



# TRANSPORTATION REVIEW

## SCHOOL BUS SAFETY

By Crystal Cook and Douglas Shinkle

July 2012

**M**ore than 450,000 yellow school buses transport 25 million children between school and home each day. That number represents about 55 percent of the K-12 population. School buses travel approximately 4.3 billion miles annually, keeping about 17.3 million cars off the roads surrounding schools each morning. School buses—the safest mode of transportation for children to get to and from school<sup>1</sup>—are designed to be safer than passenger vehicles in avoiding crashes and preventing injury. According to the National Highway Transportation Safety Association (NHTSA), approximately 24 children are killed in school bus accidents in an average year. Very few of these fatalities occur on the bus. One-third of fatalities occur when a child is struck by a school bus in the loading/unloading zone, one-third are struck by motorists who fail to stop for the school bus, and one-third are pedestrians who are killed as they approach or leave the school bus stop.<sup>2</sup>

Since school buses transport our most precious cargo, they are equipped with more safety equipment and must adhere to stricter standards than any other vehicle on the road. NHTSA has established several standards to maintain a high level of school bus safety. These standards include special passenger crash protection, better brakes, warning lights, special mirrors, swing-out stop arms, emergency exits, and rollover and fuel system protections. These standards focus on human, vehicle and environmental variables that affect school bus safety levels.

This report provides an overview of school bus safety, including insight on recent federal action. The report also analyzes recent action by state legislatures to address a variety of school bus safety issues, including seatbelts; school bus driver training, testing and licensing; illegally passing school buses (including use of video technology on buses to identify offenders); advertising on school buses; fire safety standards; and cellular phone use by school bus drivers.

### FEDERAL ACTION

NHTSA and several other safety organizations acknowledge that travel by school bus is virtually the safest mode of transportation in the United States. In fact, students are about 50 times more likely to arrive at school alive if they take the bus than if they drive themselves or ride with friends.<sup>3</sup> These organizations continue to enhance school bus safety by continuing to refine and strengthen school transportation methods and standards.

NHTSA has established 35 safety standards that apply to all school buses. The standards help ensure that school buses are structurally and mechanically safe. The agency also coordinates recall of any school buses found to be unsafe.

#### *Seatbelts and Compartmentalization*

NHTSA requires compartmentalization in school buses— crash protection provided by a protective pocket consisting of closely spaced seats with energy-absorbing seat backs. The National Transporta-

tion Safety Board (NTSB) and the National Academy of Sciences have confirmed the effectiveness of compartmentalization in frontal and rear impact studies. On Oct. 21, 2008, NHTSA published a final rule implementing improvements to school bus passenger protection, including an increase to the minimum seat back height, mandatory installation of lap/shoulder belts on small school buses, and performance requirements for voluntarily installed seat belts on large school buses. The new standards did not address side-impact and rollover accidents, however, and failed to provide a uniform level of safety for all school bus occupants. NTSB believes new seating systems should be developed to provide occupant protection in all types of crashes.<sup>4</sup>

NHTSA updated FMVSS 207, 208, 210 and 222 to enhance compartmentalization with mandatory requirements for equipping all small Type A school buses manufactured as of September 2011 with three-point lap/shoulder seat belts. NHTSA has denied extending these mandates to larger school buses (over 10,000 pounds). On Aug. 25, 2011, NHTSA denied a petition for rulemaking. The petition, to require installation of three-point seat belts for all seating positions on all school buses, was denied due to three main components: NHTSA has not found a safety problem supporting a federal requirement for lap/shoulder belts on large school buses; the cost and consequences of ordering and equipping seat belts on large buses would exceed the benefit; and the decision to require seat-belt installation remains under the jurisdiction of state and local governing bodies.<sup>5</sup>

#### *School Bus Fire Safety Standards*

NHTSA also regulates school buses, which currently are required to meet the same fire safety standards as cars. The agency is not aware of any fatalities or injuries resulting from school bus fires. One reason may be that federal motor vehicle safety standards for school bus emergency evacuation requirements are more stringent than for other vehicles.<sup>6</sup>

#### **STATE ACTION**

State legislatures are able to strengthen NHTSA standards by passing laws for school bus safety. Every year, state legislatures consider numerous bills on school bus safety; including seat belt regulations, school bus driver's licenses, illegal passing enforcement, advertising on school buses, fire safety standards, and cellular phone use by school bus drivers.<sup>7</sup>



#### *Seatbelts*

Each year, several states consider legislation to require safety belt installation on school buses. California (2005) and Texas (2010) are the only states that require lap-shoulder belts on new buses. Florida and New Jersey (buses purchased after 2001) require only installation of lap belts on new buses and require all passengers to be buckled up while the bus is in operation.

New York requires that all buses made after 1987 have lap belts installed. However, New York allows individual school boards to determine whether students must use the seat belts.<sup>8</sup> In 2012, New York considered legislation that would allow the commissioner of education to enforce this requirement.

In 2012, Illinois and Massachusetts debated legislation that would require safety belts in new school buses purchased by the districts. The Rhode Island House Committee on Health, Education and

Welfare declined to pass safety belt legislation. Instead, it recommended further study on the effectiveness of safety belts on school buses. Mandatory seat belt laws failed in Hawaii and Indiana in the 2012 session.

#### *School Bus Driver's Licensing and Training*

Federal law establishes requirements for states that issue commercial driver's licenses (CDL) to school bus drivers. The Motor Carrier Safety Improvement Act of 1999 established new requirements for testing and school bus endorsements. States may adopt stricter standards and laws than the federal requirements, and many have done so. Some include strengthening regulations regarding background checks, drug and alcohol testing, diabetes testing and specialized training requirements.

In 2011, states passed a variety of laws relating to school bus driver's permits. Delaware amended existing law to comply with federal requirements regarding criminal background checks for those seeking school bus driver endorsement from the DMV. Illinois passed laws stating that a school bus driver permit may not be issued to those who are under court supervision for certain offenses or who fail a criminal background check. New Jersey and New York currently are considering similar laws involving background checks. Iowa and Virginia enacted legislation that requires a checking the driver through the state sex offender registry before a school bus driver permit can be issued.

Federal law requires that states implement and maintain a drug and alcohol testing program that complies with Department of Transportation (DOT) regulations. New York is considering drug and alcohol testing during biennial exams and when crashes occur. New York also is considering a law that would require installation of ignition interlock systems in new school buses purchased after July 2013 (NY S 244). In 2011, Illinois enacted laws regarding school bus driver drug and alcohol testing. Refusal to submit to a drug or alcohol test or a test result that shows blood alcohol content above 0.00 now will result in a three-year suspension of the school bus driver's permit. Illinois also is considering two bills that would require a school bus driver permit applicant to have no established medical history or clinical diagnosis of diabetes mellitus requiring insulin for control.

California enacted legislation in 2011 requiring the Department of Education to develop or approve courses for drivers of training school pupil activity buses, transit buses, school buses and farm labor vehicles that will provide the skills and knowledge necessary for certification. In Alabama, a 2012 law now requires anyone employed as a school bus driver to successfully complete a physical examination by a licensed physician. West Virginia now requires that a school bus operator certificate be issued to anyone who has completed the required training, passed the appropriate competency test, and meets the physical requirements to operate a school bus pursuant to state board rule.

#### *Illegally Passing a School Bus*

States are cracking down on drivers that illegally pass a stopped school bus. NHTSA suggests that, to successfully increase stop-arm compliance, a program must address each of the three problems identified: the law is not obeyed, violations are not reported or are under-reported, and the law is not enforced.<sup>9</sup> In 2011, Michigan increased the penalties for passing a stopped school bus, including a fine double the amount otherwise prescribed for that moving violation. A 2012 Nebraska law provides that anyone illegally passing a school bus will be fined \$500, and will have points assessed on his or her operator's license. This year, Louisiana also revised the penalty provisions



regarding overtaking and passing school buses. The law provides graduated criminal penalties when a driver improperly overtakes or passes a school bus and injury, serious bodily injury or death of another person occurs. New Jersey and New York also are considering legislation to strengthen the penalties for motorists who illegally pass a stopped school bus.

#### *School Bus Technology: Cameras and Videos*

By allowing cameras to be placed on the outside of school buses, many states are taking further steps to apprehend and punish motorists who illegally pass stopped school buses. In the 2011 and 2012 legislative sessions, Connecticut, Georgia, Maryland, Rhode Island, Virginia and Washington enacted such measures. Arkansas, North Carolina and West Virginia also have laws that address school bus cameras. Similar measures remained under consideration in New Jersey, New York and Maine as of July 2012. Measures failed in Alabama and Florida.

In Iowa, the departments of Transportation, Public Safety, and Education must jointly conduct a study related to school bus safety. The study is to focus on the use of cameras mounted on school buses to enhance the safety of children riding the buses, to help enforce motor vehicle laws pertaining to school bus safety, to analyze requirements for picking up and dropping off school children, and to make recommendations.

The new Rhode Island law allows enforcement of certain traffic violations based on evidence obtained from a school bus safety video monitoring system. The violator will be punished by a civil fine of not less than \$250 nor more than \$500 and/or suspension of his or her driver's license for a period of not more than 30 days. As of 2011, both Virginia and Washington allow cameras to be placed on school buses with the approval of the local school district. The 2012 Maryland legislation states that the governing board of the local government must approve the use of cameras, and fines can be no more than \$250.

State policies vary on distribution of the revenue produced by these cameras. In Washington, all revenue collected from fines for such infractions must be returned to the school district, and the money is to be used for school safety zone projects. In Maryland, the revenue can be used to defray costs of installing and operating the cameras and for pedestrian safety projects; if fine revenue exceeds a certain amount, the excess must be remitted to the state fund. Virginia's measure gives localities the option to direct any civil penalty to the local school district. Rhode Island's approach to distribution of revenue collected differs significantly: 75 percent goes to the camera vendor, 12.5 percent goes to the state general fund, and the remaining 12.5 percent goes to the municipality where the violation occurred.

#### *Advertising on School Buses*

Allowing advertising on school buses is a new trend that has attracted significant interest at state legislatures the past few years. New Mexico, Massachusetts, Rhode Island and Tennessee allow advertising on both the exterior and the interior of school buses. Laws in Arizona, Colorado, Minnesota, New Jersey, Nevada, Texas and Utah allow advertising on the exterior of school buses. Six states have no state policy on exterior advertisements. In Florida, Michigan, Pennsylvania and Wisconsin advertising is allowed on the interior of school buses, and more than 20 states have no policy governing interior advertise-



ments. While some states have been considering and enacting legislation on the issue, other state departments of transportation have made policy decisions on the issue.

In 1997, Colorado became the first state to allow school districts to contract with advertisers for space on school buses. Arizona, Nevada and Tennessee also passed laws to allow advertising on school buses in the late 1990s. During the 2012 legislative session, Tennessee updated its law, and Utah passed measures that allow school districts to contract with advertisers to place advertisements on school buses.

As of July 2012, legislatures in Indiana, New Jersey, New York, Ohio and Washington are debating measures to allow advertising on school buses. Pending legislation in Rhode Island would expand the right to sell advertising on school buses to any city, town or regional school district in the state. California, Florida, Kentucky, Missouri, North Carolina and the District of Columbia considered similar measures in 2011 and 2012, but they failed.

Some state legislatures view advertising on school buses as an alternative revenue source during the economic recession. Minnesota directs that all such revenue is to be directed into the state's general fund. Arizona and New Mexico have created school bus advertising funds, specifying that the money not revert to the general fund. New Mexico specifies that 60 percent of the funds are to be used in accordance with the state's technology plan and 40 percent is to be distributed to middle schools and junior high schools to be used for extracurricular activities. Nevada's revenue is distributed to economically disadvantaged schools, where it is used to purchase textbooks and laboratory equipment and pay for field trips. The laws in Colorado, Tennessee and Texas do not specify where the revenue is to be directed.

Opponents of school bus advertising cite two major concerns. First is the effect of advertising on safety and whether it will distract drivers. Second there is concern about commercializing the education system. The National Association of State Directors of Pupil Transportation Services (NASDPTS) opposes advertising on the exterior of school buses. Although it does not support such advertising, NASDPTS provides safety measures for those states that approve it. It encourages states that approve advertising to ensure that any device(s) used to secure advertisements on school buses be designed so pedestrians' clothing or other items do not become snagged. It also supports school districts in developing and approving criteria that limit advertising size and location.<sup>10</sup>

#### *School Bus Fire Safety*

The National Transportation Safety Board (NTSB) reported that, between 1999 and 2003, an average of 2,210 school bus fires occurred annually. Maryland and Nevada passed measures in 2011 to strengthen school bus fire safety standards. The Maryland law requires that a school bus be constructed with certain materials that enable it to meet the latest fire criteria adopted by the National Congress on School Transportation. The state Motor Vehicle Administration also must adopt regulations to promote fire safety on school buses. Nevada requires any school buses bought beginning in 2014 to meet additional fire safety standards; the law requires fire testing in accordance with the National Congress on School Transportation standard or with international standards.

The Illinois House passed and the Senate currently is debating similar legislation, under which school bus occupant seating may be required to pass the "School Bus Seat Upholstery Fire Block Test" as

described in the latest edition of the National School Transportation Specifications and Procedures published by the National Congress on School Transportation. The New York Senate currently is considering legislation related to updating the fire safety components of school buses.

### Cellular Phones

According to CTIA, the wireless industry association, more than 330 million people subscribe to wireless service in the United States. Phone use in vehicles is common, including use by school bus drivers. In 19 states and the District of Columbia, school bus drivers may not use a cell phone when passengers are present. Mississippi, Oklahoma and Texas specifically do not allow school bus drivers to text, and 39 states, the District of Columbia, Guam and the U.S. Virgin Islands have banned text messaging for all drivers—including school bus drivers—while driving.

In 2011, Alabama and Florida considered legislation that would ban school bus drivers from using cellular phones while operating a bus, although neither bill passed. Pending legislation in South Carolina would make it unlawful for certain drivers who are operating a motor vehicle or school bus to use a text messaging device or a hand-held mobile telephone. Although no state passed legislation in the most recent sessions, cell phone use by drivers continues to be a hot topic.

### CONCLUSION

Because school buses have a tremendous responsibility in transporting children, they must be held to the highest level of safety. NHTSA has instituted several safety standards and regulations to ensure that school buses provide higher levels of safety than other passenger vehicles.

Many states provide additional requirements beyond the federal guidelines for school bus safety. Several states have strengthened their laws on school bus driver's training and licensing. States also have tightened laws for motorists who fail to yield to a stopped school bus. Adding cameras to the outside of school buses is a popular way to combat this problem. Laws regarding fire safety standards, requiring stricter standards than NHTSA, also have been considered and passed in some states. While state school districts feel the pinch of the economic downturn, many are looking for alternative ways to create revenue. Fifteen states now allow school districts to sell advertising space on the interior or exterior of school buses. In many other states, concerns about distracted drivers and exposing children to advertising won out and the legislation failed. With tight state budgets this issue is likely to be revisited by state legislatures in the coming years.

School buses historically have been the safest way to transport children to and from school and extracurricular activities. NHTSA and state legislatures, through Federal Motor Vehicle Safety Standard regulations and studies, are working to ensure that this tradition continues and that school buses remain the safest method of transportation for America's students.

### RESOURCES

NCSL/NHTSA Traffic Safety Legislation Database

### NOTES

1. American School Bus Council, *Fact Sheet: About the American School Bus Council* (Washington, D.C.: ASBC, n.d.); [http://files.asbc.gethifi.com/support-the-yellow-bus/support-the-bus-in-your-community/Fact\\_Sheet\\_About\\_the\\_ASBC.pdf](http://files.asbc.gethifi.com/support-the-yellow-bus/support-the-bus-in-your-community/Fact_Sheet_About_the_ASBC.pdf); National Highway Transportation Safety Administration, *Seatbelts on School Buses* (Washington, D.C.: NHTSA, May 2006); <http://www.nhtsa.gov/Vehicle+Safety/Seat+Belts/Seat+Belts+on+School+Buses+---+May+2006>.
2. "Student Transportation Safety FAQs," *School Transportation News Online*; <http://www.stnonline.com/faqs>.
3. National Highway Transportation Safety Administration, *School Buses* (Washington, D.C.: NHTSA, n.d.); <http://www.nhtsa.gov/School-Buses/#>.
4. National Transportation Safety Board, *Are You At Risk?* (Washington, D.C.: NTSB, n.d.); <http://www.nts.gov/safety/ayar1.html>.
5. "Compartmentalization," *School Transportation News Online*; <http://www.stnonline.com/resources/seat-belts/compartmentalization>.
6. Art Gissendaner, interviewer, "NHTSA Discusses School Bus Fire Research," *School Transportation News Online*, May 2012; <http://stnonline.com/home/web-exclusive/4267-nhtsa-discusses-school-bus-fire-research>.
7. *StateNet*, [www.statenet.com](http://www.statenet.com) (all state legislative information).
8. N.Y. Veh. & Traf. Law §383 (5) (2012); N.Y. Educ. Law §3635-a (1) (2012).
9. National Highway Transportation Safety Administration, *Best Practices Guide: Reducing Illegal passing of School Buses* (Washington, D.C.: NHTSA, n.d.); <http://www.nhtsa.gov/people/injury/buses/2000schoolbus/page1.htm>.
10. National Association of State Directors of Pupil Transportation Services, *Position Paper: Advertising on School Buses* (Steamboat Springs, CO: NASDPTS, March 4, 2011); <http://www.nasdpts.org/Documents/Paper-AdvertisingOnSB-3-11.pdf>.



NATIONAL CONFERENCE of STATE LEGISLATURES

*The Forum for America's Ideas*

National Conference of State Legislatures  
William T. Pound, Executive Director

7700 East First Place  
Denver, Colorado 80230  
(303) 364-7700

444 North Capitol Street, N.W., Suite 515  
Washington, D.C. 20001  
(202) 624-5400

[www.ncsl.org](http://www.ncsl.org)