

Date of Hearing: April 17, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 692 (Chu) – As Amended April 17, 2017

**SUBJECT:** Schoolbuses: passenger restraint systems

**SUMMARY:** Requires school districts to provide information to the California Department of Education (CDE) and the California Highway Patrol (CHP) to formulate a plan to have all schoolbuses equipped with passenger restraint systems by January 1, 2023. Specifically, **this bill:**

- 1) Makes findings and declarations regarding the importance of seatbelts on schoolbuses and states the intent of the Legislature to encourage all schoolbuses to be equipped with seat belts on or before January 1, 2023, as specified.
- 2) Requires, on or before January 1, 2019, the governing board of a school district to complete and report to the CDE, an inventory of the district's schoolbuses, including the year, model, and make of the schoolbuses and whether the schoolbuses are equipped at all seating positions with passenger restraint systems.
- 3) Requires, on or before January 1, 2020, CDE, CHP, and any other appropriate or necessary entities to form a stakeholder workgroup to formulate and report to the Legislature a plan for school districts to have their entire schoolbus fleets equipped with passenger restraint systems, unless specifically prohibited by the National Highway Traffic Safety Administration (NHTSA), on or before January 1, 2023.
- 4) Encourages a school district to comply with the plan by either retrofitting schoolbuses already in its fleet or purchasing new schoolbuses, as specified.
- 5) Authorizes the governing board of a school district and any other appropriate entities to utilize existing programs to comply with the plan, as specified.

**EXISTING LAW:**

- 1) Requires every schoolbus purchased or leased for use in California to be equipped with a combination pelvic and upper torso passenger restraint system at all designated seating positions, if it is one of the following two types, unless specifically prohibited by NHTSA:
  - a) A type 1 schoolbus, designed for carrying more than 16 passengers and the driver, manufactured on or after July 1, 2005.
  - b) A type 2 schoolbus, designed for carrying not more than 16 passengers or manufactured on or after April 1, 1977, with a gross vehicle weight rating of 10,000 pounds or less and designed for carrying not more than 20 passengers and a driver, manufactured on or after July 1, 2004.
- 2) Defines a "passenger restraint system".

- 3) Prohibits a person, school district, or organization from being charged for a violation of a requirement of a passenger to use a passenger restraint system if a passenger on the schoolbus fails to use or improperly uses the passenger restraint system.
- 4) States the intent of the Legislature that school pupil transportation providers work to ensure that elementary level school bus passengers receive first priority for new schoolbuses whenever feasible, as specified.

**FISCAL EFFECT:** Unknown

**COMMENTS:** According to NHTSA, more than 15,000 lives are saved annually in the United States because drivers and their passengers wear seatbelts when they are involved in crashes. Between 2003 and 2012, NHTSA found that 174 school-age children died in school transportation-related crashes. Although no formal federal recommendations exist, in 2015 the NHTSA administrator stated, “The position of the National Highway Traffic Safety Administration is that seat belts save lives . . . . So NHTSA’s policy is that every child on every schoolbus should have a three-point seat belt.”

In 1999, Governor Davis signed AB 15 (Gallegos), Chapter 648, Statutes of 1999, which required all schoolbuses manufactured after a certain date to be equipped with passenger restraint systems, typically seatbelts. According to CHP, as of 2007, 1,900 out of 25,822 schoolbuses in California, or approximately 7.4%, were equipped with seatbelts. That proportion has since grown, with 10,710 out of 19,690 schoolbuses, or approximately 54.4%, equipped with seatbelts in 2016. This leaves roughly half of California schoolbuses without seatbelts.

This bill would require individual school districts to conduct an inventory of their schoolbus fleets to determine how many of their respective schoolbuses are equipped with seatbelts and report that information to CDE, who would then be required to work with CHP to create a plan for having all schoolbuses equipped with seatbelts by January 1, 2023.

With this bill, the author intends to “ensure that all students have equal access to the safest form of school transportation – which, according to various studies, can reduce injuries, prevent fatalities, and lower disciplinary incidents – while taking into consideration the limitations placed on local school districts as a result of school transportation budgets.”

The author cites cases in Chattanooga, Tennessee and in Anaheim, California where schoolbuses were involved in accidents. The Chattanooga schoolbus was not equipped with seatbelts had significant casualties, while the Anaheim schoolbus with seatbelts had no casualties.

Rather than outright mandate all school districts to equip their schoolbuses with seatbelts, which would likely result in large costs to districts who would be required to purchase new buses or retrofit existing buses, this bill would require school districts, CDE, and CHP to collaborate to put forward a plan for achieving maximum seatbelt equipment rates.

*Committee concerns:* The casualty rates for pupils in schoolbus accidents – 174 nationwide in nearly 10 years – suggest that school bus safety is not necessarily a pressing traffic safety hazard or priority for limited school district resources.

While it seems logical to assume that seatbelts enhance safety in all circumstances, schoolbuses are not necessarily unsafe without them. Older buses are traditionally designed to avoid rolling

over in an accident, and the seats are padded so as to cushion an impact to the front, back, or sides of a vehicle. Furthermore, in an evacuation scenario, seatbelts might be a challenge to quickly removing all pupils off of a schoolbus, particularly young, elementary school-aged pupils.

*Previous legislation:* SB 568 (Morrow), Chapter 581, Statutes of 2001, delayed the effective date for the requirement for all schoolbuses to be manufactured with seatbelts to July 1, 2005 for type 1 schoolbuses, and July 1, 2004 for type 2 schoolbuses.

AB 15 (Gallegos), Chapter 648, Statutes of 1999, required all schoolbuses manufactured on or after a certain date to be equipped with passenger restraint systems.

**REGISTERED SUPPORT / OPPOSITION:****Support**

Consumer Attorneys of California

**Opposition**

None on file

**Analysis Prepared by:** Justin Behrens / TRANS. /