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STATEMENT OF THE NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION
JOINT LEGISLATIVE HEARINGS ON THE 2019-20 EXECUTIVE BUDGET PROPOSAL
TRANSPORTATION, ECONOMIC DEVELOPMENT & ENVIRONMENTAL CONSERVATION

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Amended June 5, 2020

INTRODUCTION

I am David Christopher and I am proud to serve as the Executive Director for the New York Association for Pupil Transportation (NYAPT). On behalf of the more than 600 members of NYAPT, I am pleased to present our statement regarding the 2019-2020 Executive Budget Proposal regarding Transportation, Economic Development & Environmental Conservation, as contained in the bills A.2008 and S.1508.

Our members are the women and men who daily work diligently to ensure the safety of the more than 2.3 million New York children who ride yellow school buses to and from school every day. We see our mission as enabling those students to access their education and to bring them home safely to their families at the end of their school day. Our bus drivers are the faces that these children see First each morning and Last each afternoon.

We are proud of our safety record in New York State. Moreover, we are committed to strengthening that record of excellence and doing all we can to improve it further. All for the children!

COMMENTS ON A.2008/S.1508---PART T

We offer comments and recommendations regarding the Governor's proposal to remove an exception for school buses from the mandatory use of seat belts. This is one of several proposals the Governor offered in response to the fatal accident in Schoharie this past fall.

For many years, our Association has generally opposed the mandatory use of seat belts on school buses. Our position has been based in our understanding of the benefits of the seat compartmentalization that is an integral part of school bus seating. We remain proud of the effectiveness of the school bus as the safest vehicle for the transportation of our children (note NTSB, NHTSA and Transportation Safety Board findings).

Due to the emergence of new and more advanced seating equipment on school buses as well as more advanced seat belt technologies for use on school buses, our position, and the position of others, on this issue has evolved. Moreover, recent findings by the National Transportation Safety Board (NTSB) would seem to demonstrate the efficacy of seat belts in preventing injuries and fatalities aboard school buses. It is hard to review the findings of the NTSB without understanding that already safe school buses might be made safer with the use of seat belts.

Our testimony to the Legislature includes three related tracks of comments as follows:

FIRST: REQUIRING SEAT BELTS TO BE USED ON SCHOOL BUSES

Current state law (Section 3635-c of the Education Law) requires the installation of seat belts on school buses but does not define the specifications of such seat belts. Since 1987, when the current law was enacted, school buses have been equipped with lap-belt technology only. In recent years, with the development of lap-shoulder seat belts (or 3-point belts) many districts have introduced those belts into their fleets at local discretion.

Recent reports and findings of the National Transportation Safety Board have indicated that those same 3-point belts may result in greater safety for students riding school buses than the 2-point lap-belt configuration. Their findings, which have been repeated over several investigations and reports, are difficult to ignore for those of us who are concerned with child safety and overall school bus safety.

Accordingly, NYAPT recommends to the Governor and the Legislature that Section 383 (1) of the Vehicle and Traffic Law be amended to require that all school buses manufactured on or after September 1, 2025, be equipped with lap-and-shoulder belts that meet standards set forth in regulations of the National Highway Traffic Safety Administration in the Federal Motor Vehicle Safety Standards (FMVSS) that govern school bus safety.

We recommend further that the Governor and the Legislature amend Section 3635-A of the Education Law to clarify that such seat belts must be used by students statewide and that such a decision not be left to the discretion of the local school board.

SECOND: OPPOSITION TO LAP BELTS

Consistent with the above statement in support of the use of 3-point lap-and-shoulder belts, NYAPT OPPOSES any change in the law that requires students to fasten the lap belts that are on most of our current fleet of school buses. Our members, who are career professionals in school transportation, believe strongly that lap belts are not effective as a safety measure and could cause more harm than good. Some would argue that any belt is better than no seat belt at all. In the interests of the children, this is not a statement to which NYAPT can subscribe.

THIRD: POLICY CONSIDERATIONS OF SEAT BELT REQUIREMENT

Regardless of the ultimate decision by the Governor and the Legislature on the seat belt usage issue, the New York Association for Pupil Transportation would urge that the State address certain elements related to the use of seat belts on school buses. The fact is that there are real-world implications of such a mandate and those implications need to be considered and addressed prior to or concurrent with any such action. Accordingly, we must raise the following issues for your consideration:

- In many districts, capacity issues will need to be addressed and resolved. School bus seats are not designed large enough to hold three older age students wearing seat belts. In addition, in many cases, districts will need to reevaluate their bus routes and bus purchases to accommodate increased seating needs. These kinds of route changes will cause disruptions in school schedules and districts will need sufficient time to work through them efficiently. *If this new mandate were to move forward, we would urge that there be a reasonable phase-in period to allow districts to solve capacity and routing issues as they present themselves.*
- School bus drivers rarely have a monitor or attendant to assist them on the school bus and are responsible for ensuring the safety of the students. We believe that the drivers should be protected from liability in the event a student does not buckle up despite the driver reminding all students to do so. It is

impractical, if not impossible, for the driver to ensure the students have fastened their belts each time a new student enters the bus. And, once the bus is rolling, there is no opportunity for the driver to check on each seat and student on a recurring basis. *Accordingly, if this new mandate were to move forward, we would urge the legislature to include language to indemnify the bus driver from liability for failure of students to fasten their seat belts.*

- A key component of safety in the use of seat belts is ensuring that they are properly fastened by all students riding the bus, and that all students are trained in proper evacuation procedures. *If this new mandate were to move forward, NYAPT would recommend and urge that the State Education Department be required to develop an enhanced educational program for students in relation to proper and safe use of their seat belts and evacuation procedures.* This program can be developed with the training funds appropriated to SED for the School Bus Driver Training Program. Further, having it developed by SED, would take the responsibility for developing such a course from the shoulders of school districts and private school bus operators.

Thank you for this opportunity to share our thoughts and recommendations with you. We are available to discuss these issues further at your convenience.

Respectfully submitted,

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Executive Director