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Motor Vehicles

Legislation

Lawmakers Cite Need for Quick Passage Of Bus Safety Bill to Upgrade Standards

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BY LORRAINE GILBERT

Lawmakers Aug. 11 called on the Senate when it reconvenes in September to consider and pass a bill designed to enhance the safety of motorcoach passengers. Sens. Kay Bailey Hutchison (R-Tex.) and Sherrod Brown (D-Ohio) urged the Senate to take up and pass the Motorcoach Enhanced Safety Act of 2007 (S. 2326).

As co-sponsors of the legislation they introduced in November 2007, the lawmakers said Congress should make the bill a priority in the aftermath of three major motorcoach crashes in Mississippi, Nevada, and Texas in early August that collectively caused 20 fatalities and dozens of injuries.

The legislation would require the National Highway Traffic Safety Administration, through the Department of Transportation, to upgrade federal safety standards for motorcoach buses. Motorcoaches consist of intercity buses, charter buses, and tour buses and fall under the category of buses in federal motor vehicle safety standards.

Proponents hope the measure will lead to the adoption of available safety technologies to protect bus occupants from death and injuries caused by ejections, rollovers, roof crush, and fires. They also hope the bill will result in stronger oversight and compliance with federal safety rules. Among the measures under discussion is whether buses should have seat belts.

Some provisions would be administered by the Federal Motor Carrier Safety Administration. These include the establishment of a bus driver training curriculum and licensure program. The provisions would require certification for licensing potential motorcoach drivers, better training of motorcoach operators, and periodic safety reviews of motorcoach service providers.

Hutchison, the ranking member on the Senate Commerce, Science, and Transportation Committee, said in a statement that bus crashes like the August 8 incident in Texas that claimed the lives of 17 people traveling to a religious event "are becoming all too common, and many of these deadly accidents are preventable." "Swift congressional action will prevent more bus trips from becoming tragedies," Brown said.

DOT does not require basic occupant protection safety features for buses. But the National Transportation Safety Board (NTSB), an independent federal agency not affiliated with DOT, has made several safety recommendations to improve motorcoach safety as a result of numerous investigations of crash sites (35 PSLR 626, 7/2/07).

The NTSB analyses have shown that one of the primary causes of passenger injury in bus crashes is occupants being thrown from their seats. The safety board recommends that NHTSA issue stronger roof crush standards for buses and standards designed to protect passengers from seat ejections. It also recommends that new standards provide protection for the occupants when a bus is involved in a front, side, or rear impact or rollover. Toward that end, the NTSB promotes the use of safety belts and advanced glazing on windows. The agency also recommends fire protection measures and redesigned window emergency exits so passengers can easily open them.

Safety advocates and lawmakers say the recommendations have languished for years without federal agency attention and action.

In efforts to revive the push for legislation, the Senate Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security is scheduled to hold an oversight hearing Sept. 18 on bus safety.

Bus Industry Supports Different Bill. The bus industry opposes the Senate bill. Noting that motorcoaches have the best safety record of any form of surface transportation, the American Bus Association (ABA) says the legislation “does not take into account that safety cannot be bolted on to a bus—it needs to be engineered into a bus.” The bill also “would place unfunded, unscientific mandates on motorcoaches while exempting school buses and transit [buses]” and fails to provide adequate time for engineers to conduct testing, according to an association Web statement.

The industry does, however, support the Bluffton University Safety Act of 2007 (H.R. 4690), a bill introduced in December 2007 by Rep. William Shuster (R-Pa.) in response to a charter bus crash that killed six members of the school’s baseball team in March 2007.

The Shuster bill is different from the Sherrod-Brown bill in that it is science driven and “calls for the most sweeping data collection and research gathering exercise in the history of the motorcoach industry,” said Eron Shosteck, ABA vice president of communications.

Shosteck told BNA that the legislation has drawn bipartisan support across the United States, provides “very specific protocols” for testing and research, and takes an approach that includes engineer and safety expert involvement in determining what regulatory enhancements are necessary. The legislation is more analytical than the Senate bill, he said, because it calls for research and testing that has not been previously undertaken on buses.

The industry has been calling on NHTSA for years to research bus safety, including conducting a “whole suite of tests” under a variety of driving and road conditions and examining bus design from a holistic approach in attempts to determine how elements are integrated with other parts, Shosteck said.

Describing the Senate bill as “very prescriptive,” Shosteck said the industry favors the House bill because it looks at all the factors that need to be researched, provides a process and timeline for conducting the research, and attempts to get the best possible science-driven data before drawing any conclusions.

Even as researchers study the best crash protections, he said, “Crash avoidance is the obvious goal because it mitigates the crash event in the first place.”

Some safety advocates, including Advocates for Highway and Auto Safety disagree with the industry, saying the Shuster bill is too discretionary, provides little in the way of specific equipment and performance requirements, and does not provide enough mandates for seat belts, window glazing, fire suppression measures, seat design, interior impact protection, and stability enhancement for rollover avoidance.

NHTSA Bus Safety Approach. NHTSA says it is conducting considerable research on motorcoach safety issues and notes that it released a major report in August 2007 on a safety plan. Looking to 2008, the agency said it had acquired buses to test at its Liberty, Ohio, research center and was using crash dummies and taking injury measures from various body parts.

In a July 15 presentation to the Bus Industry Safety Council—a coalition of safety experts and engineers sponsored by the ABA—NHTSA said it had been testing buses with various seat belts (no belts, lap only

and lap and shoulder belts), and testing buses for roof strength, fire safety protection, and emergency evacuation.

In that report, NHTSA described its observations with and without seat belts in crash tests at 30 mph into a fixed rigid barrier. With unbelted dummies, NHTSA said, the heads typically contacted the seatback in front of them; in aisle seats, the dummies tended to end up in the aisle; and in window seats the dummies ended up in the row in front or on the floor.

Not surprisingly, belted dummies fared better: While their heads and knees were more likely to contact the seatback in front, the dummies stayed in their seats. The agency is now conducting sled tests to measure seat and belt anchorage loads for the various restraints and to examine restraint effectiveness, according to the report.

In a separate location, NHTSA said, an independent researcher is conducting bus roof strength tests for the agency by applying a load applied to the bus roof up to 1.5 times the unloaded vehicle weight and a quasi-static drop of the bus off a raised platform. The aim is now to process those data and analyze the results of the tests.

Current safety standards do not cover catastrophic fires like that of a bus fire that killed 23 assisted-living evacuees fleeing Hurricane Rita in September 2005.

The agency said it is seeking to address NTSB recommendations for enhanced fire protections of bus fuel systems in light of that major bus crash, and whether to develop fire detection and suppression systems in wheel wells and other areas of the bus (35 PSLR 626, 7/2/07).

Large fires have prompted other concerns, such as egress from buses—one reason the NTSB has been pressuring NHTSA to evaluate current emergency evacuations from buses and other motorcoaches. Toward that end, the agency reported it is reviewing flammability standards and procedures, testing selected materials from bus interiors and exteriors for fire resistance and flammability, and determining the performance and feasibility of the application of these measures to motorcoaches.

With respect to evacuation strategies, the agency said it is studying the subject through human evacuation studies and simulations and examining minimum strength requirements for opening emergency exits, mindful of the needs of the young, the wheelchair bound, and the elderly.

The agency expects to complete its assessment in 2010, but plans to release a phase one draft interim report in September.