

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION AND HOMELAND SECURITY**

**Seventy-third Session
June 3, 2005**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 2:37 p.m. on Friday, June 3, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Dennis Nolan, Chair
Senator Joe Heck, Vice Chair
Senator Maurice E. Washington
Senator Michael Schneider
Senator Maggie Carlton
Senator Steven Horsford

COMMITTEE MEMBERS ABSENT:

Senator Mark E. Amodei (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Kelvin D. Atkinson, Assembly District No. 17

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
James Puffer, Intern to Senator Nolan
Lee-Ann Keever, Committee Secretary

OTHERS PRESENT:

Madonna Long
Rose E. McKinney-James, Clark County School District
Kurt Svare, Transportation Director, Washoe County School District
Kevin Curnes, Supervisor, Carson City School District
Mike Mitchell, Director of Operations, Carson City School District

Randall C. Robison, Nevada Association of School Boards

Chair Nolan opened the hearing on Assembly Bill (A.B.) 411.

ASSEMBLY BILL 411 (2nd Reprint): Requires appropriate safety restraints in school buses. (BDR 34-260)

Assemblyman Kelvin D. Atkinson, Assembly District No. 17, stated opponents of A.B. 411 did not think seat belts on school buses were appropriate. The Assembly had taken what action it could to minimize the impact of installing seat belts on school buses in Clark County. The Assembly had considered a number of factors including the cost of retrofitting the school buses with seat belts. The Assembly did not pursue that course of action as the cost of retrofitting would have been significant. The Assembly decided that by 2007 the Clark County School District's (CCSD) budget would include a line item for purchasing school buses with pre-installed seat belts in its budget.

For the Committee's benefit, Assemblyman Atkinson played a video containing a newscast from KVBC in Las Vegas. The video detailed the increased safety of children who rode on school buses equipped with seat belts ([Exhibit C](#), original is on file at the Research Library).

Assemblyman Atkinson said he had acquired a great deal of information on what happened to the passengers of a school bus which was equipped with seat belts during an accident. He noted that there had been an accident involving a school bus on May 9, 2005, in Missouri. In that accident, the school bus veered and crashed into two cars. The children riding in the bus were not wearing seat belts. The Assemblyman said that as a result of the accident, 23 children were hospitalized. Assemblyman Atkinson related additional stories of what happened to children who rode unrestrained in school buses that were involved in accidents.

Assemblyman Atkinson stated that a person did not have to be a genius to realize that children were safer riding in a school bus equipped with seat belts than riding in one that was not equipped with the proper safety equipment. He added that [Exhibit C](#) illustrated that children who rode unrestrained were also a safety risk to the school-bus driver as they could run up and down the aisle distracting the driver.

Assemblyman Atkinson said the CCSD wanted to know who would be responsible for ensuring the children were properly seat belted in before the school bus began moving. The Assemblyman stated that CCSD employees did not ensure the children were seated while the school buses were moving. Based on that fact, Assemblyman Atkinson said he did not think the CCSD's argument was a good one. The CCSD also maintained that the children would use the seat belts as weapons or that the seat belts would be a safety hazard as children would trip over them. Assemblyman Atkinson directed the Committee's attention to the seat belts which would be installed in the school buses and noted the seat belts would be installed in such a way that nobody would trip over them or use them as weapons.

Madonna Long stated that she had helped pass the California legislation which required seat belts in California school buses. She added there had been newspaper stories written about her campaign to have seat belts installed in school buses. Ms. Long told the Committee that she had also been instrumental in having similar legislation passed in New York State. Ms. Long said the state of Missouri was now considering the mandatory use of seat belts in school buses in that state after the May 9, 2005, school bus accident.

Ms. Long read from prepared text ([Exhibit D](#)). She told the Committee that the last test studies on school-bus accidents were conducted in 1967 by the University of California, Los Angeles (UCLA). The study concluded that the seat backs of school bus seats needed to be eight inches higher, side compartmentalization should be implemented and lap belts installed on school buses. Ms. Long continued reading from [Exhibit D](#).

Ms. Long said her testimony before the Committee was personal. She distributed a newspaper article and pictures ([Exhibit E](#)) detailing a school-bus accident which occurred on December 6, 1981, in Alta, Utah. Ms. Long had been severely injured in the accident. She explained that her high school had sponsored a ski trip for the students. One of the high school's buses had been used to transport the students to and from the ski trip. On the return trip, the bus lost its brakes and wrecked. The back end of the school bus was torn apart during the accident. As a result of the accident, two students were killed and two students seriously injured. Ms. Long had been one of the more seriously injured students, having been thrown clear of the bus when it wrecked. Due to her injuries, Ms. Long was permanently confined to a wheelchair.

Ms. Long said she was haunted by the fact that she and a friend, Julie Paulson, had wanted to ride in a private vehicle with other friends instead of taking the bus. Julie's mother, Mrs. Paulson, denied permission on the grounds that the girls would be safer on the school bus than riding in a private vehicle. Unfortunately, Ms. Paulson died at the accident scene.

Ms. Long said that in today's society, parents told their children to buckle up for safety when they rode in private vehicles. For added safety, children needed to buckle up when riding on school buses.

Ms. Long stated that she hoped Nevada would show that it cared for its children by passing A.B. 411. She thanked the Committee for the opportunity to testify.

Senator Carlton referred to section 1, subsection 3 of the bill, which she called the "opt out language." She asked Assemblyman Atkinson why that language had been included in the bill. Assemblyman Atkinson said there had been many discussions about the bill in the Assembly and with other states which had implemented mandatory seat-belt usage in school buses. There were some parents who felt their children would not be safe using seat belts while riding in a school bus. The consensus of the Assembly had been that parents should be provided with an option of whether or not their children should wear seat belts when riding on school buses and subsection 3 of the bill accommodated those parents.

Senator Carlton said after watching [Exhibit C](#), it seemed to her that some children could be turned into projectiles during a school-bus accident. She wondered whether Assemblyman Atkinson would be defeating his purpose with section 1, subsection 3 of the bill.

Assemblyman Atkinson said he believed section 1, subsection 3 defeated the bill's purpose. He noted he had introduced A.B. 411 as he wanted to see all children in Nevada wear seat belts while riding school buses.

Senator Carlton asked Assemblyman Atkinson to verify that the bill was modeled after California's legislation. Assemblyman Atkinson replied, "Correct."

Senator Carlton referred to section 1, subsection 4 of the bill, which contained what she called the "immunity language," as it gave school districts immunity

from prosecution in case of an accident. She asked why that language had been included in the bill. Assemblyman Atkinson said he was going to ask to have section 1, subsection 4 removed from the bill. The language had originally been included at the request of the Chair of the Assembly Committee on Transportation, John Ocegüera. Assemblyman Ocegüera had since agreed to delete that section from the bill.

Senator Carlton noted the bill would apply to those students in kindergarten through high school. She stated the Legislature passed S.B. No.116 of the 72nd Session which required booster seats for children under a specific age and/or weight. The Senator noted that A.B. 411 did not contain an exception to S.B. No. 116 of the 72nd Session. Based on that fact, she asked how Nevada's school districts would comply with the provisions of both A.B. 411 and S.B. No. 116 of the 72nd Session.

Assemblyman Atkinson told Senator Carlton that subject had not been discussed in the Assembly. Assemblyman Atkinson said he had discussed the bill with representatives of SafeGuard Product Solutions (SafeGuard). SafeGuard is a child-restraint manufacturer. Assemblyman Atkinson stated SafeGuard had plans for protecting children of all sizes who rode on school buses. He added that he assumed that the experts at SafeGuard had considered S.B. No. 116 of the 72nd Session and its impact on seat-belt usage in Nevada's school buses.

Chair Nolan stated that he had received 13 letters from representatives of school districts or safety instructors throughout Nevada. Those individuals were opposed to A.B. 411 and had been unable to attend the hearing on the bill due to legislative deadlines and the lack of advance notice on the hearing. Chair Nolan said the letters would be made part of the record ([Exhibit F](#), original is on file at the Research Library).

Rose E. McKinney-James, Clark County School District, distributed a handout for the Committee's consideration ([Exhibit G](#)). She said she had testified against A.B. 411 when it was heard by the Assembly Committee on Transportation and the Assembly Committee on Ways and Means. Ms. McKinney-James stated she was focused on the safety component and the policy issue behind the use of seat belts on school buses.

Ms. McKinney-James said she had discussed the matter with the National Transportation Safety Board (NTSB). During those conversations, it became

clear to her that the record was still open on whether or not seat belts on school buses enhanced student safety. The lack of federal standards and regulations indicated to her that the CCSD was faced with purchasing school buses with factory-installed seats belts when the purchase of those buses might not improve safety for the children riding the school buses.

Ms. McKinney-James referenced [Exhibit G](#) which had been prepared by the NTSB. She said she felt it appropriate to determine the NTSB's recommendations concerning the installation of seat belts in school buses. The NTSB was responsible for investigating school-bus accidents. The NTSB became involved in school-bus accidents after the fact. It would attempt to analyze the nature of a school-bus accident, the bus design or other factors which might have impacted the accident. Ms. McKinney-James directed the Committee's attention to the last page of [Exhibit G](#). The graphs on that page illustrated an accident which occurred in 1997 and which had been investigated by the NTSB in 1999. The graphs showed the types of injuries which could result for the head, neck and chest when a student was unrestrained, wearing a seat belt or wearing a lap/shoulder belt.

Ms. McKinney-James said the 1997 accident used by the NTSB for demonstration purposes had occurred in Minnesota. In that accident, three children died. She stated that the graphs indicated the number of injuries increased when lap belts were used by children riding in a school bus involved in an accident.

Ms. McKinney-James addressed the subject of compartmentalization of school-bus seats. School-bus design over time had been specifically focused on student safety. This was evident when one looked at the padding on the seats, the spacing of the seats and other design elements. Ms. McKinney-James said in a rollover accident a student wearing a lap belt might still be strapped in place. The child might receive additional injuries while waiting for an evacuation and rescue plan to be implemented.

Ms. McKinney-James said the discussion on mandatory seat-belt usage had been difficult for the CCSD as it appeared to be counter-intuitive. Common sense dictated that people use seat belts when riding in all private vehicles including airplanes. She added that a private passenger vehicle and a school bus were two distinctly different types of vehicles.

Ms. McKinney-James talked about the cost of installing seat belts in the CCSD's school buses ([Exhibit H](#)). She noted that while the CCSD was concerned about safety, there were additional issues to consider such as the fiscal impact of purchasing school buses with factory-installed seat belts. The CCSD estimated the cost of purchasing such vehicles to be approximately \$166 million. The estimated figure was based on a number of criteria in addition to the purchase price of the buses. Ms. McKinney-James added that the installation of seat belts on school buses reduced the seating capacity, which made it mandatory for a school district to purchase additional buses to compensate for the lost seats. Further, the CCSD would have to hire additional drivers to move the increased fleet and there would be increased costs for fuel and additional storage yards for the bigger bus fleet. Ms. McKinney-James reiterated there would be additional, increased costs associated with the passage of A.B. 411.

For the record, Ms. McKinney-James stated:

I simply want to emphasize that our opposition to this measure is based on the research we have conducted, the guidance that we have received from the National Transportation Safety Board, the experience of our transportation specialists and, of course, the fact that if we are going to make expenditures, we want to make sure that those expenditure are directed in a fashion that will advance our primary goal which is educating children.

Kurt Svare, Transportation Director, Washoe County School District (WCSD), said the WCSD had experienced two partial rollover school-bus accidents. One accident occurred in December 2004, while the other accident occurred in the early 1970s. The first rollover accident occurred before federal regulations were enacted which required school buses to have padded seats, stronger structural integrity and cages around the fuel tanks. No children had been seriously injured in the two incidents mentioned by Mr. Svare.

Mr. Svare stated a bus rollover appeared violent when viewed on a television newscast. He stressed that due to the design of school buses, the interior was safe. He added that was the reason school-bus seats were compartmentalized and resembled an egg carton. Compartmentalization provided a safe area for the students to ride in.

Mr. Svare said he had worked for the WCSD for 30-plus years and during that time the issue of seat belts in school buses had been the subject of numerous debates. Mr. Svare read from a handout entitled, "Summary of Research on Seat Restraints and School Bus Transportation" ([Exhibit I](#)). He added that the National Highway Traffic Safety Administration (NHTSA) and the National Academy of Sciences (NAS) reviewed school-bus accidents. Based on those reviews, the NHTSA and NAS considered the use of lap/shoulder belts as the newest technology. The WCSD would use that technology if A.B. 411 were enacted.

Mr. Svare noted there would be additional costs associated with purchasing school buses equipped with factory-installed seat belts. Primary among those costs would be the additional school buses which a school district would have to purchase. Mr. Svare reiterated Ms. McKinney-James' testimony regarding the fact that the installation of seat belts on school buses reduced seating capacity which made it mandatory for a school district to purchase additional buses to compensate for the lost seats.

Mr. Svare said his primary goal was the students' safety. He stressed that if there was a reason to install seat belts on school buses it would have to be based on scientific studies. Mr. Svare added that in case of an accident there was a limited amount of time in which to evacuate the passengers from a school bus. Currently, the students were instructed on the fastest, safest means by which to evacuate a school bus in case of rollover. If seat belts were installed on a school bus and used by the students, that instruction would have to be modified to cover the release of the seat-belt safety catch.

Mr. Svare reiterated that school buses were designed for safety. The WCSD purchased school buses with safety features included and the safety features had worked for the school district.

Kevin Curnes, Transportation Supervisor, Carson City School District (CaCSD), said he was concerned about the safety of the students who rode the CaCSD's school buses. He told the Committee that until three national organizations, the NHTSA, the NTSB and the NAS, completed testing on different safety factors, including the compartmentalization of school-bus seating, school districts should not purchase school buses equipped with seat belts.

Mr. Curnes said school-bus transportation in the United States was the safest means of transportation for school children in the world. He stressed the need for testing to determine whether or not wearing seat belts in school buses added to the passengers' safety. The testing would be conducted by the three organizations he mentioned prior to seat belts being installed in school buses.

Mr. Curnes mentioned the costs associated with the passage of A.B. 411. When seat belts were installed on a bus, the CaCSD would lose anywhere from 25- to 33-percent passenger capacity per school bus. The accumulative effect would be for every three buses the CaCSD purchased, it would need to buy a fourth bus. The purchase of additional buses meant the hiring of additional bus drivers. The overhead associated with the purchase of a school bus would escalate. Mr. Curnes said he did not think the CaCSD would be receiving a good rate of return on the money spent for school buses if it were required to purchase school buses equipped with seat belts.

Mike Mitchell, Director of Operations, Carson City School District, said he echoed the testimony of the previous witnesses regarding the increased cost of purchasing school buses equipped with seat belts and the need for testing to determine whether added passenger safety would result if school-bus passengers were required to wear seat belts.

Randall C. Robison, Nevada Association of School Boards, said he was concerned with the bill, especially section 1, subsection 4 of the bill which removed liability. He said he opposed the bill.

Mr. Robison said he was not unsympathetic to the testimony which had been offered in support of the bill or the negative impact of a school-bus accident. However, he wanted the Committee to consider the fiscal impact the bill would have on Nevada's school districts if it were passed. The 2005 Legislature increased the education budget for Nevada's schools by approximately \$500 million in order to keep pace with Nevada's growth. The CCSD would incur \$166 million in additional costs to implement the provisions of A.B. 411.

Mr. Robison added that if the bill were passed, the Legislature would have to provide an additional \$675 million for the education budget in order to allow compliance by Nevada's school.

Mr. Robison said the State would run out of money to fund education in Nevada. When that happened, a decision would have to be made on how to educate Nevada's school children. Mr. Robison stressed that he was not saying additional money should not be spent to protect children. What he was saying was the protection came at a cost and the money spent on protection could be used for other purposes within school districts.

Mr. Robison told the Committee members that he had hosted a school board member from England who was touring the United States to evaluate American educational methods and processes. This person had been amazed at the number of buses owned and operated by the CCSD. In England, student transportation to and from school was the parents' responsibility, not the school's.

Mr. Robison noted the issue of school-bus safety was a delicate issue. He reminded the Committee that the bill might make the transport of Nevada's school children on school buses problematic, especially if section 1, subsection 4 of the bill was left intact.

Mr. Robison addressed the fiscal issues associated with A.B. 411 and directed the Committee's attention to section 6 of the bill. The bill would not take effect until July 1, 2007; however, section 6 mandated that by September 1, 2006, the State Board of Education would compile information from each school district. The information would provide an estimate of each school district's costs to comply with the bill. The information would be included in the Department of Education's biennial budget.

Mr. Robison reiterated that the State did not have an unlimited amount of money to use for educational purposes.

Chair Nolan said the bill would be considered by the Committee on the Senate floor when a full quorum was present. The Chair said he would be interested in receiving comments on the bill from Committee members.

Chair Nolan told those present that the bill was near and dear to his heart as he had spent eight years working in the field of transportation safety. Chair Nolan disclosed that he had worked for a company which had contracts for school buses throughout the country. Chair Nolan said he had received a telephone call from the NTSB indicating that agency's opposition to A.B. 411.

The Chair stated that Assemblyman Atkinson's testimony on the bill was compelling. In previous Sessions, after listening to expert witnesses and testimony, the Legislature had not passed legislation requiring the installation of seat belts on school buses. Chair Nolan said he was torn on the issue of requiring school buses to be equipped with seat belts. He added he had spoken with the Chair of the Senate Committee on Finance who had indicated that it was too late in the Session for his committee to consider bills with a fiscal impact.

The Chair promised Assemblyman Atkinson that when the Committee considered the bill during a floor meeting, he would be notified in order to attend the meeting.

There being no further business, the Senate Committee on Transportation and Homeland Security was adjourned at 3:20 p.m.

RESPECTFULLY SUBMITTED:

Lee-Ann Keever,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____