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## SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

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**Bill No:** AB 692 **Hearing Date:** July 12, 2017  
**Author:** Chu  
**Version:** June 29, 2017  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Brandon Darnell

**Subject:** Schoolbuses: passenger restraint systems

### SUMMARY

This bill requires the governing board of a school district to complete an inventory of their school buses, including whether they have passenger restraint systems, and requires the California Department of Education, the California Highway Patrol, and any other appropriate or necessary entities, to formulate a plan to get all school buses equipped with restraint systems by January 1, 2023.

### BACKGROUND

Existing federal law requires that small school buses (10,000 pounds or less) be equipped with a seatbelt assembly at each seating position.

Existing state law:

- 1) Authorizes the governing board of any school district to provide for the transportation of pupils to and from school whenever in the judgment of the board the transportation is advisable and good reasons exist therefor. (Education Code §38900)
- 2) Authorizes the governing board to purchase or rent and provide for the upkeep, care, and operation of vehicles, or to contract and pay for the transportation of pupils to and from school by common carrier or municipally owned transit system, or to contract with and pay responsible private parties for the transportation. (EC § 38900)
- 3) Requires school buses purchased or leased for use in California to have a combination pelvic and upper torso passenger restraint system at all seating positions if manufactured after either July 1, 2004, or July 1, 2005, depending on the type. (Vehicle Code § 27316)
- 4) Requires all passengers in a school bus equipped with passenger restraint systems to use them. (Title 5, California Code of Regulations, § 14105)
- 5) Requires all students from prekindergarten through 8th grade who receive home-to-school transportation to receive, at least once each school year, safety instruction on the use of passenger restraint systems. (EC § 39381.5)

- 6) Requires passenger restraint system instruction to include, at least, proper fastening and release, acceptable placement on the students, times at which they should be fastened and released, and acceptable placement when they're not in use. (EC § 39381.5)
- 7) Requires the California Highway Patrol (CHP) to inspect every school bus at least once per school year to ascertain whether its construction, design, equipment, and color comply with all provisions of law. (VC § 2807)
- 8) Prohibits charging any person, school district, or organization for a seat belt violation with relation to school buses equipped with passenger restraint systems. (VC § 27316)

## ANALYSIS

This bill requires the governing board of a school district to complete an inventory of their school buses, including whether they have passenger restraint systems, and requires the California Department of Education (CDE), the CHP, and any other appropriate or necessary entities, to formulate a plan to get all school buses equipped with restraint systems by January 1, 2023. Specifically, this bill:

- 1) Requires the governing board of a school district to complete and report to the CDE, on or before January 1, 2019, an inventory of the school district's school buses, including the year, model, and make of the school buses and whether they are equipped with passenger restraint systems.
- 2) Requires the CDE, the CHP, and any other appropriate or necessary entities to form, on or before January 1, 2020, a stakeholder workgroup to formulate and report to the Legislature a plan for school districts to have their entire school bus fleets equipped with passenger restraint systems on or before January 1, 2023.
- 3) Encourages a school district to comply with the January 1, 2023, passenger safety restraint plan by doing either of the following:
  - a) Retrofitting school buses already in its fleet with passenger restraint systems at all designated seating positions.
  - b) Purchasing new school buses that are equipped with passenger restraint systems at all designated seating positions.
- 4) Allows the governing board of a school district and any other appropriate entities to utilize existing programs for which they are eligible to incentivize and ensure their compliance with the January 1, 2023, passenger safety restraint plan, including, but not limited to, both of the following:
  - a) The State Air Resources Board's Lower-Emission School Bus Program.
  - b) The Department of the CHP's School Bus Program.
- 5) Defines "passenger restraint system" to mean either of the following:

- a) A restraint system that is in compliance with Federal Motor Vehicle Safety Standard 209, for a type 2 seatbelt assembly, and with Federal Motor Vehicle Safety Standard (FMVSS) 210, as those standards were in effect on the date the school bus was manufactured.
  - b) A restraint system certified by the school bus manufacturer that is in compliance with FMVSS 222 and incorporates a type 2 lap/shoulder restraint system.
- 6) Prohibits a person, school district, or organization from being charged for a violation of this code or a regulation adopted thereunder requiring a passenger to use a passenger restraint system, if a passenger on the school bus fails to use or improperly uses the passenger restraint system.

### STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “According to data from the California Highway Patrol, in 2016 only 54 percent (or 10,710 out of 19,690 school buses) are currently equipped with seat belts. While this is a significant jump from 2007, when only 7.3 percent (or 1,900 out of 25,822) school buses were equipped with seat belts, it still leaves 46 percent of all students who use school transportation more vulnerable than those with seat belts. Although progress has been made on this issue as a result of the legislation mandating all school buses manufactured after 2004 or 2005 (depending on school bus capacity and weight) be equipped with seat belts, it is still the case that close to only half of all school buses in California currently are equipped with seat belts.”
- 2) **Bus accidents.** In a January 2017 report, the National Highway Traffic Safety Administration (NHTSA) found that from 2006 to 2015, school-transportation-related fatal crashes represented 0.4 percent (1,172) of the 324,710 total fatal motor vehicle traffic crashes in the United States. Of the 1,313 school-transportation-related fatalities, 9 percent were occupants of the school transportation vehicle, 20 percent were outside the vehicle, and 72 percent were occupants in the other vehicles involved in the crash. According to NHTSA, students are at the most risk while boarding or departing the bus. Between 2006 and 2015, 54 school-age (18 and under) occupants of school transportation vehicles died in school-related crashes while 102 school-age pedestrians died in school-related crashes. On average, 5 school vehicle drivers and 6 school vehicle passengers of all ages die each year in school-transportation-related crashes, while 17 pedestrians are fatally struck per year by a school vehicle.
- 3) **Bus design.** According to NHTSA, due to the large size and heft of school buses (over 10,000 pounds), impact forces are distributed much differently from smaller passenger vehicles. NHTSA determined that the best way to protect children on large school buses was through compartmentalization – packing strong seats closely together with high-backed, cushioned seats designed to take an impact. While this may provide protection for many scenarios, passenger restraint systems can be especially important in rollover events or side impacts. In November, 2015, the then NHTSA Administrator, Mark Rosekind, stated explicitly that National Highway Traffic Safety Administration (NHTSA) believes

that seat belts save lives, that school buses should have seat belts, and that manufacturers don't have to wait for a federal mandate before installing them on school buses.

- 4) ***Who bears the costs?*** According to the California Highway Patrol (CHP), the number of school buses with passenger restraint systems has increased steadily since requirements went into effect. The percentage of school buses equipped with restraint systems increased from around 7.4 percent (1,900 out of 25,822) in 2007 to around 54.4 percent (10,710 out of 19,690) in 2016. Based on these numbers, CHP estimates that by 2025, around 90 percent of school buses could be equipped with restraint systems. This bill requires CHP along with the Department of Education to formulate a plan to reach 100 percent by 2023.

According to the Assembly Appropriations Committee, in addition to general fund and special fund (Motor Vehicle Account) costs in the tens of thousands of dollars for the California Department of Education and the CHP to develop the required report and unknown costs for a potential state mandate, likely in the tens of thousands of dollars, for school districts to report the required information, there would be "state cost pressure to replace or retrofit remaining schoolbuses that do not have passenger restraints. In the past the state has assisted school districts with the cost of schoolbus replacement by providing grant funds."

Existing law authorizes school districts to charge fees for transportation to and from school, and transportation between school and regional occupational centers, programs or classes, as long as (1) the fee does not exceed the statewide average unsubsidized cost per pupil; (2) there is a waiver provision based on financial need; and (3) fees are not charged to pupils with disabilities whose Individualized Education Program (IEP) includes transportation as a related service necessary for them to receive a free appropriate public education. If the state does not provide sufficient future grant funding and school districts increase their schoolbus replacement rate to attain the 100 percent goal by 2023, parents could face higher fees for pupil transportation.

- 5) ***Related and previous legislation.*** SB 20 (Hill, 2017) requires drivers and passengers of buses to wear seat belts, if available, including charter-party carrier buses. SB 20 is pending in the Assembly Appropriations Committee.

SB 568 (Morrow, Chapter 581 of the Statutes of 2001) required school buses purchased or leased for use in California to have pelvic and upper torso passenger restraint systems by July 1, 2004, or July 1, 2005, depending on the type of school bus.

AB 15 (Gallegos, Chapter 648 of the Statutes of 1999) required all school buses in California that are manufactured after January 1, 2002, to be equipped with passenger restraint systems, at all designated seating positions, unless specifically prohibited by the NHTSA.

## SUPPORT

American Academy of Pediatrics

Consumer Attorneys of California

**OPPOSITION**

None received

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