

Testimony in Support of House Bill 134 – FAVORABLE WITH AMENDMENT

Motor Vehicles - School Buses - Seat Belts

Before the Environment and Transportation Committee: February 14, 2025

Jointly assigned with the Ways and Means Committee

The Public Health Law Clinic submits this testimony in support of House Bill 134, cross-filed with Senate Bill 498, with amendments. House Bill 134 would help to ensure that school-aged children across the state of Maryland have a safe experience in their transportation to and from school. The House Environment and Transportation Committee, House Ways and Means Committee, and full House of Delegates prioritized this goal of student safety when they passed House Bill 196 in 2024. This bill would ensure that all school buses purchased after July 1, 2027, and registered in Maryland are equipped with three-point seat belts in each seat.

Maryland Students Deserve Greater Protection from Injury and Death on School Buses

Every day of the 2024-2025 academic year, more than 600,000 Maryland students will travel to school by school bus.¹ Although school buses are generally considered “among the safest vehicles on the road,” they present risk of injury or death to students. In recent years, children in Maryland have unfortunately experienced injuries as school bus passengers. On October 25, 2023, twelve children were injured in a school bus crash in White Marsh, Maryland. Forty-one students were on-board the bus at the time of the crash.²

Nationally, of the 111 school bus occupants killed in school transportation vehicles between 2013 and 2022, 61 were passengers killed.³ Of these individuals, 35 (57%) were 18 years old or younger; 14% of school bus occupants killed were five to ten years old, and 12% were 14 to 18 years old. School bus fatalities are most likely to occur during peak school

¹ *Students Across the State Return to the Classroom for the 2024-2025 School Year*, MD. DEP’T OF TRANSP., STATE HIGHWAY ADMIN., (Aug. 22, 2024), <https://roads.maryland.gov/mdotsha/pages/pressreleasedetails.aspx?PageId=818&newsId=5151#:~:text=More%20than%20600%2C000%20Maryland%20students,Highway%20Traffic%20Safety%20Administration%E2%80%8B>.

² Adam Thompson, *Twelve children hurt in school bus crash in White Marsh*, CBS BALT. (Oct. 25, 2023, 11:01 A.M.), <https://www.cbsnews.com/baltimore/news/twelve-children-hurt-in-school-bus-crash-in-white-marsh/>.

³ U.S. DEP’T OF TRANSP., *Traffic Safety Facts, 2013–2022 Data* (Aug. 2024), <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813600>.

transportation times. Given this data, it is evident that greater safety measures must be taken to protect schoolchildren.

Compartmentalization Alone is Insufficient to Protect Maryland's Schoolchildren

Compartmentalization is the primary safety method relied on to protect school bus occupants in the event of a crash. Compartmentalization is an energy-absorbing, passive occupant protection system that works through the use of tall, heavily padded seat backs with a steel inner structure designed to bend forward to absorb energy as a child moves up to meet it in a crash.⁴ Consequently, crash energy is distributed across the entire seat back and the entire torso of the child as the child moves forward in a crash.

In 2008, the National Highway Traffic Safety Administration ("NHTSA") issued a final rule, FMVSS 222, requiring "small buses" (10,000 pounds or less) to have three-point lap/shoulder belts.⁵ NHTSA did not effectuate the same three-point seatbelt requirement for large school buses (greater than 10,000 pounds) due to (1) presumed sufficient protection provided by "compartmentalization" in large school buses and (2) NHTSA's inability to consider in public comment the impact that such a requirement would have on affected parties, *e.g.*, "school bus manufacturers, purchasers, and users." The National Transportation Safety Board ("NTSB") classified NHTSA's decision as "Closed—Unacceptable Action"⁶ because of the final rule's

⁴ Federal Motor Vehicle Safety Standards; Seating Systems, Occupant Crash Protection, Seat Belt Assembly Anchorages, School Bus Passenger Seating and Crash Protection, 72 Fed. Reg. 65509 (proposed Nov. 21, 2007) (to be codified at 49 C.F.R. pt. 571).

⁵ 49 C.F.R. pt. 571.

⁶ The NTSB is an independent federal agency which "may issue safety recommendations at any point during the investigation of transportation accidents or crashes and in connection with safety studies. Recommendations specify actions that recipients can take to help improve safety by addressing a specific issue uncovered during an investigation or study. Letters containing the recommendations are sent to the organization best able to address the safety issue, whether it is public or private." NHTSA is the federal agency with the authority to set and enforce regulations for motor vehicle safety, and NTSB regularly issues classifications of recipients' response to its recommendations. NAT'L TRANSP. SAFETY BD., *Safety Recommendations Data Field Descriptions*, <https://www.nts.gov/investigations/Pages/Investigations.aspx> (choose "Investigations" from header and then choose "Safety Investigations" from dropdown; choose "Field Descriptions" under "Find Our Recommendations" section) (last visited Feb. 11, 2025); NHTSA, *Laws and Regulations*, <https://www.nhtsa.gov/laws-regulations> (last visited Feb. 11, 2025).

failure to require that *all* newly manufactured buses install three-point seat belts, which would “address all crash scenarios.”⁷

Despite the notion that large school buses provide sufficient safety protection through compartmentalization, student occupants of large school buses still face a high risk of injury and death compared to individuals in other school vehicle types (*i.e.*, “van-based vehicles” and “other vehicles”). Between 2013 and 2022, twenty-six occupants of large school buses were killed due to bus rollover. Of the 111 school bus occupants killed in this period, 80 were occupants of large school buses.⁸ Given that more than 72% of school bus occupant fatalities were in large school buses, compartmentalization, on its own, is insufficient to protect Maryland schoolchildren. By enacting House Bill 134, the General Assembly has the power to protect Maryland’s most precious resource, its children.

Three-Point Seat Belts Provide Critical Injury Prevention to Students

Unlike compartmentalization, requiring three-point seat belts on school buses would “address all crash scenarios,” “accounting for frontal, side, and rear impact collisions, and for rollovers.”⁹ According to the NTSB, NHTSA’s establishment of performance requirements for three-point seat belts *voluntarily* implemented on large school buses reflects NTSB’s determination regarding the importance of three-point seat belts. Therefore, though NHTSA does not require large school buses to implement three-point seat belts, its 2008 final rule indicates support for such action.

According to the NTSB, “a properly worn lap/shoulder belt provides a higher level of protection than compartmentalization alone, particularly in rollover or side impact crashes with severe lateral motion.”¹⁰ Further, properly worn three-point seat belts “enhance compartmentalization by restraining the upper body and pelvis within the seating compartment during all crash scenarios, thus allowing the passenger to benefit from the protection of the

⁷ NAT’L TRANSP. SAFETY BD., SELECTIVE ISSUES IN SCH. BUS TRANSP. SAFETY: CRASHES IN BALT., MD., AND CHATTANOOGA, TENN. 63 (2018), <https://www.nts.gov/safety/safety-studies/Documents/SIR1802.pdf>.

⁸ U.S. DEP’T OF TRANSP., *supra* note 3.

⁹ NAT’L TRANSP. SAFETY BD., *supra* note 7.

¹⁰ NAT’L TRANSP. SAFETY BD., COLLISION BETWEEN SERV. VEHICLE AND SCH. BUS: DECATUR, TENN. 41 (2022), <https://www.nts.gov/investigations/AccidentReports/Reports/HIR2206.pdf>.

strong bus body and the compartmentalized seating system,” permitting bus passengers to come to a stop with the vehicle, rather than “continue to move and strike the interior parts of the bus” during the crash event. Three-point seat belts provide additional benefits, including “reduced driver distraction” and “improved student behavior.”¹¹

Notably, after a fatal 2022 Tennessee school bus crash that killed two people, including a seven-year-old child, the NTSB reiterated its call for lap and shoulder seat belts on all school buses, regardless of size.¹² In its investigation of this tragic school bus crash, the NTSB found that the use of three-point seat belts “would have mitigated the forward inertial movement of the unbelted passengers on the school bus, keeping them within the protecting seating compartment and reducing their risk of injury.”¹³ Ultimately, the NTSB found that the “lack of passenger lap/shoulder belts on the school bus” contributed to the severity of the crash. As a result of the investigation, NTSB reiterated recommendations for states to amend/implement school bus passenger seat belt requirements to require lap/shoulder belts on new school buses. The NTSB has deemed Maryland’s failure to implement a requirement for new large school buses to be equipped with passenger three-point seat belts an “Open—Unacceptable Response.”¹⁴

Seven states have already passed laws requiring three-point seat belts on school buses, including Arkansas, California, Florida, Iowa, Nevada, New Jersey, and Texas.¹⁵ The Public Health Law Clinic strongly urges Maryland to join these states in protecting our children against all potential collision types while riding school buses.

¹¹ NAT’L TRANSP. SAFETY BD., *supra* note 7, at 62.

¹² NAT’L TRANSP. SAFETY BD., *NTSB Reiterates Call for Lap and Shoulder Seatbelts in All School Buses* (Nov. 3, 2022), <https://www.nts.gov/news/press-releases/Pages/NR20221103.aspx>.

¹³ NAT’L TRANSP. SAFETY BD., *Collision Between Serv. Vehicle and School Bus*, <https://www.nts.gov/investigations/Pages/HWY21FH001.aspx> (last visited Feb. 11, 2025).

¹⁴ “Open—Unacceptable Response” means that “[r]esponse by recipient expresses disagreement with the need outlined in the recommendation or attempts to convince the Board (unsuccessfully) that an alternative course of action is acceptable. The Board believes, however, that there is enough supporting evidence to ask the recipient to reconsider its position. This status can also be used when the Board believes that action is not being taken in a timely manner.” NAT’L TRANSP. SAFETY BD., *supra* note 10, at 42, n.63.

¹⁵ Ark. Code Ann. § 6-19-130; Cal. Veh. Code § 27316; Fla. Stat. Ann. § 316.6145; Iowa Admin. Code Ch. 44.3(53); Rule making related to school bus construction standards, 281 Iowa Admin. Bulletin ARC 4637C (Aug. 28, 2019) (to be codified at Iowa Admin. Code Ch. 44); Nevada Assembly Bill No. 485 (Enrolled) – 2017 Statutes of Nevada, at 2176–77; N.J. Stat. Ann. § 39:3B-10; Tex. Transp. Code Ann. § 547.701(e).

Proposed Amendments Would Provide Clarity in Maryland Law

The Public Health Law Clinic urges the General Assembly to vote “favorable with amendment” on House Bill 134. First, though the liability protection for bus drivers is an important provision, it should be moved to Md. Code, Transportation, § 21-1118 because that statute houses the bus drivers’ responsibilities. Second, the remainder of the bill pertaining to Md. Code, Transportation, § 22-412.3 should be removed, as it does not pertain to school buses. School buses are classified as a Class H (school) vehicle;¹⁶ § 22-412.3 applies only to Class A (passenger), Class E (truck), Class F (tractor), Class M (multipurpose), or Class P (passenger bus) vehicles. These amendments would ensure continuity in the motor vehicle laws and maintain liability protection for bus drivers.

Conclusion

Because Maryland students rely on large school buses, and compartmentalization does not protect school bus occupants from all crash types, the General Assembly should follow NTSB’s safety recommendation and require three-point seat belts in all buses. For these reasons, we request a favorable with amendments report on House Bill 134.

This testimony is submitted on behalf of the Public Health Law Clinic at the University of Maryland Carey School of Law and not by the School of Law, the University of Maryland, Baltimore, or the University of Maryland System.

¹⁶ Md. Code, Transp., § 13-932.