

The House of Commons Standing Committee on Transport, Infrastructure and Communities

Consultations on the Bus Passenger Safety Study

April 30, 2019



Submission by the Ontario School Bus Association (OSBA)

The Ontario School Bus Association (OSBA) is a not-for-profit association providing advocacy, education and legislative consultation services to the owners of school bus fleets, school boards/transportation consortia and supplier/maker members across Ontario for over 60 years.

OSBA fosters unique partnerships with provincial and federal governments, school boards and transportation consortia, manufacturers, distributors and other industry related sectors, resolving issues important to members and ensuring students are transported to school safely, securely, on-time and ready to learn.



The Ontario School Bus Association (OSBA) thanks the House of Commons Standing Committee on Transport, Infrastructure and Communities for the opportunity to provide comments on the Committee's study into bus passenger safety.

Every school day in Ontario, approximately 830,000 children are safely and reliably transported to and from school in approximately 20,000 school buses and school purpose vehicles. Collectively, this means more than two million kilometres driven every school day and 300 million safe rides each school year¹. As such, Ontario's student transportation industry safely delivers in excess of 42.5% of the two million elementary and secondary school students enrolled in Ontario's educational institutions.

OSBA continues to support school bus safety as a priority and is proud of the safety record demonstrated by the student transportation industry. The Transport Canada website on school bus safety in Canada states that, *"According to the National Collision Database (NCDB) statistics, school buses are the safest means of transporting students to and from school. As of 2018, students are about 80 times more likely to get to school safely on a school bus than by car. Fatalities on school buses account for less than 0.1% of all motor vehicle-related fatalities in Canada. In the last decade, between 2009 and 2018, there was 1 school bus passenger fatality on Canadian roads."*² Furthermore, school bus design and construction requires strict adherence to federal and provincial manufacturing standards including the CSA D250 standard and in Ontario, school buses must continue to meet those strict standards over the course of their operating lifespan³.

OSBA and its members are always interested in exploring new ways in which student safety can be improved. School bus safety in Canada continues to evolve through ongoing safety measures such as; the amber-red eight-lamp warning system⁴ (in use in all provinces except Ontario⁵); the use of camera technology to capture video evidence of

¹ - Ontario Road Safety Annual Report - 2014

² - <https://www.tc.gc.ca/en/services/road/school-bus-safety/about-school-bus-safety-canada.html>

³ - Ontario *Highway Traffic Act* – Ontario Regulation 612, section 2.

⁴ - Comparison of Two Advance Signalling Systems Used on Canadian School Buses: Amber Lights and Red Lights (TP 13903, 2002)

⁵ - Ontario *Highway Traffic Act* – Ontario Regulation 612, clause 3(1)(a).



drivers who fail to stop for school buses with their stop arm extended and warning lights flashing⁶; collision mitigation technology including electronic stability control⁷ and automated braking; and improved seatbelt requirements for optionally installed seatbelts⁸. OSBA has regularly commented in support of these initiatives with the understanding that discussions around any new safety measures for school buses must include operational, driver and funding considerations.

OSBA recognizes that the recent public focus on school bus safety relates to occupant protection and the use of seatbelts on school buses. Accordingly, OSBA has been calling on Transport Canada to update and publicize their school bus occupant research since early 2016 to address developments and research that has arisen in the United States around school bus occupant protection. The United States National Transportation Safety Board (NTSB) as well as the United States National Highway Traffic Safety Administration (NHTSA) have published reports or statements calling for Type 2 (lap-shoulder or 3-point) seatbelts on all school buses due to improved occupant protection during side impact and rollover crashes. However, up until late 2018, these reports and statements from the United States have conflicted with Transport Canada's messaging, which has communicated that school bus occupants are afforded an adequate level of protection through the current school bus vehicle design standards, specifically "compartmentalization"⁹.

These conflicting positions have highlighted the need for up-to-date, Canadian based, research and data that specifies the impacts of occupant restraints on school buses. More significantly, the benefits and risks to the safety of a school bus occupant who is

⁶ - <https://news.ontario.ca/mto/en/2019/04/ontario-announces-measures-to-increase-school-bus-safety.html>

⁷ - Motor Vehicle Safety Regulations, Schedule IV, Part II, #136

⁸ - <http://www.gazette.gc.ca/rp-pr/p2/2018/2018-07-11/html/sor-dors143-2-eng.html>

⁹ - Compartmentalization relies on high-backed, well padded seats, constructed with energy absorbing material and then spaced closely together. The seats are securely anchored to the floor of the bus and designed to deflect when impacted by an occupant during a crash, thus absorbing much of the force generated. Compartmentalization protects occupants by keeping them contained within a small protected area in the event of a crash. Beyond the seats, school buses themselves are designed to act as a compartment. Built with rounded roofs and small window openings, the bus is meant to help prevent occupants from being ejected from the vehicle.



utilizing a seatbelt versus one who fails to wear a seatbelt. For example, there are inconsistent perspectives among industry experts, from both government and manufacturers, pertaining to the possible reduced effectiveness of compartmentalization when seats with Type 2 seatbelts are installed, due to the stiffening of the seat backs to accommodate the installation of the belt. While the goal of every school bus operator is to ensure all occupants are properly seated and protected, this may result in an inadvertent increased risk to school bus passengers who do not properly wear the seatbelt. In addition, to better support any move to adopt Type 2 seatbelts on school buses, a detailed statistical analysis outlining fatality and injury statistics is needed to provide a clearer picture of the root causes of school bus rider injuries and fatalities. The analysis should include specific cases and determine how the use or non-use of seatbelts would affect the injury profile. In other words, how would proper seatbelt use have made a difference with injuries and fatalities.

OSBA strongly supports research and discussions into the use of Type 2 seatbelts on school buses. The student transportation industry considers student safety to be one of its core values and strengths. Notwithstanding, a decision to mandate seatbelts on school buses first requires a complete re-evaluation of how school buses operate, what authority and responsibilities are assigned to drivers, how school bus safety is managed, and how the entire student transportation system is funded. A few examples include:

- **Driver responsibility** – Provincial legislation regarding driver responsibility and liability is a very significant factor in the decision to install seatbelts in school buses. For example, in Ontario, current legislation/regulation holds the school bus driver legally responsible for ensuring all passengers (under the age of 16 years) are properly wearing their seatbelt at all times¹⁰. This is further complicated by organizational policies restricting a driver's physical contact with a school bus rider. It should be noted that the majority of Canadian provinces also have a similar driver responsibility laws which would hold a school bus driver responsible for ensuring all passengers are properly wearing their seatbelts.

¹⁰ - Ontario *Highway Traffic Act* – subsection 106(4)



- **Operational factors** – A decision to install Type 2 seatbelts in school buses will impact many facets of school bus operation including; bus seating capacity; whether child seats are required and how they are used; roadside loading and unloading times; route planning; and staffing levels including possible school bus monitors.
- **Funding considerations** – A 2011 study from the United States spoke to the unintended consequences of mandating seatbelt installation on school buses; in that the increased cost of the bus would ultimately result in fewer children being transported in school buses. This would increase the overall risk to school children by shifting them on to other modes of transportation which do not demonstrate the same safety benefits as school buses¹¹. This is a trend already being observed in Ontario where in some areas, funding considerations are resulting in a shift to the use of transit vehicles to transport students versus school buses. Furthermore, the vast majority of States with a school bus seatbelt mandate also have provisions to exempt buses from the seatbelt requirement due to funding considerations.

The driver, operational and funding considerations that accompany mandatory Type 2 seatbelts on school buses require extensive research and evaluation to effectively address this multi-faceted issue. Failing to properly address these factors prior to a decision to mandate seatbelts on school buses has the potential to destabilize the extraordinary levels of efficiency, safety and service that characterizes the current student transportation system.

OSBA recognises that the recently formed Transport Canada Task Force on School Bus Safety has been tasked with exploring school bus safety with a focus on occupant protection and seatbelts. OSBA is participating in this Task Force via the industry Advisory Panel. However, OSBA has noted that it is critical for the work of the Task Force to include updated occupant protection research and statistical analysis to better inform the discussion and any decisions surrounding school bus occupant protection.

¹¹ - Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking; School Buses – August 25, 2011



Furthermore, considerations and solutions surrounding the various driver, operational and funding impacts of mandating seatbelts on school buses must be accomplished. Failing to do so will bring about long-term consequences ultimately resulting in provincial and federal government liability. Accordingly, the Task Force must be afforded the proper time, mandate and resources to conduct an adequately comprehensive review into school bus safety. OSBA is concerned that the recent public focus on school bus occupant protection is leading to a hurried study which undermines the purpose of the Task Force and its overall goal.

As the Committee on Transport, Infrastructure and Communities is well aware, occupant protection on school buses is an exceedingly complex and multi-faceted discussion. OSBA supports the Committee's study into bus safety and looks forward to the findings and reports published by the Committee.

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