPS: CATO, DAVIS, SHULTZ, HERRMANN, FURNACE, PIGNALBERI, MARROU

ALSO: REPS FRANK, M.W. MILLER, KOPONEN, RINGSTAD
SENS FAHRENKAMP, COGHILL, BENNETT

FROM: GRACE PEDERSEN
1489 JENNIFER DRIVE
FAIRBANKS, AK, 99701

PHONE: 455-6014-H

RE: HB 684, SCHOOL VEHICLE SAFETY

MSG: I SUPPORT THE INSTALLATION OF SEAT BELTS ON SCHOOL BUSES. SEAT BELTS SAVE LIVES; ALSO IT SENDS A CONFUSING MESSAGE TO OUR CHILDREN (AND WORRIES SOME) WHEN WE TEACH THEM THE NEED FOR, AND ADVANTAGES OF WEARING SEATBELTS AND THEN THEY FIND THAT ON SCHOOL BUSES THERE ARE NO SEAT BELTS TO USE.

FEB 2 6 1986

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*

* DELIVER TO: JPOM

*

*

* ORIGINAL

* SENT: 02/25/86 TIME: 15:42

* FROM: LIOKOD

* SUBJECT: KODIAK POM

* PRINT DATE: 02/25/86 TIME: 15:42

*

****

TO: REPRESENTATIVES:
THOMPSON, ADAMS, RINGSTAD, BINKLEY, COTTEN, DUNCAN,
FRANK, LARSON, POURCHOT, RIEGER, SZYMANSKI, GRUENBERG,
KOPONEN, TAYLOR, HANLEY, HURLEY, PETTYJOHN, CATO,
DAVIS, FURNACE, HERRMANN, MARROU, PIGNALBERI, SHULTZ

FR: KENNETH M. COVEY
BOX 784
KODIAK, AK. 99615
486-4646 (HM) 486-3591 (WK)

RE: HB 684 - SEAT BELTS IN SCHOOL BUSES

THIS BILL IS RIDICULOUS! THIS WOULD DOUBLE THE EMPLOYEES NEEDED TO SUPERVISE KIDS. IT WOULD ALSO DECREASE THE CHILDREN'S CHANCES OF SURVIVAL SHOULD THE BUS GO INTO WATER OR CATCH FIRE. HOW WOULD A DRIVER CARE FOR 60 ELEMENTARY CHILDREN IF THE BUS WAS INVERTED AND IN FURTHER DANGER?

PUBLIC OPINION MESSAGE

APR 0 9 1986

TO: REPRESENTATIVE BETTE CATO

FROM: DON SWAIN
2400 CENTRY DRIVE #1202
ANCHORAGE, ALASKA 99507
694-2921

BILL NO: HB 684

SUBJECT: SEAT BELTS IN SCHOOL BUSES

MESSAGE:

RETRO FITTING SEAT BELTS IS NOT THE WAY TO ATTACK THE PROBLEM. SCHOOL BUSES SHOULD BE DESIGNED FROM THE GROUND UP WITH SEAT BELTS IN MIND. ALSO, THE ACCIDENT IN DENALI RESULTED IN FATALITIES BECAUSE THE WINDOWS WERE NOT SCHOOL BUS WINDOWS. THEY WERE FLIP OUT WINDOWS DESIGNED FOR TOUR BUSES.

DATE: 04/08/86 TIME: 09:24:05 SENT BY: ANCHORAGE LIO

COPIES TO: HOUSE TRANSPORTATION

PUBLIC OPINION MESSAGE

APR 0 9 1986

TO: REPRESENTATIVE BETTE CATO

FROM: DANIEL ADAMS
BOX 81001
COLLEGE 99708
479-2882

BILL NO: HB 684

SUBJECT: SAFETY BELTS IN SCHOOL BUSES

MESSAGE:

PLEASE SUPPORT HB 684 FOR SEAT BELTS IN SCHOOL BUSES.
A HIGH MINIMUM STANDARD OF SAFETY IS NEEDED FOR
HAZARDOUS DRIVING CONDITIONS IN ALASKA.

DATE: 04/07/86 TIME: 11:43:50 SENT BY: FAIRBANKS LIO

COPIES TO: HOUSE TRANSPORTATION
HOUSE FAIRBANKS DELEGATION
SENATE FAIRBANKS DELEGATION

APR 0 8 1986

PUBLIC OPINION MESSAGE

FILE

TO: REPRESENTATIVE BETTE CATO

FROM: LOIS DALLE-MOLLE
BOX 65
DENALI PARK 99755
683-2365

BILL NO: HB 684

SUBJECT: SEAT BELTS IN SCHOOL BUSES

MESSAGE:

PLEASE PASS HB684. MY CHILDREN WILL RIDE 64 MILES PER DAY. COMPARTMENTALIZED SEATS PROTECT ONLY IN HEAD ON OR REAR END COLLISIONS. THIRTY EIGHT PERCENT FATALITIES IN LAST EIGHT YEARS ARE DUE TO ROLL-OVER EVENTS--SEATBELTS PREVENT THIS. WE NEED PROTECTION FOR WORST-CASE SCENARIO. PLEASE PASS HB 684.

DATE: 04/07/86 TIME: 08:12:38 SENT BY. FAIRBANKS LIO

COPIES TO. HOUSE TRANSPORTATION
HOUSE FAIRBANKS DELEGATION
SENATE FAIRBANKS DELEGATION

Pupil Transportation Systems

MAR 7 1986

6631 East 9th Avenue Anchorage, Alaska 99504 (907) 333-5708

Mar. 4, 1986

Rep. Bette Cato
Chairman, House Transportation Committee
Pouch V
Juneau, Alaska 99811

Re: HB 684

Once again it becomes necessary to resurrect old letters (see attached) and write new ones concerning an issue that has become more emotional than viable.

The Coalition for Seat Belts on School Buses is now pursuing the issue on educational grounds rather than as a safety feature, i.e., buckling up on school buses will reinforce the use of the belt in the private automobile, where the law seems more applicable.

There is no doubt that an abundance of material on the subject either has been or will be made available to you, so I will not attempt to reinvent the wheel. The Coalition's effort seems concentrated on faulting available test data, whether staged or an in-field test, and also any expert testimony in opposition. However, there seems to be a definite lack of test data supporting or proving the effectiveness of lap belts in ensuring added protection to the student while inside the school bus. There is, however, an abundance of data providing evidence of increased injuries to students due to lap belt use when applied to the present bus configuration.

Those of us in attendance of the Tenth National Conference on Pupil Transportation to set minimum standards for the industry were excited to participate in a program to establish a uniform method of investigation and reporting of school bus accident data nationwide. Upon acceptance and implementation, the industry, for the first time, will be furnished injury data broken down into categories that will supply valuable information relative to the construction of school buses and the design incorporation of associated safety programs.

Available test data and investigative results indicate that the compartmentalization concept is doing the job for pupil safety aboard the school bus. It also indicates that improved procedures must be explored around the bus, where the greater source of problems exist.

Therefore, I respectfully request that you do not support HB 684.

Sincerely;

Cecil Whitehurst

Cecil Whitehurst

cc: Reps. Mike Davis
Walter Furnace
Adelheid Herrmann
Andre Marrou
Marco Pignalberi
Richard Shultz

April 30, 1985

MEMORANDUM

TO: ALL LEGISLATORS

FROM: CECIL WHITEHURST, PUPIL TRANSPORTATION SYSTEMS

SUBJECT: SEAT BELTS ON SCHOOL BUSES

Like the inevitable seasons, the controversy regarding the use of seat belts on school buses has constantly been on the scene for the last several years. The ever present debate continues to cause great trepidation among all people associated or connected with pupil transportation. Countless studies and tests have been accomplished and millions of words have been written and still the dissension exists between the two factions with no solution forseeable in the near future.

Unfortunately, aside from being controversial, the issue has become very emotional. This is regrettable because emotionalism and/or extreme dedication to a cause usually does not promote an atmosphere of openness and receptiveness necessary toward adopting the ultimate decision relevant to the common good.

Proponents of the use of seat belts on school buses pursue the adoption of that concept almost with blind dedication. Opponents of their use are also very dedicated when presenting their side of the debate. The issue needs to be examined realistically and put in the proper perspective.

Factual data emmanating from the results of extensive testing weigh heavily on the side of the opponents of the belts. Reports resulting from studies and tests throughout the nation for at least 13 years have pointed out with emphasis that seat belts for school bus passengers will not address the problem related to fatalities or injuries related to school buses. Agencies and institutions either taking part in the tests or sanctioning the results included the National Highway Traffic Safety Assn., Individual States (N.J.), Universities (U.C.L.A.), National Safety Council, and many independent organizations and private consultants. All resulting factual data is public information and has been published for years by trade journals and official reports.

Crash tests also have proven that school buses cannot be compared with automobiles because of its' structure and design. The specifications for the present seat configuration on school buses was established by the Federal Government as a direct result of crash tests. The seat standard mandates a high back with a 4 in. foam padding, presenting a padded barrier in front of each seat. These barriers provide a "compartmentalization" concept that has proved very effective in providing a safe pupil environment without the use of seat belts.

The results of the latest crash test conducted at the Motor Vehicle Test Center in Blainesville, Quebec was recently released by the Canadian Department of Transport. This test vindicated the "compartmentalization" philosophy now being incorporated on school buses. The study found that "head injuries were greater for the dummies that were restrained with seat belts" than those unrestrained.

Let us examine the findings from one more test that was conducted as far back as 1972 in the State of New Jersey. Taking part in the test were: Physicians for Automotive Safety, Ralph Nader's Organization, Orthopedic Surgeons, Anthropologists, State Senators and Assemblymen, State Directors of Pupil Transportation, Members of the U.C.L.A. Crash Team, P.T.A. Members, Students, Industry Representatives, N.J. Dental Society, N.J. Board of Education, Superintendents and others. The final decision from this group leaned toward the development of a safer bus environment. However, after in-depth evaluations, it did not recommend seat belts.

Statistical data from test results simply do not supply any evidence substantiating seat belts as an injury preventive device when applied to school buses.

Further examination of the available data reveals the one statistic that I feel is of paramount importance and probably supplies the key to the entire issue. The record will show that 75% of school bus related student fatalities occur off the school bus in an area known as the "death zone", which is approximately 4 feet of adjacent area surrounding the bus. These fatalities are caused either by the bus the student was riding on or motorists passing the bus during the loading or unloading process. The report futher reveals that of the remaining 25% student fatalities that occurred on the bus, seat belts would not have been a life saving factor because of the nature of the accidents that involve fatalities on school buses, i.e., railroad crossings, buses falling from heights (such as the one that occurred in Martinez, Calif. when a bus exited an off-ramp too fast, left the highway, fell 30 feet to the ground, and landed on its' top killing 29 students), buses falling into water, etc.

Therefore, if the informational data gleaned from unconnected studies, independent field testing, and accident investigations reveal the same results, the many agencies responsible for reporting results are in lockstep regarding the findings, and the student fatality data reflects a problem <u>not</u> associated with seat belts, then the obvious question has to be asked: Why the continuing controversy?

It becomes even more confusing when it is understood that both the proponents and opponents of seat belts are in pursuit of the same goal of safe transportation. It would appear to be advantageous and very productive if both factions would examine all available data with open minds programmed toward that common goal.

Another aspect of the debate is that seat belts on school buses are not cost effective based on the available data. This facet of the debate becomes very emotional because the question of "What price a child's life?" always arises. I certainly endorse that philosophy and agree that cost should not be an issue in this debate. However, my disagreement with proponents of the belts involving costs centers on the dispersment of the funds for maximum benefit.

There are many alternatives to seat belts that have surfaced from the results of field testing. These alternatives have proven their effectiveness toward the prevention of student fatalities. A variety of traffic and student control devices have been designed to attack the "death zone" and promote student safety. This equipment was listed in the January issue of School Bus Fleet magazine and include crossing arms (they swing out from the front bumper and force students to cross the street approx. 8 ft. in front of the bus), better mirror systems, strobe lights, back-up beepers, public address systems mounted outside the bus, and automatic snow/safety chains.

In addition to the equipment mentioned above that focuses on the "death zone", programs to improve driver training, boost mechanic's skills, enhance preventive maintenance procedures, and the improvement of State and District bus inspection programs have each demonstrated their worth in reducing student injury and death. Up-dating these programs would attack the other aspect of the 25% statistic by helping to eliminate this type of accident altogether.

Subsequent to this dedicated effort by all concerned, then the question of "What price a child's life?" can be addressed with sincerity because all monies available would have been utilized productively in proven areas of student safety.

Probably the two most important features of all of the above are the issues of school bus driver training, to ensure maximum efficiency behind the wheel, and bus inspection and maintenance, to ensure a safe vehicle on the road. The driver is the one ingredient that pulls everything together and makes it work. With adequate safety devices, a properly inspected and maintained bus and a fully trained driver, our time, energy, and resources will have been properly applied to alleviate the problem of all types of student injuries and fatalities associated with school buses.

I respectfully urge you <u>not</u> to support legislation directed specifically and only to seat belts on school buses. Rather please consider mandating other programs that address the problem and have proven their effectiveness.

Cecil Whitehurst (Former Director of Transportation, Anch. School Dist.)
6631 Ea. 9th. Ave.
Anchorage, Alaska 99504
(907) 333-5708

April 2, 1986

Alaska State Legislature
Representative Cato
House Transportation Committee
Room 30, Capitol Building
Juneau, AK 99811

Dear Representative Cato:

I would like to state my unequivocal support for House Bill 684. In my opinion, there are two ways to approach the seatbelt on school bus issue. If one approaches this issue thinking school buses are probably safe enough, seatbelts are unnecessary, and the money is better spent elsewhere, you will find evidence to support this supposition. But if you approach it thinking seatbelts do save lives, do prevent injuries, might improve discipline on the buses, and could be a valuable educational tool for our children, you will find overwhelming evidence to support it. As a parent and chairperson of the Homer PTA Bus Safety Committee, I ask that you use this second approach. I ask that you trust your conscience, talk to school districts with actual seatbelt use, talk to doctors, dentists, paramedics, nurses, and parents.

The opponents bring up many reasons not to equip the buses with belts, ranging from they'll be used as weapons or not be used at all, to evacuation hampering, to liability. It seems all of these fears were addressed in 1978 - seatbelts have been in our smaller buses and vans for eight years yet these fears have not materialized. The bus contractors at today's teleconference seemed to imply the possibility of increased injury due to seatbelts. Yet why would our federal government allow seatbelts on large school buses if they weren't safe? The federal government (NHTSA) safety regulations are specify only the minimal safety requirements for our buses - nothing pronibits a State from enhancing the safety of the bus. These standards are so minimal that the bus drivers are not even provided with a shoulder harness ! Why would the entire medical community throughout the country endorse seatbelts on school buses if they were not safe? Why would the National Transporation Safety Board encourage States and local jurisdications to install seatbelts if they were not safe?

The bus contractors further alleged the seat spacing of post 1977 buses prohibit the installation of lapbelts. They claim they are spaced to closely. Yet large school buses have identical seat spacing in the smaller buses and vans where lapbelts have been standard equipment for eight years. The Standards 222 enacted in 1978 originally included lapbelts and 28" high seatbacks. This was recommended by their own studies and the UCLA studies of the late 60's. But due to the intense lobbying effort of the National School Transportation Association (NTSA), seatbelts were dropped and the seatback heights were lowered to 24".

This lobbying effort has continued for the past eight years. Our own Dept. of Education circulates anti-seatbelt material produced by bus contractors. The entire school transportation industry has opposed seatbelts on large buses for years - why? Is it a fear of increased cost? Is it a fear of loss of monies to school districts? Is it fear of increased route time? Is it because our school districts allow buses to run 10% overcapacity, which can mean up to six standees on a 66 passenger bus? Certainly, a seatbelt for every passenger would make standees quite inappropriate.

As a parent, I am very frustrated by all of this opposition by our own Dept. of Education. The pamphlet they produced with state funds does not even acknowledge the fact that the American Medical Association, American Academy of Pediatrics, American Academy of Orthopedic Surgeons, American College of Preventive Medicine, Physicians for Automotive Safety, American Academy of Automotive Medicine all support seatbelts on school buses. It does not mention the success of many school districts nationwide who have installed seatbelts, nor does it accept the possibility of the educational opportunity of having the belts in the buses.

I feel my child has a basic right to protect herself in an accident. I feel she has a right to feel secure. During the teleconference a gentleman asked a parent why they just didn't drive their children to school - the gentleman obviously does not understand that we parents and doctors and engineers and safety advocates are not spending time speaking at teleconferences and writing letters and making speeches for our own children only, we are concerned about the safety of all children throughout our boroughs, state, and country. To deny a basic safety device to children is downright unfair. How can we tell our kids seatbelts are good in cars for us adults, but the buses you ride in are safe enough, you don't need them, they're not "cost effective". How can we, as a state, require parents to purchase expensive car seats to protect their children yet when it comes to buying a $10 seatbelt, we're told they're not necessary.

I am enclosing information for your review. I am also enclosing copies of over 700 signatures obtained in Homer, and copies of 1000 signatures of registered voters borough wide. Also enclosed are several letters of support written during the past year. Please feel free to call me for any additional information. I became affiliated with the National Coalition for Seatbelts on School Buses to obtain statistical information and studies which are not always readily available.

Please, don't say we need to wait for further study. This is not a political issue, it is a safety issue. Our children are being denied this basic right to a safety device now - even passing this bill will only equip the new buses and that will take at least ten years. We need the action now. Thank you.

Sincerely,

Bridget A. Ernst

Bridget A. Ernst
Chairperson, Bus Safety Committee - Homer PTA
Regional Coordinator - National Coalition for Seatbelts on School Buses