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health, safety and equity in education

Testimony in Support of SB 0253/HB 0087- Vehicle Laws - School Bus Safety - Occupant Capacity

January 23, 2021

Chair Smith and members of the Judicial Proceedings Committee,

Thank you for the opportunity to testify in support of SB 253. I am Lisa VanBuskirk, the leader of Start School Later's Maryland and Anne Arundel County chapters. The goal of my all-volunteer organization is to educate communities about the physical and mental health, safety, and academic benefits of age-appropriate school hours, which the Maryland General Assembly has twice acknowledged with legislation in 2014 and 2016. School bus transportation is typically the tail that wags the school bell times dog, which means that much of my focus the past few years has been on understanding Maryland's and Anne Arundel's school bus routes and bus safety concerns.

With the exception of this unusual school year, the beginning of the school year typically highlights the many challenges for school systems in transporting students. New bus drivers, new bus routes for students, new bus stops, and more. The 2019-2020 school year brought more complaints than usual about overcrowded buses with students standing or sitting in the aisle or trying to squeeze three high school students and their backpacks in one seat¹. More importantly, I saw those same complaints in multiple Maryland jurisdictions². While school systems blamed a lack of school bus drivers on the overcrowding, they also referred to the fact that students are permitted by state law to be in the aisle, as sufficient justification for why the overcrowding was acceptable. A tone-deaf response at best and unsafe attitude at the very least.

In reviewing the language of the proposed bill and the version passed by this committee and the House last year, it appears that the provision to permit standing in the aisle has been maintained. **Standing in the aisle should only be permitted during true emergencies and the bill should be**

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<https://www.baltimoresun.com/education/ac-cn-bus-shortage-20190911-5uilk62m2jgt7nkux57qo36xaa-story.htm>

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<https://www.baltimoresun.com/education/bs-md-bus-driver-shortage-20190919-siey6q4sqne5xnvynzou5oc6b4-story.html>

amended to state the limited conditions for when standing in school bus aisles is acceptable.

School systems must understand, as we used to say in the military, “poor planning does not constitute an emergency”.

At Board of Education meetings I’ve attended, presentations to the Board have focused on the ways that school buses are designed to safely transport hundreds of thousands of Maryland’s students every day. The presentation typically focuses on the structural safety systems of the school bus itself, such as the way the seats are designed to move with impact, the bracing the seat in front of students, why there are no seat belts, etc. All of these safety systems assume that students are sitting in seats. **There are zero safety systems on a school bus for children standing or sitting in the aisle.** There is nothing to prevent a student standing or sitting in the aisle from being thrown from the rear of the bus all the way to the front windshield. Public transportation buses and trams have straps from the ceiling, vertical poles, or special handrails that are part of seats for riders to grasp and brace themselves as the bus stops and starts. No similar handhold is offered on school buses.

The highway safety guidelines “Pupil Transportation Safety”, issued by the National Highway Traffic Safety Administration (NHTSA) “...recommends that all passengers be seated entirely within the confines of the school bus seats while the bus is in motion. Federal motor vehicle safety standard No. 222, "School Bus Passenger Seating and Crash Protection" requires that the interior of large buses provide occupant protection so that children are protected without the need to buckle-up. Occupant crash protection is provided by a protective envelope consisting of strong, closely-spaced seats that have energy-absorbing seat backs. Persons not sitting or sitting partially outside of the school bus seats will not be afforded the occupant protection provided by the school bus seats.”³ Maryland law permitting students standing in the aisles on a regular basis violates the recommendations of NHTSA and safety common sense.

Opponents may argue that this law will cost school systems more money as they may need to hire more bus drivers or purchase more buses. This is a false assumption, as I would argue that the overcrowding on buses also stems from a lack of regular review of school bus routing and a lack of data on accurate ridership. In 18 of Maryland’s 24 school systems, a lack of methodical review of bus routes was cited in their most recent Office of Legislative Audit review⁴. For most jurisdictions, this was the 2nd or even 3rd time the OLA made this recommendation. Maryland has been recommending routing software since the 1975 Report of the Task Force to Review the Public School Pupil Transportation Program⁵. Forty-six years later, it's beyond time for school systems to use software available to them to regularly review bus routes.

I don’t believe school transportation officials are intentionally overcrowding buses, but it is an unsafe symptom of larger routing problems that puts students at risk. If school systems could not count on hiding bus routing inefficiencies by deeming overcrowded buses acceptable because it is

³ <https://one.nhtsa.gov/people/injury/buses/pub/numseat.hmp.html>

⁴ <https://www.ola.state.md.us/Search/Report?keyword=&agencyId=&dateFrom=&dateTo=&reportTypeId=4>

⁵ https://www.startschoollater.net/uploads/9/7/9/6/9796500/1975_msde_transportation_report.pdf

permissible by law, perhaps it would force them to actually act on the OLA recommendations to regularly review and update their bus routes. Transportation officials may also say the overcrowding is temporary, because it eventually resolves itself. I suspect that may be because students on overcrowded buses seek alternative transportation if they can to avoid standing in the aisle. This reliance on assumed decreases in ridership to resolve overcrowding, is again a symptom of school bus routing challenges.

Anne Arundel County Public Schools hired a transportation consultant to review their bus operations, with the report released in January 2020⁶. The report explained that AACPS has no idea what the ridership will be on any given bus route, which leads to both overcrowding with students in the aisle, as well as severely under-utilized buses with just a handful of students. Overall, the existing routing for AACPS has so many inefficiencies that AACPS could actually save millions of dollars, through regular oversight and review of its bus routes. Savings that could more than offset the cost of any additional buses or driver that would prevent unsafe overcrowding. Might other school systems similarly benefit from reviewing school bus routes, as repeatedly recommended by OLA, to ensure compliance with this law?

Please amend Senate Bill 0253 as described above, to ensure safe operations of Maryland's school buses.

Thank you,



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