

HOUSE TRANSPORTATION COMMITTEE APRIL 1, 2025 HEARING

TRANSCRIPT OF RUDOLPH J. BREGLIA, PhD

SCHOOL BUS SAFETY ACT (H.B. 3)

Chair Willis, Vice Chair Daniels, Ranking Member Grim, and distinguished members of the House Transportation Committee, thank you for the opportunity to testify today.

I'm a long-term citizen advocate for lap-shoulder seat belts in school buses with a particular emphasis today on having the House Transportation Committee consider the passing of the School Bus Safety Act, House Bill 3¹ (H.B.3) that will substantially improve student and school-staff safety during the transport process as well as encouraging responsible vehicle-driver behavior. Further, this Act will help to fulfill Ohio legislators', Dept. of Education and Workforce's, Dept. of Public Safety's and local school districts' shared responsibility for the safety of children. I firmly support all the Bill's school bus safety equipment, cameras, regulatory actions and public awareness components that will undoubtedly save lives and prevent thousands of children's injuries.

However, the Dept. of Education and Workforce should, as part of the Grant process indicated in H.B. 3 remind applicants that priority should be given to the installation of lap-shoulder seat belts in school buses since these safety tools **directly** protect children from injury and death in the event of a school bus incident. Children always need direct protection provided by seat belts since traffic accidents will always occur regardless of how hard we try to prevent accidents by adding preventative measures to school buses.

In addition, applicants should also be advised that sufficient evidence exists that the practice of having lap-shoulder seat belts in school buses has reached the status of a "Standard of Care" or best practice, e.g. manufacturer recalling a defective product like a school bus without seat belts. Since seat belts in school buses are now being generally recognized as a "Standard of Care", more **negligence** claims will be expected from students and staff for injuries and fatalities following the crash of a school bus without seat belts crash. These claims could lead to unlimited compensatory damage awards under the Ohio Tort Liability Act if preventative measures, i.e. installation of seat belts, were not taken by the responsible organizations, e.g. school districts or city councils.

SEAT BELTS IN SCHOOL BUSES

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The reason I'm here today is the failure of the safety-features of school buses to protect children as seen in two school bus rollover crashes. The first failure is when 11-year-old Aiden Clark from Springfield was ejected from his school bus and killed on the way to his first day of class in August 2023. Aiden died because he didn't have a seat belt that would have kept him safely in the bus. Many of his classmates were traumatized, injured and would not ride in the replacement "rescue" bus after the incident.

Another rollover crash and safety-feature failure occurred in Chattanooga TN in November 2016. Six children, 6 to 10 years old were killed, three were ejected from the bus and 26 were injured. These kids had no chance without seat belts. I put myself in the shoes of the parents of those kids getting the news at their front door that their children were not coming home from school. The only one uninjured in the Chattanooga crash was the school bus driver because he had a seat belt. Ohio school bus drivers have had seat belts since 1986, which keeps them safer than the kids.

In the USA, every year, ~5-6 children are routinely killed (10 in 2018) and many thousands are injured as passengers in school bus crashes and sudden stops. School buses are not “SAFE” if children are being injured and killed year after year. Ohio school bus safety features are **inadequate** to protect children fully in accidents. The primary school bus safety theory in school bus transport, i.e., compartmentalization or the “Padded Seat Back Theory”, has only limited effectiveness and was considered “incomplete” in 1999 by the National Transportation and Safety Board (NTSB) since the theory doesn’t account for side crashes or rollovers where children lack protection from injury in a crash. Ohio school districts without seat belts in their buses are gambling that a school bus rollover or side crash where children have no protection, will not occur because of the relatively low frequency of school bus crashes. Aiden Clark died in a rollover crash. Having children flying down the highway at 70 mph with no seat belt protection represents a risk of foreseeable harm* or a disaster waiting to happen. Further, research data from a 10-year North Carolina study has demonstrated that these types of crashes, i.e. rollovers and side-crashes represent 1/3 of all their school bus crashes and accounts for 80% of the crash-related injuries. Since ~1100 school bus crashes occur each year in Ohio the next serious school bus crash occurring involving these types of crashes is not a question of “if” but one of “when”.

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The \$25 million dollar School Bus Safety Fund created by H.B. 3 will support the purchase and installation of safety equipment including: lap-shoulder seat belts; illuminated signage; crossing arms; ground wash lights; lane departure warning systems; and electronic stability control needed by school districts in new and existing school buses to protect their children. **However, only seat belts would have saved Aiden Clark’s life that day.** Serious accidents will occur on our roadways regardless of the number of lights, signs or mechanical accessories we put on or in our school buses to prevent these incidents. We need to prioritize seat belts that **directly** protect the innocent children while in their school bus. Disparaging comments about the utility of seat belts from anti-seat belt pressure groups don’t make sense from a safety standpoint and should not be given serious consideration by school districts or governing bodies.

****Note: Definition***

Foreseeable harm is a situation caused by act or omission with injury or damage which could be predicted by a reasonable person with the necessary skills and knowledge.

Existing Recent Evidence Supporting Seat Belts in School Buses

Having “Standard of Care” Status**

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****Note: Definition**

***Standard of Care** is the degree of care which a reasonably careful person should exercise under the same circumstances and that person would be considered negligent if appropriate action is not taken.*

EVENTS SUPPORTING SEAT BELT USE:

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Recent Commercial & Governmental Organization Seat Belt Policy Statements

2024 Blue Bird Corp., a major school bus manufacturer, made seat belts “standard equipment” in all their new buses at no additional cost to their customers.

2024 Lorain County Commissioners’ Resolution advocated a “Seat Belt Pilot Program” in all Lorain County school districts.

2025 National Association of Pupil Transportation reverses previous “anti-seat belt” position and now recognizes “the value and importance of NTSB’s recommendations and the evolution of school bus safety technology” but still leaves the choice about seat belt installation to local school district leaders.

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Governor’s School Bus Safety Workgroup 2024 Report

(Highlighted Statements Supporting Seat Belts)

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Summary of Governor’s School Bus Safety Workgroup Report*:** The Report describes research and experience vigorously presented to Workgroup by experts that indicates having seat belts increases safety by preventing student contact with the interior of the bus structures and preventing ejection from the bus resulting in the saving of lives and the prevention of injuries. The conclusion of the Report is confusing since the Report doesn’t strongly address reasons for **not** mandating seat belts while giving **robust** reasons (See Below) for supporting seat belts in school buses but finally does not mandate seat belts

2024 School Bus Safety Manual – Appendix- Safety Features: Seat Belts/Table Description (Listed in Table of the Governor’s School Bus Safety Working Group Report, p.20): “When a crash does occur, evidence suggests that seatbelts save lives during crashes. Seatbelts when worn correctly can prevent injuries and death by averting individual bodies from moving rapidly toward the point of impact.”

2024 Governor’s School Bus Safety Working Group Report, p.13 The Ohio State University Biomechanics Research Center indicated that “Academic research from simulated crashes concluded that seat belts do offer better protection to students by stopping contact with the interior of the bus and preventing ejection from the vehicle”.

2024 Governor’s School Bus Safety Working Group Report, p.14 states that “Intrinsic evidence from peer- reviewed research and simulated school bus crashes supports the position that seat belts make school buses safer for passengers in the event of a serious crash; however, seat belts are just one of the possible safety measures that districts could choose to employ.”.

******Note: The Report has weak reasons for not mandating seat belts in school buses and misleading statement (#4) with figure in Governor’s report.***

- 1. Other possible safety measures exist (p. 14)***
- 2. Significant value on crash avoidance technology exists (p. 14)***
- 3. Districts need flexibility to fulfill their unique needs (p. 14)***
- 4. Misleading statement and a figure that conflates 3-point seat belts and 5-point seat harnesses in Report (p. 12)***

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EXISTING SEAT BELT BENEFITS – SUMMARY STATEMENT:

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Seat belts are proven effective²; low-cost (\$5/student/year over the lifetime of the bus, < 0.5 % of the total cost, i.e.~\$1,000/year, for transporting a student); widely recommended, e.g. National Safety Council, National Highway Traffic Safety Administration (NHTSA)³- NTSB⁴- OHIO PTA⁵ & fourteen other authoritative safety-oriented organizations; required in every passenger car (1968), small school bus (1977) and new commercial motorcoach (2016); required in some states (9 states or 18% of USA), cities, e.g. Beachwood, Ohio and many school districts; federal & state allowed; safety tested; behavior improvers with decreased bullying, decreased driver distraction with a corresponding decrease in driver-caused crashes; seat belts are a basic safety tool that resolves the most significant current school bus safety inadequacy.

EXISTING LAWS WITH SEAT BELT REQUIREMENTS:

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Nine States = CA-NV-TX-IA-AR-LA-NJ-NY-FL (9 States or 18% of USA) +

States of TN & NC with Established Seat Belt in School Buses Programs/Grants

Numerous Cities = Philadelphia – Denver – Dallas – Atlanta – Beachwood, OH (2018)

Numerous US School Districts (e.g.18 in Indiana)

EXISTING RECOMMENDATIONS FOR SEAT BELTS IN SCHOOL BUSES:

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**1998 – National PTA = Supported Legislation or Regulation for Seat Belts in New
School Buses**

**1999 – 2018 FINDINGS: NTSB = Compartmentalization “Incomplete” – Seat Belts in School
Buses Decreased Injuries in Rollovers or Side Crashes & Best Protection for Occupants**

**2002 – 2016 FINDINGS: NHTSA = Seat Belts in School Buses Cause Decreased Fatalities in All
Crashes & Administrator Dr. Mark Rosekind “Unofficial” Policy/Recommendation (2015)**

2016 – National Safety Council: Position/Policy Statement #129

**2019 – Cities of Sandusky, Lorain and Vermilion Issue Resolutions Supporting Seat Belts in
School Buses and Seat Belt Pilot Programs in Their School Districts.**

**2022 – Ohio PTA= Position Statement: Support of Seat Belts in School Buses & 14 Other
Safety Organizations with Recommendations of Various Dates**

CONCLUSIONS

With the “Standard of Care” status established for lap-shoulder seat belts in school buses, knowledgeable Boards of Education, Ohio Legislators and local governments as responsible organizations need to take reasonable preventative measures with school buses to prevent foreseeable harm and avoid increased risk for unlimited compensatory damage awards in litigation from students and staff for injuries and fatalities following a crash under the Ohio Tort Liability Act. The installation of seat belts is a substantial, recognized, and critical improvement to school bus safety and should be a priority for all of us. Seat belts and Fire Extinguishers are absolutely needed precautions to avoid catastrophic loss.

ADVOCACY GOALS

The first goal is to help school districts handle the “Seat Belts in School Buses Issue” and overcome any perceived difficulties. Second: alert the community to this school bus safety concern and thereby prompt preventative action by school districts. Third: to acquire private and/or public funds for volunteer school districts to conduct Pilot Programs where at least one new school bus would be equipped with seat belts and the effects on safety and improved behavior are analyzed for possible future action. Fourth: to support H.B. 3 for passage.

I understand that the “seat belts in school buses” is a complex issue with many moving parts and I hope that I’ve been able to add to your level of understanding.

ADDENDUM: H.B. 3 Component – “Stop Arm” or Vehicle Passing Violation Deterrents

This key component of H.B. 3, through serious deterrent action will substantially reduce the estimated 43.5 million violations/year with est. three children/killed/year from National Association of State Directors of Pupil Transportation Services (NASDPTS) - National Loading & Unloading Survey, Kansas Dept. of Education⁶. This section of H.B. 3 mandates, when appropriate: higher and minimum fines; driver license point additions; suspensions of license; mandatory in-person court sessions; criminal charges (unclassified misdemeanor); and imposition of driver training. Also, the severity of penalties is substantially increased for repeated violations occurring within 5 years.

In addition, other H. B. 3 components provide funds for cameras on school buses to help successful prosecution of vehicle passing violations. Also, public service campaign funding is included in H.B. 3 for raising awareness of traffic regulations when drivers encounter stopped school buses. The goal being to dramatically increase driver recognition of the legal and children’s injury consequences of “stop-arm” violations and thereby promote future safe and law-abiding driver behavior.

¹<https://www.legislature.ohio.gov/legislation/136/hb3> ; <https://www.news5cleveland.com/news/local-news/we-follow-through/ohio-lawmakers-tackle-school-bus-safety-after-50-crashes-in-2025> & <https://www.youtube.com/watch?v=8W9oIn-SAAc>

²Rollover Simulation: <https://youtu.be/KbCciy8ePds>, Actual Rollover <https://www.youtube.com/watch?v=mW7KOZNtn0w>, & School Bus Safety Working Group Meeting Testimonies: Dr. K. Poland, Dr. A Agnew & Dr. J. Mansfield: <https://www.youtube.com/watch?v=OZZyDXfDsmo>

³ NASDPTS. (2015). Statement on NHTSA Support for Lap/Shoulder Belts in School Buses. NHTSA Administrator Mark R. Rosekind PhD, Richmond, Va. November 8, 2015. <https://thehill.com/policy/transportation/259662-feds-recommending-seat-belts-for-school-buses/#:~:text=So%20let%20me%20clear%20up,in%20a%20big%20yellow%20bus>

⁴ NTSB Reiterates Call for Lap and Shoulder Seatbelts in All School Buses, 11/22 <https://www.nts.gov/news/press-releases/Pages/NR20221103.aspx>

⁵ Ohio PTA Position Statement, 2022 https://docs.google.com/document/d/1_gdupw-fKU-h-olHptFe0wVcXjARvWhW/edit

⁶National Association of State Directors of Pupil Transportation Services (NASDPTS); National Loading & Unloading Survey, Kansas Dept. of Education) <https://www.ksde.gov/Agency/Fiscal-and-Administrative-Services/School-Finance/School-Transportation-Safety/Loading-and-Unloading-Surveys>

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