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Sen. Tim Cullen Testimony on Senate Bill 304

October 31, 2013

Good afternoon, Chairman Petrowski and committee members. Chairman Petrowski, I want to offer my sincere appreciation to you for holding this hearing on Senate Bill 304, bipartisan legislation I have introduced that would require new school buses purchased, leased, or sold in Wisconsin to be equipped with three-point seat belts.

Seat belts save lives.

I considered ending my comments with that statement, but I suppose you may have some questions that I hope I can address in my testimony.

Senate Bill 304 is patterned after a policy I helped enact while a member of the Janesville School Board. SB 304 would require all new school buses purchased, sold, or leased in Wisconsin to be outfitted with seat belts.

You may be surprised to hear that federal law already requires school buses weighing five tons to have seat belts installed. This bill would extend that requirement so that school buses weighing more than ten tons also require seat belts. After all, the law of physics is not suspended just because a bus is longer.

Just to be clear, this legislation would only affect new school buses. Buses already in use would not need to be retrofitted with seat belts. Instead, the bill allows school districts to gradually phase in buses with seat belts as they purchase or lease new buses.

A school bus with seat belts costs about \$10,000 more than a bus with no seat belts. SB 304 eases the burden on school districts by creating a grant program where school districts can recover half of the additional cost associated with purchasing school buses with seat belts.

We seem to make almost every effort to provide protection to our students as we transport them to and from school. We paint the buses bright yellow, we install bright red lights and strobe lights on the outside of buses, we equip buses with extendable stop signs, and we pad the seats. We seem to do everything except for the one measure that has been proven time and again to save lives — require seat belts.

-OVER-

Here are some quick points to consider:

- Six states currently require seat belts on their school buses – Texas, New York, New Jersey, California, Florida, and Louisiana – red and blue states alike.
- Children are buckled in from the day they leave the hospital. It is the law. I imagine it is strange for a five- or six-year-old student to ride a bus for the first time and not be expected to wear any sort of restraint.
- Greyhound coach buses have begun to outfit their buses with seat belts. A successful private company meets the demand of its customers, and Greyhound is equipping its buses because of popular demand. As the president of Greyhound's seat manufacturer said, "Greyhound has redefined the safety expectations of today's motor coach passengers by moving forward with this safety integration. Passengers are responding favorably."
- It is federally required that school buses weighing five tons be equipped with seat belts. Federal law requires all school bus driver seats have seat belts. Why? Because it is the best way to protect the driver in the case of a collision. Why do we offer this protection to the driver, but not to students?
- Today, the Transportation Committee will be discussing a possible 70 mph speed limit on Wisconsin's interstate highway system. Consider this: your children or grandchildren could soon be rolling down the interstate on a school trip travelling at 70 or 75 mph. Wouldn't you want them as secure as possible?

You may hear that, because of compartmentalization, school buses are already safe. The question here is not whether school buses are safer than cars; it's whether school buses with seat belts are safer than school buses without seat belts. In many types of accidents, compartmentalization does not offer adequate protection.

On March 29, 2006, a bus carrying members of Texas's West Brook High School girls' soccer team swerved off a road after the driver tried to avoid debris from a truck. The bus flipped on its side. Two girls were killed in the accident. 12 other members of the team were injured.

After the accident, State Rep. Mike Hamilton (R) and State Sen. Eddie Lucio (D) introduced 'Ashley and Alicia's Law,' legislation to require seat belts on school buses.

The bill passed the Texas House 130-6 and passed the Senate unanimously. The bill was signed by Gov. Rick Perry on June 8, 2007.

Whether it is this year, next year, or 5 years from now, I *firmly* believe that Wisconsin will someday require seat belts on school buses. I just hope that Wisconsin doesn't wait until a national tragedy happens here as the Texas legislature did. We need to be proactive, not reactive.

Seat belts save lives. Requiring seat belts on school buses *will save lives*. I hope you join me in supporting SB 304, which will provide the best protection for our young ones. Give our students the safety and security they deserve.

Town 'stunned' after deadly school bus crash

10/17/2005 8:35:51 AM ET

NBCNews.com

A bus carrying high school students home from a band competition crashed into a tractor-trailer that had jackknifed on the interstate early Sunday, killing five people, including the band director and his 11-year-old granddaughter, officials said.

Twenty-nine others were injured, some seriously, troopers said.

"It's a terrific tragedy and loss to our school and community," said Chippewa Falls schools superintendent Mike Schoch. "Our community is stunned by it."

The semi had gone off the shoulder of Interstate 94 and jackknifed, and was blocking the westbound lane, Wisconsin State Patrol Capt. Douglas Notbohm said.

"I don't know how much opportunity there was for braking action," he said. The bus slammed into the overturned truck, but it didn't roll or catch fire, patrol spokesman Brent Pickard said.

It was the first of four buses carrying about 200 students and 40 adult chaperones, Schoch said.

Four students and three adults remained hospitalized Sunday night with injuries including broken hips, arms and legs and punctured lungs. Many had undergone surgery, but all were expected to recover, he said.

Nearly everyone was sleeping

Tania Richter, 17, a clarinet player in the band, said she was sleeping on the floor toward the back of the bus when it crashed. The impact sent her sliding under a seat.

"It was terrifying," she said, her right arm in the sling because of what she said was a shoulder bruise.

Nearly everyone was sleeping at the time, she said, but at least the bus wasn't full. Most of the windows were knocked out in the crash.

"We had a lot of seats open, which saved a lot of people," she said.

Notbohm said the dead included bus driver Paul Rasmus, 78, of Chippewa Falls, band director Douglas Greenhalgh, 48, his wife Therese, 51, and their 11-year-old granddaughter, Morgan Greenhalgh. Brandon Atherton, a 24-year-old student teacher at the school, also died.

The semi driver, employed by Whole Foods Market Group of Munster, Ind., was en route from Indiana to Minnesota, Notbohm said. The driver was hospitalized with non-life threatening injuries.

Officials didn't know why the truck went off the interstate and overturned. The driver told investigators he had not fallen asleep, Notbohm said, and Pickard said the road was dry at the time of the crash.

The National Transportation Safety Board is investigating.

The students were returning from band competition at the University of Wisconsin-Whitewater, about 200 miles southeast of Chippewa Falls. The band had placed third in Class AAAA competition in the Wisconsin School Music Association State Marching Band Championships.

Chippewa Falls High School, which has about 1,500 students, was opened Sunday for those who wanted to meet with counselors, Schoch said. The school's principal, Jim Sauter, said classes would be held Monday.

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5 hurt in Wisconsin semi, school bus crash

Updated 5/23/2008 10:42 PM | Comment | Recommend

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Enlarge By Bill Sietl, Kenosha News via AP

Officials stand by the accident scene following the collision between a semi and a school bus, Friday, in Salem, Wis. A semi-truck slammed into the back of a school bus that had stopped to drop off students along a highway.

SILVER LAKE, Wis. (AP) — A semi-truck slammed into the back of a school bus that had stopped to drop off students along a highway on Friday afternoon, seriously injuring five people.

"One of the kids that was stepping off the bus was actually ejected as the bus was hit from behind," said Kenosha County Sheriff David Beth.

Two other children, the truck driver and the bus driver also were seriously injured, Beth said.

The injuries were not believed to be life-threatening, he said, but two of the children were airlifted to Children's Hospital of Wisconsin in suburban Milwaukee.

The bus was loaded with 14 students from Wheatland Center School District, ranging from fourth to eighth graders. Each student suffered at least minor injuries was taken to one of four area hospitals for treatment, Beth said.

"As rescue people came, they found children scattered all over the grass. Some of the children were bounced around pretty handily," Beth said.

The front end of the semi was smashed in, and the bus was pushed at an angle across part of the divided four-lane highway. Neither vehicle tipped over.

He said investigators think the 51-year-old trucker did not see the bus. There were no skid marks where the accident happened about 3:40 p.m. just over a rolling ridge on state Highway 50.

"The semi came over the hill and struck the bus right in the middle of the rear end," Beth said.

The truck driver talked authorities later at the hospital.

"He may have been occupied inside the cab drinking a soda," the sheriff said. "He was either coughing or choking on it."

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Perry OKs law requiring seat belts on school buses

Parents, friends of girls killed in bus crash lobbied the Legislature
By Cindy Horswell | June 9, 2007

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Photo By GAVE RYAN/AP

Governor Rick Perry, middle, visits the memorial outside of West Brook High School that honors Ashley Brown and Alicia Bonura, two teens killed in a bus crash. Perry chose the school as the site to sign a new law mandating seat belts on school buses.

Gov. Rick Perry came to Beaumont's West Brook High School on Friday to officially sign legislation that will be known as "Ashley's and Alicia's law."

In the past, bills requiring school buses be equipped with seat belts have failed. But when Ashley Brown and Alicia Bonura died after a bus carrying them and 21 other teens turned over, the Legislature became more receptive.

The state trooper who investigated the accident felt serious injuries would have been avoided if the teens had seat belts.

The new law calls for school buses bought after Sept. 1, 2010, to come equipped with three-point lap shoulder belts. Charter buses and city buses contracted to carry students would also be required to have safety restraints by 2011.

However, the new law is contingent upon lawmakers finding money to cover school districts' expenses for the belts.

Steve Forman, whose 17-year-old daughter is scheduled for surgery next week to repair an arm trapped beneath the bus, said the West Brook families hope that lawmakers in the next session will provide funding before the regulations take effect.

"The state is blessed with a lot of resources. Our economy is good. Seat belts need to be a funding priority," Perry said.

Sen. Eddie Lucko, D-Brownsville, a sponsor of the bill signed into law, agreed.

"It would take about \$15 (million) to \$30 million to fund belts for school buses for a biennium. Texas has a \$153 billion budget. I think we can find the money."

For many years, Lucio has fought for a seat belt law but failed.

"Beaumont will be known as the birthplace of seat belts on buses in Texas," he said.

Beaumont and Galveston school districts have already begun installing lap shoulder belts on new buses, and other districts, like Wichita Falls, are considering it.

Five other states also have seat belt requirements for school buses: New York, New Jersey, Louisiana, California and Florida.

"These (West Brook) families have done a great thing by turning a tragedy into good public policy," Perry said.

The accident occurred on March 29, 2006, when a charter bus transporting the girls' soccer team in a torrential rain swerved to dodge some debris, rolled over and skidded into a ditch on U.S. 90 in Liberty County. The team was headed to a playoff match in Humble.

Ashley's mother, Melanie Brown, smiled as her eyes brimmed with tears after the signing.

"This is a very happy day. It's my birthday, and I couldn't have gotten a better present. I know Ashley is smiling today."

A similar sentiment came from Alicia's mother, JoAnne Bonura: "I feel so honored to have the governor, Sen. Lucio, Rep. Mike Hamilton and others come here."

Devin Martindale, a senior whose left arm had to be amputated after being pinned beneath the bus, traveled to Austin with her teammates to fight for the bill.

"It was hard work," she said. "It's nice to have it done."

cindy.horswell@chron.com

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STATE REPRESENTATIVE
Garey Bies
1ST ASSEMBLY DISTRICT

Senator Jerry Petrowski, Chair
Senate Committee on Transportation, Public Safety, and Veterans and Military Affairs
Room 123 South, State Capitol

Dear Chairman Petrowski,

Thank you for holding a hearing on Senate Bill 304, which would require all newly manufactured school buses to be equipped with seat belts

In Wisconsin the use of seat belts is mandatory, with a few exceptions- one being school buses. When you consider that school buses spend the majority of their time on the road transporting children, it seems counterintuitive that they wouldn't be required.

Anyone who has ever ridden on a school bus knows they are not the smoothest ride on the road. If you've gone over a significant bump while on a school bus, chances are you've had to brace yourself by holding on to the seat in front of you. Unfortunately, young school children don't have the same arm length or strength to brace themselves like older kids or adults. The seats are long, narrow, and too high for most young children to touch the floor of the bus. It is very difficult for young riders, especially 4K and Kindergarten children, to properly stay in their seat without being tossed around.

For years, the National Transportation Safety Board has advocated for restraint systems on school buses. In 2002, a National Transportation Safety Administration report to Congress questioned the effectiveness of compartmentalization of school buses, an argument opponents of the bill use to say seat belts aren't necessary. The report found that in dummy crash tests, those in shoulder and lap belts fared better than unbelted occupants, compartmentalization, and lap belts; and head injury measurements were significantly lower. This should certainly be taken seriously given all the protections we've taken to prevent individuals from incurring concussions.

This bill also addresses concerns regarding the cost to school districts by adding a grant program to help defray the cost of equipping buses with seat belts.

Once again, thank you for holding a hearing on SB 304. Please feel free to contact me if you have any questions regarding my support for this bill.

Sincerely,

First for Wisconsin!

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To: Members of The Senate Transportation Committee

Re: Opposition to Senate Bill 304

The Wisconsin School Bus Association is here today to voice their opposition to Senate Bill # 304.

Background

The National Highway Traffic Safety Administration adopted new regulations to upgrade the safety of America's school buses in October 2008. The new rules require small school buses, under 10,000 lbs GVWR, to have lap/shoulder belts rather than lap belts; and large buses to have higher seat backs.

In August 2011, NHTSA reiterated its position in denying a petition to require lap/shoulder belts in large school buses. Since students are at much greater risk traveling to school in other ways—particularly in teen-driven automobiles—the agency calculates that a seat belt mandate could result in an increase of 10-19 student fatalities each year.

Since most of the five (on average) annual school bus occupant fatalities occur to students seated in the direct line of impact, NHTSA estimates that only one life would be saved each year if all buses in the country were equipped with belts. And if fewer students are transported because of the lost capacity on buses due to lap/shoulder belts, more students are likely to die going to and from school by riskier means. In order to be effective, legislation must also include a usage requirement, a training requirement, and liability protection.

In 1977 the federal government established a new Federal Motor Vehicle Safety Standard exclusively for school buses: passenger seating that incorporates the passive protection system called "compartmentalization." Both controlled testing and real world crash experience has proven that compartmentalization works extremely well to protect school bus passengers in most crashes. It is because of this system and the other federal safety standards unique to school buses that school bus transportation is safer by all statistical measures than any other form of transportation.

We in the industry are proud of our safety record. Nationwide, yellow school buses transport 26 million students every school day, providing more than 9 billion student

rides every year, with a student occupant fatality rate of six a year and an injury rate of less than 0.2%.

In order to make an informed decision—and do no harm—state legislatures must take the following factors into account.

Capacity and Student Load

There are three sizes of school bus seats with lap/shoulder belts. The 45-inch seat has three fixed belts and is designed to hold three elementary school children; the 30-inch seat has two fixed belts and is designed for two larger students. The newest entry is the 39-inch flexible or “flex” seat, on which the buckles are placed in such a way as to allow use by either three small children or two larger ones.

Implication: School districts will most likely have to increase the number of buses in order to accommodate the same number of students.

Belt Usage

The experience of the states that require seat belts and of school districts that have participated in pilot programs is pretty consistent: the usage rate among elementary students is high, generally 75% or above, and the usage rate among middle and high school students is low, ranging from 50% to 0.

Recommendation: Any requirement for safety restraints should include a mandate for usage

Enforcement and Liability

Recommendation: A mandate for safety restraints should include a protection against criminal and civil liability for school bus drivers, school bus owners, and school districts for any injury that occurs solely as a result of misuse or nonuse of a seat belt by any passenger.

Cost

The cost to upgrade the seating system in a new school bus to lap/shoulder belt-equipped seats varies widely according to the size of the bus, the chosen seat configuration, and the manufacturer, but ranges from \$8,500 to \$12,000 per bus.

School buses are already the safest way for kids to get to school, and while they would be even safer with lap/shoulder belts, the critical question is whether spending money that way rather than on competing priorities is the best investment for your children.



School Transportation-Related Crashes

A school transportation-related crash is a crash which involves, either directly or indirectly, a school bus body vehicle, or a non-school bus functioning as a school bus, transporting children to or from school or school-related activities.

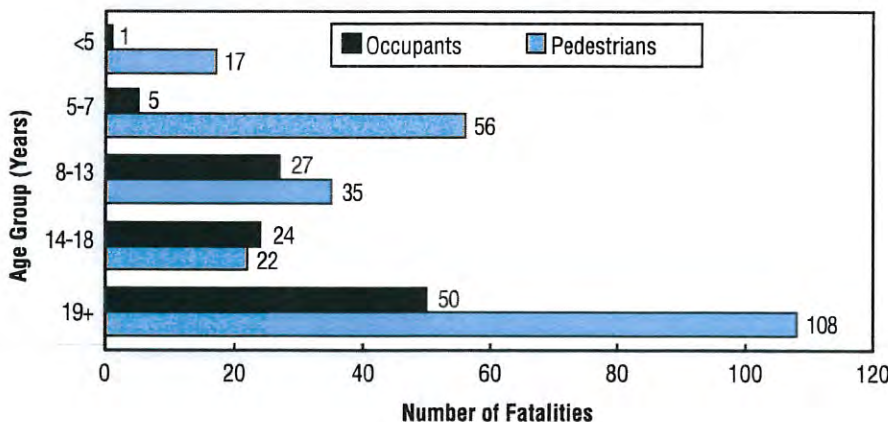
Since 2000 there were 371,104 fatal motor vehicle traffic crashes. Of those, 1,245 (0.34%) were classified as school transportation-related.

Since 2000, 1,386 people have died in school transportation-related crashes—an average of 139 fatalities per year. Occupants of school transportation vehicles accounted for 8 percent of the fatalities, and nonoccupants (pedestrians, bicyclists, etc.) accounted for 20 percent of the fatalities. Most of the people who lost their lives in these crashes (72%) were occupants of other vehicles involved.

Since 2000, 130 school-age pedestrians (younger than 19) have died in school transportation-related crashes. Over two-thirds (67%) were struck by school buses, 6 percent by vehicles functioning as school buses, and 27 percent by other vehicles involved in the crashes. There were 56 (43%) school-age pedestrians killed in school transportation-related crashes between the ages of 5 and 7.

An average of 19 school-age occupants of school transportation vehicles (6) and pedestrians (13) die in school transportation-related traffic crashes each year.

Figure 1
Total School Bus Occupant and Pedestrian Fatalities in School Transportation-Related Crashes by Age Group, 2000–2009



Note: Occupant fatalities shown are for occupants of school buses and non-school buses used as school buses.

On average, 10 school-age pedestrians are killed by school transportation vehicles (school buses and non-school bus vehicles used as school buses) each year, and 4 are killed by other vehicles involved in school bus-related crashes.

More school-age pedestrians have been killed between the hours of 3 p.m. and 4 p.m. than any other time of day.

Table 1

School-Age (Age <19) Fatalities in School Transportation-Related Crashes by Time of Day, 2000–2009

Time of Day	Occupants of School Transportation Vehicles	Occupants of Other Vehicles	Pedestrians	Pedalcyclists	Other* Nonoccupants	Total
Midnight–6:59 a.m.	4	13	11	0	0	28
7:00–7:59 a.m.	9	54	30	2	0	95
8:00–8:59 a.m.	4	20	12	1	0	37
9:00–9:59 a.m.	0	4	0	1	0	5
10:00–10:59 a.m.	3	4	0	0	0	7
11:00–11:59 a.m.	0	0	3	0	0	3
Noon–12:59 p.m.	1	3	1	1	0	6
1:00–1:59 p.m.	0	3	6	0	0	9
2:00–2:59 p.m.	11	13	17	4	0	45
3:00–3:59 p.m.	18	52	35	2	1	108
4:00–4:59 p.m.	3	15	10	1	0	29
5:00–11:59 p.m.	4	12	5	1	0	22
Total	57	193	130	13	1	394

*Includes persons on personal conveyances such as skateboards, scooters, wheelchairs, etc.

From 2000 to 2009, 56 (43%) school-age pedestrians killed in school transportation-related crashes were between 5 and 7 years old.

Between 2000 and 2009, 85 crashes occurred in which at least one occupant of a school transportation vehicle died. More than half of those crashes (56%) involved at least one other vehicle. In the 37 single-vehicle crashes, 43 occupants—16 drivers and 27 passengers—were killed. In the 48 multiple-vehicle crashes, 26 drivers and 38 passengers died. In the 37 single-vehicle crashes, the first harmful events were as follows: striking a fixed object (22 crashes), a person falling from the vehicle (5 crashes), the vehicle overturning (5 crashes), the vehicle colliding with a train (1 crash), other non-collision (1 crash), and collision with a non-fixed object (1 crash).

Table 2

Total School Bus Occupant Fatalities (All Ages) in School Transportation-Related Crashes by Initial Impact Point on School Transportation Vehicle, 2000–2009

Principal Impact Point on School Transportation Vehicle	Type of Crash				Total	
	Single-Vehicle		Multiple-Vehicle		Crashes	Fatalities
	Crashes	Fatalities	Crashes	Fatalities		
Front	16	20	27	34	43	54
Right Side	7	9	6	8	13	17
Left Side	2	2	9	12	11	14
Rear	2	2	4	5	6	7
Top	0	0	1	4	1	4
Undercarriage	0	0	0	0	0	0
Non-Collision	9	9	0	0	9	9
Other/Unknown	1	1	1	1	2	2
Total	37	43	48	64	85	107

Table 3

School Transportation-Related Crashes Involving Occupant Fatalities (All Ages), 2000–2009

Year	School Bus Body Type				Vehicle Used as School Bus				Total			
	Single-Vehicle Crash		Multiple-Vehicle Crash		Single-Vehicle Crash		Multiple-Vehicle Crash		Single-Vehicle Crash		Multiple-Vehicle Crash	
	Crashes	Fatalities	Crashes	Fatalities	Crashes	Fatalities	Crashes	Fatalities	Crashes	Fatalities	Crashes	Fatalities
2000	7	9	6	7	2	2	2	3	9	11	8	10
2001	5	9	6	8	1	1	0	0	6	10	6	8
2002	1	1	1	1	1	1	0	0	2	2	1	1
2003	5	5	2	2	3	3	1	1	8	8	3	3
2004	2	2	5	5	0	0	0	0	2	2	5	5
2005	3	3	4	5	0	0	2	2	3	3	6	7
2006	0	0	3	6	0	0	2	2	0	0	5	8
2007	2	2	1	1	0	0	1	2	2	2	2	3
2008	3	3	6	9	1	1	3	6	4	4	9	15
2009	1	1	2	2	0	0	1	2	1	1	3	4
Total	29	35	36	46	8	8	12	18	37	43	48	64

Note: Does not include occupants of other vehicles in school-transportation-related crashes

From 2000 to 2009, nearly three-fourths (73%) of the school-age pedestrians fatally injured in crashes were struck by a school bus or a vehicle functioning as a school bus, while 27 percent were struck by a vehicle of another body type. One-third (34%) of school-age pedestrians fatally injured in school transportation-related crashes were struck by a school bus or a vehicle functioning as a school bus that was going straight.

Table 4

School-Age (Age <19) Pedestrians Killed in School Transportation-Related Crashes by Vehicle Maneuver, 2000–2009

Vehicle Maneuver	School Bus Body Type	Vehicle Used as School Bus	Other Body Type	Total
Going Straight	41	3	21	65
Slowing or Stopping in Traffic Lane	1	0	0	1
Starting in Traffic Lane	21	2	0	23
Passing or Overtaking Another Vehicle	0	0	8	8
Leaving a Parked Position	5	0	0	5
Maneuvering to Avoid an Animal, Pedestrian, Object, Other Vehicle, etc.	0	0	2	2
Turning Right	6	0	0	6
Turning Left	12	1	0	13
Backing Up (Other Than for Parking)	0	1	0	1
Negotiating a Curve	0	1	3	4
Entering Parked Position	1	0	0	1
Changing Lanes	0	0	1	1
Total	87	8	35	130

Impacts to the front of the school transportation vehicle occurred in 51 percent of fatal school transportation-related crashes.

Table 5
Fatalities (All Ages) in School-transportation-related Crashes, 2000–2009

Year	Occupants of School Transportation Vehicles*			Pedestrians			Other Non-occupants	Occupants of Other Vehicles	Total
	Driver	Passenger	Total	Struck by School Vehicle	Struck by Other Vehicle	Total			
2000	8	13	21	19	7	26	1	99	147
2001	6	12	18	18	4	22	6	95	141
2002	1	2	3	16	4	20	6	100	129
2003	6	5	11	22	5	27	2	100	140
2004	3	4	7	27	3	30	3	93	133
2005	5	5	10	27	3	30	7	87	134
2006	3	5	8	19	3	22	2	118	150
2007	4	1	5	16	2	19**	6	112	142
2008	4	15	19	20	1	21	8	104	152
2009	2	3	5	13	8	21	1	91	118
Total	42	65	107	197	40	238	42	999	1,386

*Includes school bus body type and non-school bus used as school bus.

**Includes 1 pedestrian fatality in which the striking vehicle was not identified.

Since 2000, three drivers and one passenger have died in school bus body vehicles providing transportation for purposes other than school or school-related activities (churches, civic organizations, etc.).

For more information:

Information on traffic fatalities is available from the National Center for Statistics and Analysis (NCSA), NVS-424, 1200 New Jersey Avenue SE., Washington, DC 20590. NCSA can be contacted at 800-934-8517 or via the following e-mail address: ncsaweb@dot.gov. General information on highway traffic safety can be accessed by Internet users at www.nhtsa.gov/NCSA. To report a safety-related problem or to inquire about motor vehicle safety information, contact the Vehicle Safety Hotline at 888-327-4236.

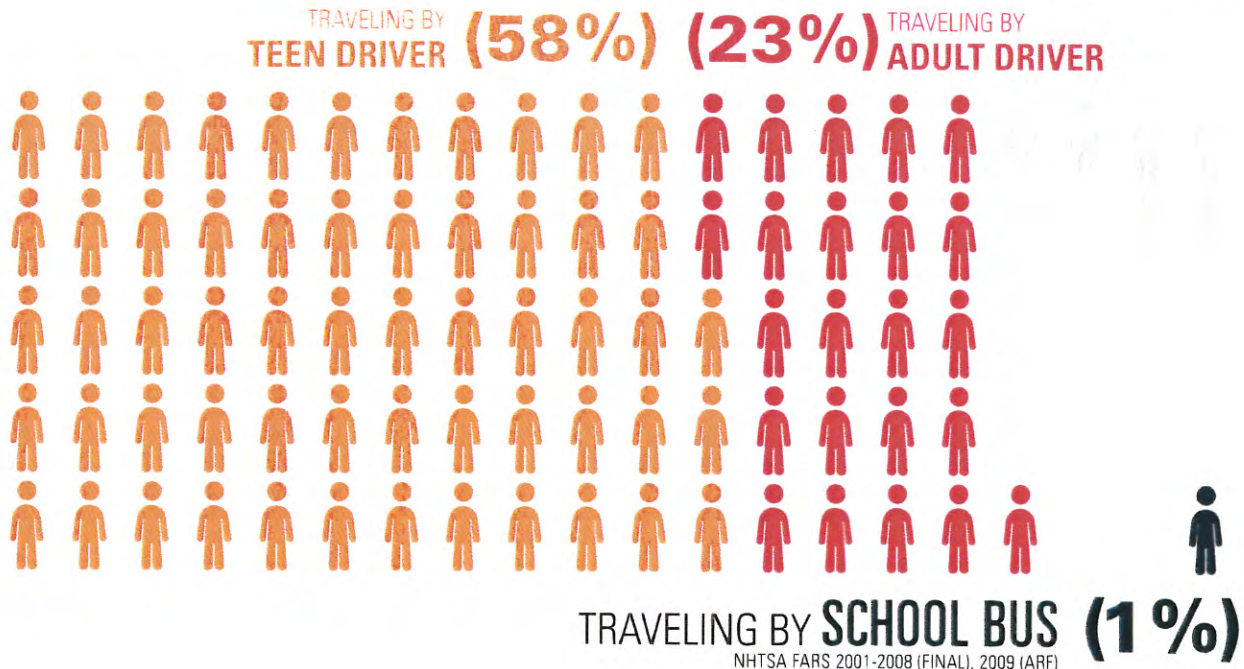
Other fact sheets available from the National Center for Statistics and Analysis are *Alcohol-Impaired Driving*, *Bicyclists and Other Cyclists*, *Children*, *Large Trucks*, *Motorcycles*, *Occupant Protection*, *Older Population*, *Overview*, *Passenger Vehicles*, *Pedestrians*, *Race and Ethnicity*, *Rural/Urban Comparisons*, *Speeding*, *State Alcohol Estimates*, *State Traffic Data*, and *Young Drivers*. Detailed data on motor vehicle traffic crashes are published annually in *Traffic Safety Facts: A Compilation of Motor Vehicle Crash Data from the Fatality Analysis Reporting System and the General Estimates System*. The fact sheets and annual *Traffic Safety Facts* report can be accessed online at www-nrd.nhtsa.dot.gov/CATS/index.aspx.



*My choice...
their ride.*

FACT: School buses are the safest mode of transportation for getting children back and forth to school.
SOURCE: U.S. DEPARTMENT OF TRANSPORTATION

STUDENT FATALITIES ANNUAL AVERAGE DURING NORMAL SCHOOL TRAVEL HOURS



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. But did you also know that your child is much safer riding the bus than being driven by you? Add in the environmental and financial benefits, and it's hard to find a reason to send your kids to school any other way. Find out what you don't know about school bus ridership. Learn the facts and play it safe. Visit schoolbusfacts.com for more information.

**LEARN THE
FACTS
PLAY IT SAFE**
schoolbusfacts.com

Punches, Derek

From: Kyle J. Stanchfield <kstanchfield@johnsonschoolbus.com>
Sent: Wednesday, October 30, 2013 10:23 AM
To: Sen.Petrowski
Subject: FW: Senate Bill 304

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning Senator Petrowski.

I am emailing you today to discuss bill 304, which you will be considering Thursday, October 31, which is the bill to install seat belts on school buses.

I am against this bill, as I hope you are as well, and that you will reject it.

School buses are the safest form of ground transportation. Data compiled by the National Highway Traffic Safety Administration (NHTSA) shows that American students are twenty times more likely to arrive safely to their school in a school bus than riding with their parents in cars. Fifty times safer than if they ride with a novice driver, such as with a friend, or driving themselves. This is due to a design used on school buses called Compartmentalization.

Compartmentalization on school buses for students is like riding in their own cocoon, a concept called "passive protection." Seat backs in school buses are high, wide and thick. All metal of the seat is covered with energy absorbing padding. This seat must pass rigid test requirements for absorbing energy, such as would be required if a child's body were thrown against the padded back. In addition to the padding the seats also have a steel inner structure that will bend forward to help absorb energy if a child is thrown against it. The seat frame must give enough to absorb the weight of the child in the seat behind. The seats are fastened to the floor strongly enough that they will not pull loose in the event of an accident; federal regulations require each seat to be anchored to withstand 15,000 lbs. of pulling force. The floor must also be strong enough that it will not bend or be torn by the pulling action of the seat anchors. Lastly, seat backs cannot be spaced further apart than a distance of 24 inches, so children cannot be thrown too far before being cushioned and/or could be thrown outside the seat compartment.

An analysis of test data by the National Highway Traffic Safety Administration concludes that lap belts appear to have little, if any, benefit in reducing serious-to-fatal injuries in severe frontal crashes. On the contrary, lap belts could increase the incidence of serious neck injuries and possible abdominal injury among passengers in severe frontal crashes.

In addition a school bus is encased in a metal frame much like a metal rib cage. And, because of its height, a school bus carries its riders high above the impact zone.

Other things to consider are:

1. Who is going to be responsible to make sure the 72 students in that bus are buckled, and will stay buckled, throughout the ride?
2. In states that have bus seat belt laws, students have been known to use the buckles to hit other students. How many injuries will this produce?
3. What if, God forbid, a bus is involved in an accident, and the bus catches fire. How will you get all 72 students out of the bus before they burn to death? You may think they should all be

able to unbuckle themselves, but imagine those are elementary school children, who are traumatized already because the bus was just involved in an accident, and is now burning. What if the driver is unconscious and cannot help these children?

4. What if the bus were to careen off the road and roll over? Who's going to get those 72 elementary aged students, now hanging upside down, safely out of their seats? What if that same bus overturns in a water filled ditch, or a river, and the bus is filling with water?

The scenarios marked 2 and 3 above have happened too many times in our nation. Luckily, students are able to exit the bus, because there are no seatbelts.

If you really want to making the school bus experience safer, please consider that most school bus related fatalities occur outside of the school bus. Better educate motorists of school buses red flashing lights, stop arm and their purpose. Pass laws that allow Wisconsin to use stop arm cameras. Help fund these type of things, and the school bus ride will be a lot safer.

Please, for the safety of Wisconsin's children, reject bill 304.

Thank you for taking the time to read my email.

Sincerely,

Kyle J Stanchfield | Terminal Manager

JOHNSON SCHOOL BUS SERVICE, INC.

711 Morris Street, Fond du Lac, WI 54935-5609

P 920-921-3003 | F 920.921.0368 | C 920.979.0820

kstanchfield@johnsonschoolbus.com



Our goal is to provide the safest, most efficient service to our customers. We must satisfy not only the interests of local school officials but those of parents, riders and the community as well. At stake is the financial investment of the terminal and equipment as well as the prosperity of our employees. The key to our longevity and success lies in forming a partnership with the schools and parents we serve, providing expert assistance and helping them make the difficult decisions that face education systems today. We accomplish this by providing a trained, responsive staff and well maintained equipment, underscoring our belief in the motto that "Safety is No Accident."

Punches, Derek

From: Wiedenhoeft, Woody <wwiedenhoeft@wasbo.com>
Sent: Wednesday, October 30, 2013 3:27 PM
To: Sen.Petrowski
Cc: Sen.Luibham; Sen.Cowles; Sen.Carpenter; Sen.Hansen; John Forester; Rob Nelson
Subject: Senate Revised Public Hearing, Committee on Transportation, Public Safety, and Veterans and Military Affairs, Senate Bill 304
Attachments: NSTA Seat Belt Paper 3-2012.pdf; ATT00001.htm; NHTSA Final Rule 10-2008.pdf; ATT00002.htm; Alabama School Bus Seat Belt Pilot Project 2010.pdf; ATT00003.htm
Follow Up Flag: Follow up
Flag Status: Completed

Dear Senator Petrowski,

The Wisconsin Association of School Business Officials (WASBO) and the School Administrators Alliance (SAA), of which WASBO is a member association, is in opposition to Senate Bill 304. I apologize for doing this by e-mail instead of in person at the hearing tomorrow. Unfortunately, calendars were not able to be sorted out for me to attend the hearing. Attached are a few documents from experts that should help us understand the situation about seat belts in school buses. After reviewing the attachments it becomes obvious that this is both an emotional issue and possibly an expensive issue.

Let me quote from the NSTA Seat Belt Paper. "It is always difficult to talk about cost when discussing school bus seat belts, as the issue is so emotionally charged, particularly following a fatality. But as policy-makers, you don't have the luxury of emotion; you are charged with the responsibility to spend limited resources wisely. School buses are already the safest way for kids to get to school, and while they would be even safer with lap/shoulder belts, the critical question is whether spending money that way rather than on competing priorities is the best investment for your children." In that regard, increased funding for schools is in scarce supply in Wisconsin.

So what funded priorities already determined to be important will fund seat belts and the safety issues that come with them. Until this question is thoroughly answered, we should not move SB 304 forward. Please read the attachments which help us think about the seriousness of this question.

If there are any questions or concerns, please feel free to contact me or John Forester at the School Administrators Alliance.

Woody Wiedenhoeft
Executive Director
Wisconsin Association of School Business Officials
4797 Hayes Rd, Suite 101
Madison, WI

wwiedenhoeft@wasbo.com

Office: 608-249-8588
Fax: 608-249-3163

Web site: www.wasbo.com



WISCONSIN MOTOR COACH ASSOCIATION

Division of the Wisconsin Motor Carriers Association

P.O. Box 44849, Madison, WI 53744-4849 * Phone: (608) 833-8200 * Fax: (608) 833-2875

October 31, 2013

To: Members,
Senate Transportation Committee

Subject: Opposition to Senate Bill 304

I am here today to voice the opposition of the Wisconsin Motor Coach Association to Senate Bill 304. The Wisconsin Motor Coach Association is a division of the Wisconsin Motor Carriers Association and many of its members operate school buses as well as motor coaches in Wisconsin.

This bill prohibits a school bus that weighs more than 10,000 pounds and that is manufactured after approximately six months after the bill's enactment from being bought, sold, or leased in Wisconsin unless the school bus is equipped with seat belts for passengers that include both pelvic and upper torso restraints.

Background Information

In October 2008, the National Highway Traffic Safety Administration (NHTSA) adopted new regulations to upgrade the safety of school buses. The new rules required small school buses, under 10,000 lbs GVWR, to have lap/shoulder belts rather than lap belts; and large buses to have higher seat backs. While the regulation sets forth standards for the voluntary installation of seat belts in large buses, it stopped short of requiring seat belts. NHTSA said that because school buses are already very safe, a federal mandate was not warranted.

In August 2011, NHTSA reiterated its position in denying a petition to require lap/shoulder belts in large school buses. NHTSA pointed out that the cost of buying and operating large school buses with seat belts could cause school districts strapped for money to reduce the number of students they transport. Since students are at much greater risk traveling to school in other ways—particularly in teen-driven automobiles—the agency calculated that a seat belt mandate could result in an increase of 10-19 student fatalities each year.

Other States

New York, New Jersey, Florida and California require that all new buses be equipped with seat belts, though only California requires lap/shoulder belts. Two other states, Louisiana and Texas, passed legislative mandates; but after 12 years, Louisiana still has not appropriated the funds to implement their law, and Texas has turned its mandate into a grant program.

Safety Record

In 1977 the federal government established a new Federal Motor Vehicle Safety Standard exclusively for school buses: passenger seating that incorporates the passive protection system called "compartmentalization." Both controlled testing and real world crash experience has proven that compartmentalization works extremely well to protect school bus passengers in most crashes. It is because of this system and the other federal safety standards unique to school buses that school bus transportation is safer by all statistical measures than any other form of transportation. Nationwide, yellow school buses transport 26 million students every school day, providing more than 9 billion student rides every year, with a student occupant fatality rate of six a year and an injury rate of less than 0.2%.

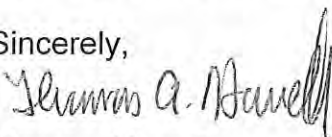
Opposition to Senate Bill 304

We oppose the bill because:

- **It is unnecessary.** The National Highway Traffic Safety Administration has evaluated this issue twice in the last five years and both times concluded that because school buses are already very safe, a federal mandate of seatbelts was not warranted.
- **Competitive Disadvantage** - Passage of SB 304 would put school bus operators in Wisconsin at a competitive disadvantage with operators in neighboring states where there is no mandate. If seatbelts are ever going to be required in large school buses, it should be done on a national level and not by individual state laws.
- **Seat Belt Use** - Requiring the use of school bus seat belts is very difficult. It's clearly impractical to make the school bus driver responsible for ensuring seat belt use; beyond reminding students to "buckle up" at the beginning of the ride, the driver cannot divert attention from his or her driving to monitor student belt use.
- **Liability** - Drivers, school bus owners, and school districts could be subjected to civil liability for any injury that occurs as a result of failure on the injured passengers' part to use a seat belt properly. These parties should not be protected against negligent actions, such as failing to repair a broken seat belt, but should be protected from a student's personal decision not to use an available restraint.

For these reasons, we ask you to oppose passage of S.B. 304.

Sincerely,



Thomas Howells
President

CENTER FOR AUTO SAFETY

1825 CONNECTICUT AVENUE NW SUITE 330 WASHINGTON DC 20009-5708
202-328-7700 ♦ www.autosafety.org

March 9, 2010

Honorable David Strickland, Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

PETITION FOR RULEMAKING

The National Coalition for School Bus Safety (NCSBS), Center for Auto Safety (CAS), Public Citizen (PC), Consumers for Auto Reliability and Safety (CARS), Consumers Union (CU), KidsandCars.org, Advocates for Highway and Auto Safety, Consumer Federation of America (CFA), SafetyBeltSafe U.S.A., the Trauma Foundation, the American Academy of Pediatrics, the American Association of Orthopaedic Surgeons, the Orthopaedic Trauma Association, 2safeschools.org, Safe Ride News, the Advocacy Institute for Children, Belt Up School Kids, the Coalition for Child Safety, Nancy Bauder, Lynn Brown, Norm Cherkis, Ruth Spaulding, and Rhea Vogel petition the National Highway Traffic Safety Administration (NHTSA) pursuant to 49 C.F.R. 552 to initiate rulemaking for the purpose of amending Federal Motor Vehicle Safety Standard 222 (FMVSS 222) to protect children from death and injury in school bus crashes.

This petition seeks action by NHTSA to promptly mandate the three-point-belt requirement for all seating positions on all school buses. School bus crashes are an important public health concern. A 2001-2003 study conducted by the National Electronic Injury Surveillance System revealed that 42% of 51,000 school bus-related injuries were associated with school bus crashes. (McGeehan et al. 2006). Another recent study conducted from 2003-2004 by the Center for Injury Research and Policy at Columbus Children's Hospital found that in Ohio alone 20,800 children younger than 18 years were occupants on a school bus involved in a crash.

The urgency of this petition is underscored by recent school bus crashes in which restrained children were protected from severe injury and, in contrast, unrestrained children suffered fatal or severe injuries. The action requested by this petition is consistent with that recommended by the National Transportation Safety Board.

organizations, and concerned individuals, NHTSA has yet to require seat belts on all newly manufactured large yellow school buses. This inaction allows manufacturers, dealers, contract operators, and school districts to avoid installing seat belts. In so doing, they imperil all the children who are transported back and forth to school every school day and to school-related activities, such as occurred in the Hartford crash.

Starting about the middle of the last century, around the world, there was an increasing awareness of the important role that seat belts have in reducing fatalities and mitigating injuries in automotive crashes. Car manufacturers began offering seat belts as an option. Safety, engineering, and medical organizations studied crashes, made recommendations, and raised public interest in seat belt installation and use. Finally, effective January 1, 1968, seat belts were required in new cars, nationwide, by federal law.

At about the same time, researchers at UCLA conducted a series of school bus crash tests using full size, yellow school buses, lifelike child dummies, and high-speed film to dramatically depict what happens to youngsters in major crashes. The shocking pictures were widely distributed and caused significant interest among concerned parents. Most expected a federal order similar to what had occurred with automobiles, but it did not come to pass.

After extensive hearings on school bus safety, Congress passed the Motor Vehicle and School Bus Safety Amendments of 1974, Pub. Law No. 93-492, which required NHTSA to promulgate new safety standards for school buses including "interior protection for occupants." Finally, in 1977, NHTSA promulgated FMVSS 222 "School Bus Passenger Seating and Occupant Protection." A requirement for seat belts on the large buses was not included.

Instead, children who ride on large school buses manufactured after that date have been forced to rely on compartmentalization between high-back, well-padded, and securely anchored seats for crash protection. Since that time, agencies, departments, and representatives of federal, state, and local governments, school district officials, school bus manufacturers, pupil transportation directors, and the operators of school buses have confidently and persistently assured parents and their children that compartmentalization provided the optimal school bus safety system by containing child passengers within their seating compartment during crashes. They insisted that because of compartmentalization, crash forces would be effectively attenuated by the padded surroundings, and injuries and fatalities would be mitigated and/or prevented. Parents and their children have accepted and placed their trust in this advice advanced by these transportation officials.

The Hartford, Connecticut, crash represents a tragic demonstration that the concept of "compartmentalization" provides inadequate protection for our school children. In fact, during a July 11, 2007 public meeting addressing the National Highway Traffic Safety Administration standards for school bus passenger protection Dr. Agran, Chair of the American Academy of Pediatrics Section on Injury, Violence and Poison Prevention even stated that "[q]uite bluntly, compartmentalization is an antiquated system. Even as major advances have been made in

NHTSA Has Not Acted on NTSB 1999 Recommendations

With the lives of more than 25 million children who ride the school bus every school day imperiled, NHTSA has been painfully slow in acting on the NTSB's recommendations. It was not until **fully nine years later**, on October 28, 2008 that NHTSA finally promulgated its rule entitled "Federal Motor Vehicle Safety Standards; Seating Systems, Occupant Crash Protection, Seat Belt Assembly Anchorages, School Bus Passenger Seating and Crash Protection."⁵

Unfortunately, the long-awaited final NHTSA rule falls far short of addressing the NTSB's recommendations.

The final rule requires installation of lap-shoulder belts only on newly manufactured small school buses, and merely *suggests* their voluntary placement on new large buses, which does very little to improve rider safety.

The NHTSA 2008 rule requires all new small school buses of 4,536 kilograms (10,000 pounds) or less gross vehicle weight rating (GVWR) to have installed lap-shoulder belts. For the familiar, large, yellow school buses with gross vehicle weight ratings (GVWR) greater than 4,536 kilograms (kg) (10,000 pounds), the rule provides only guidance to State and local jurisdictions on the subject of placement of seat belts. There is no requirement that lap-shoulder belts be installed. NHTSA merely "encourages providers to consider lap-shoulder belts on large school buses."

History has demonstrated that when safety upgrading is suggested for school buses, voluntary implementations by school authorities are extremely rare unless the vehicular construction improvement is required by law or regulatory standard at time of manufacture. When the original bus standards went into effect in 1977, NHTSA made the same distinction regarding lap belts: installation at time of manufacture on the small buses, voluntary and at local discretion for the larger buses. Less than a tenth of one percent of school districts took the initiative to order buses with belts.

By September of 1985, the National Coalition for School Bus Safety reported 59 school districts in 16 states were operating large school buses with seat belts. Responding to parental calls for action, New York was the first state to require lap belt installation on all school new buses in 1986. They were then followed by New Jersey in 1992, Louisiana, Florida and California in 1999, and finally Texas in 2007. Both California and Texas specify three-point belts. It took 15 years for the first state to require lap belts on newly manufactured buses and now, more than 30 years later, only four states currently mandate belts on new buses. Louisiana and Texas have yet to fund and enforce their laws, even though they were passed in 1999 and 2007, respectively. (Table A is a list of school bus seat belt laws by state.)

⁵ Department of Transportation, National Highway Traffic Safety Administration, 49 CFR Part 571, Federal Motor Vehicle Safety Standards; Seating Systems, Occupant Crash Protection, Seat Belt Assembly Anchorages, School Bus Passenger Seating and Crash Protection; Final Rule, *Federal Register*, vol. 73, no. 204 (October 21, 2008), pp. 62750 and 62752

The unwarranted exemption of large buses, coupled with the demonstrated, thirty-year history of failure by school districts and states to voluntarily install belts on large buses argues strongly for NHTSA to require all newly manufactured school buses to be equipped with lap-shoulder belts.

Children transported on large buses should not be denied the protection of lap-shoulder belts.

2009 NTSB Report

This embarrassingly minimal effort by NHTSA and tragic omission for America's children has been recognized anew by the NTSB. In their just released Highway Accident Brief (NTSB/HAB-09/03) on a school bus accident near Milton, FL that took place on May 28, 2008, the Board expressed its dissatisfaction with NHTSA's actions. Because Florida Law requires seat belt installation and lap belts were being used by all riders in this collision/multiple roll over crash, passengers satisfactorily rode through the crash. The Board pointed out that, in stark contrast to an extremely similar rollover crash in Flagstaff, AZ there were multiple ejections and lifetime, crippling injuries.

The Flagstaff school bus was not equipped with any form of passenger restraints; the driver's position was equipped with a lap belt. During the overturn sequence, five passengers were ejected from the bus. Of these ejected occupants, one suffered a severe head injury requiring long-term care and another sustained a cervical spine injury resulting in quadriplegia. In total, the driver and four passengers sustained serious injuries. The remaining passengers sustained minor or no injuries.

In the Milton accident, only one passenger (who may have slipped out of a loosely worn belt) and the driver sustained serious injuries, and these injuries are unlikely to require long-term care. No passengers were ejected from the bus during the Milton overturn sequence.⁸

As a result, the Board found that NHTSA had not mandated an occupant protection system that would maintain all school bus occupants in their seating area in real-world crashes, such as rollovers. The NTSB classified NHTSA's response to its Safety Recommendation as "unacceptable."

Petitioners heartily agree. The laws of physics are not repealed because one bus is longer than another. In their studies of crash profiles, fatalities, and severe injuries on school buses that exceed 10,000 lbs. GVW, the NTSB has convincingly determined that three-point belts are needed to protect children on all newly manufactured school buses.

⁸ *Highway Accident Brief*, School Bus Loss of Control and Rollover, Interstate 10, Near Milton, Florida May 28, 2008, NTSB/HAB-09/03

David and Mary-Lynn Cullen
Advocacy Institute for Children

Ruth Spaulding
Guilford Co. NC School Bus Safety
Parent Group

Stephen A. Langford
Coalition for Child Safety

Nancy Bauder
Former Executive Director
Kansans for Highway Safety

Lynn Brown, Rhea Vogel
Clarkstown Council of PTA's
Seat Belt Usage Committee

Norm Cherkis

October 31, 2013

Thomas G. Brunner
2012 Conway Drive
Janesville, WI 53548

To the Senate Transportation and Public Safety Committee:

Due to my work schedule, I am unable to attend the hearing today. As I had previously stated at the Janesville School Board Meeting in 2008, motor vehicle accidents or crashes continue to be the leading cause of death among young persons and seatbelt use is the most effective way to save lives. Seatbelt use reduces morbidity and mortality significantly. And while the concept of “compartmentalization” has proven to be effective in low speed frontal impacts, it is in lateral impacts or rollover type accidents there is a greater possibility death and disability. Taking into consideration a significant amount of school bus travel is rural and/or highway, at higher rate of speed, and the fact velocity not mass has a greater impact on injury in traffic accidents, and seatbelts have proven to reduce death and disability in personal vehicles, I think it is ironic it is not required in or on school buses.

Respectfully,

Thomas G. Brunner
Janesville Firefighter & Paramedic

TO: Members, Senate Committee on Transportation, Public Safety, and Veterans and
Military Affairs

FROM: Dr. Yolanda M. Cargile, Director of Student Services

RE: School Bus Seat Belt Bill 304

DATE: October 31, 2013

This statement is being submitted on behalf of School Bus Seat Belt Bill 304.

As Director of Student Services for the School District of Janesville; I am in favor of seat belts on buses for following reasons:

- There is currently no requirement that seat belts are used on school buses. The seat belt requirement would increase safety of students to and from school or school related events.
- I would like to see a law requiring seat belts be worn by students while being transported to and from school or school related events.

There is definitely support for this bill, but districts will also need to consider how the bill will be enforced.

- Enforcement would still be a challenge on buses without aides, as the driver must pay close attention to driving and operating the vehicle.
-