

**Date:** 01/30/2008

**Committee:** House Transportation; House  
Economic Development & Business  
Concerns

**Department:** Education

**Person Testifying:** Patricia Hamamoto, Superintendent of Education

**Title of Bill:** HB 2406 RELATING TO SCHOOL BUSES.

**Purpose of Bill:** Requires large school buses to have an operable seat belt assembly at all designated seating positions and seat backs that are a minimum height by 1/1/11, in order to pass inspection. Requires the department of education to adopt rules requiring the use of seat belt assemblies by pupils and school discipline for a pupil in violation. Requires the State to purchase and lease large school buses in compliance with the new inspection requirements.

**Department's Position:** The Department of Education (DOE) opposes this bill to require all school buses to be fitted with seat belts for added safety of our bus riding students. The safety of our school bus riders is very important. School buses are constructed to protect passengers in the event of a crash, without the use of seat belts. Data show that taking the school bus, without seat belts, is presently the safest mode of transport from home to school and vice versa. We believe student safety can be improved at a fraction of the cost of seat belts in school buses with the following measures:

- a) Increasing ridership by eliminating the school bus fare. Increasing the percentage of students who ride the school bus instead of riding in a private vehicle increases student safety, reduces traffic congestion, and reduces the state's carbon footprint. If ridership increased 10% because the fare was free, the DOE's annual cost would increase by about \$3 million and its revenue would decrease by about \$2

million. The net increase in annual funds of \$5 million is significantly less than the annual cost of mandatory seat belts.

- b) Reducing the incidence of inappropriate behavior on school buses by installing video cameras on school buses.
- c) Hiring crossing guards at dangerous intersections when the county fails to provide crossing guards.

Our concerns with H.B. 2406 are set forth below:

A. Seat belt assembly type. H.B. 2406 should specify the type of seat belt assembly to be installed. Two-point lap-belt systems are found to cause serious neck and abdominal injury in severe frontal crashes; therefore a 3-point lap/shoulder belt system would provide better protection.

B. Cost of retrofitting seat belts in existing buses. Currently, there are approximately 560 Type-1 (48 – 72 passengers) school buses owned by contractors who provide services to the DOE. Those buses still in use by the January 1, 2011 implementation deadline in H.B. 2406 would need to be retrofitted with seat belts. It has been estimated that the cost to properly retrofit existing school buses with 3-point lap/shoulder seat belt assemblies would amount to approximately \$25,000 to \$30,000 per bus, depending on installment factors of each bus such as the existing strength of floors/framing to accommodate proper installation to meet the required specifications. Based on these estimates, total costs in retrofitting 80% of the existing buses (assuming 20% are retired by January 1, 2011) would be in the range of \$11 million to \$14 million. H.B. 2406 should include a provision to fund this cost.

C. Cost of additional buses that will be required. Installation of seat belts will impact the number of available buses. If a 24-bench bus is fitted with 2 seat belts per bench, the bus is limited to transporting 48 students,

whereas the same bus could transport a maximum of 72 students today (3 per bench). We estimate that an additional 186 (1/3 of 560 buses) Type-1 buses would be needed to cover the decrease in available seats. While the cost to purchase these additional buses would be borne by contractors, we estimate that the cost to the DOE to contract for these buses would amount to approximately \$10 million annually. H.B. 2406 should include a provision to fund this cost.

D. Assuring proper use of seat belts. It is not useful to mandate seat belts in school buses unless there is proper training and monitoring of their use according to the manufacturer's specifications. To avoid compromising driver safety and to assure proper usage of seat belts, H.B. 2406 should include a provision to provide trained monitors on each bus. The monitor's primary objective would be to assure proper usage of seat belts at all times. Secondly, the monitor is needed to assure that seat belts are not utilized by students for the purpose of injuring other students. A bus monitor would cost approximately \$10,000 per bus per year, therefore H.B. 2406 should include a provision to fund \$7.5 million to cover 746 (560+186) buses.



January 30, 2008

**TESTIMONY BEFORE THE HOUSE COMMITTEES ON TRANSPORTATION  
AND ON ECONOMIC DEVELOPMENT & BUSINESS CONCERNS  
ON HB 2406 RELATING TO SCHOOL BUSES**

Thank you Chair Souki, Chair Yamashita and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association which has 360 transportation related members throughout the state of Hawaii.

**HTA opposes this bill.** A school bus is so constructed as to provide protection to school students by structural design, and by interior compartmentalization design. This is required by the Federal Motor Vehicle Safety Standards (FMVSS). It is interesting that the FMVSS address seat positioning, seat back force / deflection, seat backs as leg protection zones, but no mention of seat belts except for the driver's position.

"Compartmentalization" protection is provided by a protective envelope consisting of strong, closely-spaced seats that have energy-absorbing seat backs. The effectiveness of compartmentalization has been confirmed in the National Transportation Safety Board (NTSB) and National Academy of Sciences (NAS) studies.

Students are nearly eight times safer riding in a school bus than with their own parents and guardians in cars. The fatality rate for school buses is only 0.2 fatalities per 100 million vehicle miles traveled (VMT) compared to 1.5 fatalities per 100 million VMT for cars.

School bus crash data show that a requirement for belts on buses would provide little, if any, added protection in a crash. The National Transportation Safety Board (NTSB) and the NAS have come to the same conclusion. The NTSB concluded that most fatalities and injuries were due to occupant seating positions being in direct line with the crash forces, and that seat belts would not have prevented most of the serious injuries and fatalities.

Lap belts could increase the incidence of serious neck injuries and possibly abdominal injury among young passengers in severe frontal crashes. The use of the combination lap/shoulder belts could provide some benefit, unless misused. NHTSA's testing showed that serious neck injury and abdominal injury could result when lap/shoulder belts are misused.

Retrofitting a school bus with seatbelts could cost as much as \$10,000 per bus. Our understanding is there is no one in Hawaii who possesses the necessary certifications to perform such a retrofit. Furthermore, the Department of Education could not sustain the cost increases that will be passed on to it from the school bus operators.

School buses are heavier, experience less crash forces, and distribute crash forces differently than do passenger cars and light trucks. The crash force experienced by the passengers of large buses is much less than that experienced by other occupants. The safety record of school buses is outstanding, and because there is no compelling evidence to suggest that seat belts would provide even higher levels of occupant protection in crashes, NHTSA agrees with the NAS report that there is insufficient reason for a mandate for seat belts on large school buses.

Thank you.

## **Hawaii School Bus Association**

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January 28, 2008

Representative Joseph M. Souki Chair  
Representative Scott Y. Nishimoto, Vice Chair  
Committee on Transportation

Representative Kyle T. Yamashita, Chair  
Representative Glenn Wakai, Vice Chair  
Committee on Economic Development & Business Concerns

### **RE: HB2406 Relating to School Buses**

Dear Chair Souki, Vice Chair Nishimoto, Chair Yamashita, Vice Chair Wakai and Members of the Committee:

I am Leatrice Gomes, representing the ten companies in the Hawaii School Bus Association. We move 40,000 students between home and school daily and some or all of us have been active in the business since the first private school buses began to transport Hawaii's school kids, many decades ago. This is a highly regulated business, that is heavily dependent on very expensive, highly specialized equipment, that must be regularly and properly maintained and amortized over a significant number of years.

In all the years that school buses have been used in Hawaii, with tens of thousands of children being transported millions of miles, over decades of time, not a single child has ever been killed in a bus accident. In fact bus accidents are very rare.

The intent of HB2406, Relating to School Buses is to mandate the use of seat belts on every seat on every school bus in Hawaii. But the bills purport to solve a problem that does not exist. And if enacted into law, seat belts themselves may very well be a potential focal point of injury or death, where none exists now.

This bill would mandate that Hawaii's school buses would all have to be taken apart, retrofitted, and put back together. We have no idea of the cost of that. But we can tell you that putting seatbelts on standard school buses is a change in well designed vehicles which may well cause more harm than help.

Representative Joseph M. Souki Chair  
Representative Scott Y. Nishimoto, Vice Chair  
Committee on Transportation  
Representative Kyle T. Yamashita, Chair  
Representative Glenn Wakai, Vice Chair  
Committee on Economic Development & Business Concerns  
January 28, 2008  
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And regarding that, school buses are already the safest mode of transportation in Hawaii and in the United States. They are much safer than are automobiles, trucks, motorcycles, bicycles, or even walking. Walking to school, or riding one's bike, are far more dangerous than taking a school bus.

It is absolutely verifiable that every day in the United State, 23.5 million students ride 450,000 school buses without safety belts, and travel 4.3 billion miles. That is billion. And statistically, out of 23.5 million student bus riders riding 4.3 billion miles per year, there are between 10 and 20 deaths per year in America that are school bus related. Of those, only about 5 involve school bus passengers. Five. The remainders are pedestrian accidents. Nationally, the number of school bus related fatalities is so low as to be nearly non-existent.

Furthermore, in the entire history of the motor vehicle in Hawaii, there has never been a single school bus passenger fatality, due to a vehicular accident.

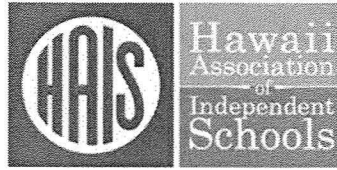
HB2406 is well intended, and we ought to all applaud the authors for bringing the issue to the front, but thankfully, school buses are already well designed and are not a part of a safety problem that demands a solution.

We strongly oppose HB2406 and urge that the bill be killed.

Thank you for the opportunity to testify.

Sincerely,

Leatrice Gomes  
President



January 30, 2008  
8:30 a.m.  
Conference Room 309

TESTIMONY TO  
THE HOUSE COMMITTEES ON TRANSPORTATION  
AND ECONOMIC DEVELOPMENT & BUSINESS CONCERNS

HB2406 – Relating to School Buses

Dear Chairs Souki and Yamashita, Vice Chairs Nishimoto and Wakai, and Members of the Committees:

My name is Robert Witt, executive director of the Hawaii Association of Independent Schools, which represents approximately 100 member schools and educates over 30,000 elementary and secondary school students statewide.

We oppose House Bill 2406, which would require private schools to equip its school buses with seat belts prior to 1/1/11.

School buses must already meet very strict Federal motor vehicle safety standards, as stated in the Department of Transportation's Chapter 143, Hawaii Administrative Rules.

In addition, the National Highway Traffic Safety Administration (NHTSA), the National Transportation Safety Board (NTSB) and the National Academy of Sciences (NAS) have all come to similar conclusions about the need for seat belts on school buses—NHTSA decided that compartmentalization, rather than seat belts, is the best way to protect school bus passengers in crashes, and NTSB stated that seat belts would not have prevented most serious injuries and fatalities from occurring in school bus crashes. NAS concluded that the potential benefits of seat belts on large school buses were insufficient to justify a Federal mandate, and stated that funds might be better spent on other school bus safety programs and devices that could save more lives and reduce more injuries.

Because the safety record of school buses is outstanding, and because there exists no compelling evidence to suggest that seat belts would provide even higher levels of protection in crashes, we do not support this, or any other measure, which would oblige our schools to expend scarce resources to equip school buses with seat belts.

Thank you for the opportunity to testify on this measure.



**nishimoto2-Bryce**

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**From:** Erik Soderholm [erik@soderholmbus.com]  
**Sent:** Tuesday, January 29, 2008 3:47 PM  
**To:** TRNtestimony  
**Cc:** GomesBus@aol.com; lgomes@groundtransportinc.com; josieaurelio@hotmail.com; george.kahanu@robertshawaii.com  
**Subject:** Testimony RE: HB 2406 - Relating To School Buses

Chairman Joe Souki & Committee On Transportation:

I would like to respectfully submit testimony in opposition to HB 2406, as presently drafted, because it says all school buses would have to have seat belts by 2011. There are more than 1,500 existing school buses in the State, and almost 1,000 owned by contractors transporting public school children. It would cost hundreds of thousands if not millions to retrofit the existing buses. It is not certain with all makes, models and ages off all the existing school buses, that retrofitting seat belts could even be done to meet the federal FMVSS seat belt pull standards. Many of the older buses were not built to have seat belts, and can never be retrofitted to meet the FMVSS seat belt pull standards. School buses used to transport public school children by DOE regulation can be used up to 15 years. Private school buses can be used as long as they continue to pass DOT safety inspections.

Soderholm Sales & Leasing, Inc. is the largest locally licensed bus dealer. We have been in business in Hawaii and the Pacific Islands for almost 20 years. Our school bus customers include almost all the DOE contractors including Gomes. Ground Transport, Kailua Local, Yamaguchi, Akita and Roberts; and private operators including MEO, HCEOC, Kamehameha Schools, HPA and Hulalai. We are the dealer for Collins school buses, the world's largest small school bus builder.

***R. Erik Soderholm***

President

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