

School Bus Crashes Raise Question of Why No Seat Belts

January 3, 2016

By Scott Callahan

Two school bus crashes that injured almost two dozen Houston area schoolchildren last week raised an often-asked question for many parents: Why aren't seat belts required on school buses?

With the proliferation of smartphones, cameras, apps, and other recording devices, it often seems like we are more surprised when someone or something isn't recorded. After all, it's the law to buckle up kids in cars, so why not in school buses? Isn't the safety of our children of utmost importance?



Law Office of Scott P. Callahan,
P.C.

23501 Cinco Ranch Blvd.
Suite B240
Katy, TX 77494
Telephone: 713-888-9000
Email: Scott@scottcallahan.com
Website: www.scottcallahan.com

Federal law does require seat belts for small buses that generally seat 6 to 12 kids. These vehicles are treated like cars or light trucks. But when it comes to the standard big yellow school bus (10,000 pounds or more) the government leaves the seat belt requirement up to the states.

Because these buses are so heavy and kids sit up so high, they are considered safer in collisions. Bus designers use what's called compartmentalization. Bus seats are strong, thickly padded, and closely spaced in container-like fashion with energy-absorbing seat backs, meaning the seats, not kids, should take the majority of the impact in a collision. A number of studies rank school buses as the safest form of ground transportation. In fact, the National Safety Council found that they are 40 times safer than riding in the family car.

According to the National Highway Traffic Safety Administration, approximately 24 million school children ride over 4 billion miles to and from school each year. About six children die each year in bus accidents, compared to an estimated 800 deaths of kids commuting to school by other means – walking, biking, or being driven in cars. So buses have a pretty impressive track record overall.

Even so, in 2007, the Texas Legislature passed a law requiring school buses to have three-point seat belts. So why isn't that law in effect now? Well, it's because the law also had a clause saying it wouldn't take effect until the legislature paid for the seat belts. And unfortunately in 2011, education funding cuts included money earmarked for bus seat belts. Therefore, the state school board has interpreted the law to be voluntary, until schools receive state funding. As long as that money is in limbo, so is the law implementing seat belt protection for our children.

Here's how it adds up in dollars and cents: Estimates are that adding seat belts to school buses would cost an additional \$8,000 to \$15,000 per bus. Most states find this cost-prohibitive when considering the number of buses in a district's fleet.

And adding the belts takes up more room, meaning fewer kids in each row, requiring even more buses. This is not to mention how difficult it would be for a bus driver to enforce buckling up.

The bigger of the Houston area school bus crashes last week involved a private bus apparently not contracted through the school district. According to news reports, the bus service wasn't registered with the state and Houston police said the bus driver did not have a commercial driver's license.

Houston school district officials say that sometimes parents hire their own bus transportation if they aren't on the district bus routes or they are too inconvenient. That 2007 state law, were it in effect, applies only to school district-owned buses and to those chartered for use by a school district. So even if the state had moved forward with the seat belts, the law as written likely would not have had any effect on last week's more damaging crash.

These bus crashes are a reminder that seat belts aren't the only safety issue. Other important safety issues deal with the credentials of the driver, who owns or charters the bus, and the mechanical safety of the vehicle.

Meanwhile, the debate about school bus seat belts will undoubtedly continue.

The information in this column is not intended as legal advice, but to provide a general understanding of the law. Readers with legal issues, including those whose questions are addressed here, should consult attorneys for advice on their particular circumstances.

Scott Callahan is a personal injury trial lawyer with offices in Katy and Houston. He has been practicing law for more than 20 years and is Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization. His email is scott@scottcallahan.com and the law firm's web site is www.scottcallahan.com.



This CyFair ISD school bus was hit in April of 2014 by an SUV that burst into flames at Clay Rd. and Greenhouse. The children were protected by the height of the bus. The SUV went under the bus.

Covering Katy photo