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BILL: Senate Bill 183
TITLE: School Vehicles – Seat Belts - Requirements
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POSITION: OPPOSE
COMMITTEE: Judicial Proceedings
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Senate Bill 183 prohibits specified persons from allowing pupils to stand in a school vehicle while the school vehicle is in motion; requires school vehicles in the State to be equipped with seat belts; prohibits a person from operating a specified school vehicle unless the person and each occupant under 16 years old are restrained by a seat belt; and provides for a delayed effective date.

PSSAM appreciates the intent of Senate Bill 183 and the sponsors' concern for the safety and well-being of our students on school buses. The safe transportation of our students is always a top priority for all local superintendents. However, we respectfully **oppose** Senate Bill 183 for the following reasons.

School bus safety requirements are rigid and go well beyond those required for all other passenger vehicles. National school bus safety guidelines state that the best way to provide crash protection is through "compartmentalization," in which buses provide protection so that children do not need to buckle-up. Compartmentalization provides a protective envelope consisting of strong, closely-spaced seats that have energy-absorbing seat backs. Local school systems adhere strictly to these guidelines.

Senate Bill 183 does not specify what type of seat belts are required and leaves the door open for school buses to meet the law by being equipped with lap only seat belts. While there is tremendous debate in the school bus industry about whether seat belts should be required on school buses, there is agreement that the requirement should be for lap/shoulder belts and not just lap belts. The standard of 3-point lap/shoulder belts with reinforced bus seat construction would offer the best protection for students using seat belts if there was such a requirement.

Senate Bill 183 also raises concerns regarding the responsibility/potential liability of the school bus driver in determining the age of the passenger. Our drivers transport students aged 3 to 21 on our school buses. We feel that it is unreasonable to expect a bus driver or any other individual to be able to distinguish a student's age. Further, if the expectation is that all students age 16 and under wear their seat belt at all times when riding the bus, we question how a driver could be expected to enforce this requirement while paying attention to the road and driving the bus.

This bill would also prohibit standees on school buses at any time. While we strive to achieve the goal of no standees and have experienced very few situations where standees occur during the first few days of the school year, it is not always possible to foresee which buses will be over-capacity. New housing developments, an influx of new residents with school-age children across the county, students boarding buses at the incorrect bus stop, and unanticipated kindergarten/pre-kindergarten registrations all impact student ridership and present unforeseen and unplanned bus scheduling problems. It is impossible to know how many students are going to ride a bus before the school year starts and school systems have load counts to determine the number of buses needed and the final routes. Temporarily, this may result in a few standees at the beginning of the school year. If school systems had to determine the number of buses and routes on students who are eligible to ride the bus, many more buses would need to be added to bus fleets to address this requirement.

Finally, Senate Bill 183 would have a major fiscal impact on local schools systems. A requirement for lap/shoulder belts would increase operating costs by decreasing the seating capacity of buses. Currently, most school buses can accommodate a maximum of 64 elementary-age students. More buses will be required to transport the same number of students while the cost to retrofit buses currently in the fleet will be substantial, with an estimated cost of \$21,000 per bus. To retrofit a school bus with lap belts only, the projected cost would be \$11,500 per school bus. The additional cost to equip brand new buses with lap/shoulder belts is estimated to be approximately \$7,500 per bus. Senate Bill 183 does not provide local school systems with funding to retrofit buses or purchase new buses that would meet the new seat belt requirements.

This bill also requires that all buses be equipped with seat belts by 2022. The life of a bus in Maryland is 12 years in most counties (and 15 years in some). Requiring all buses to be equipped with seat belts six years from now means that approximately one half of current school buses will have to be retrofitted with seat belts, which is a more expensive process as indicated above, and invests money in older buses, even some that will be retired in one or two years.

There are 8,425 Maryland public school buses. We reiterate that the impact on local school systems for this unfunded mandate will be enormous. Harford County estimates that the fiscal impact would be approximately \$4,500,000 to have seat belts on all school buses by 2022. Dorchester County estimates that the cost to retrofit to lap and shoulder belts would cost \$1,407,000. And Montgomery County estimates the cost would be about \$10 million to equip 1,300 buses.

For the reasons stated above, PSSAM respectfully **OPPOSES** Senate Bill 183 and urges an unfavorable committee report.