



January 16, 2008

Docket Management Facility
M-30
U.S. Department of Transportation
West Building, Ground Floor
Room W12-140
1200 New Jersey Ave. SE
Washington DC 20590

RE: NHTSA 2007-0014
Federal Motor Carrier Safety Standards; Seating Systems, Occupant Crash
Protection, Seat Belt Assembly Anchorages, School Bus Passenger Seating and
Crash Protection

To Whom It May Concern:

The Governors Highway Safety Association (GHSA) has had the opportunity to review the Notice of Proposed Rulemaking (NPRM) on school bus safety and wishes to submit comments thereon. GHSA is primarily concerned about the potential funding of the proposed changes with limited 402 funds.

GHSA believes the cost of implementing the proposed changes has been seriously underestimated. The NPRM calculates the costs of installing higher seat backs and safety belts small buses but only the costs of higher seat backs on large buses. The NPRM reasons that since the installation of safety belts on larger buses is voluntarily, there is no need to calculate costs. However, if a state department of education or a local school district wishes to install safety belts on large school buses, then those costs are real and sizeable. Failure to include these costs hides the true costs of the initiative.

Further, there is no data in the NPRM on the costs of self-latching seat cushions, adjustable anchorages, seat belt retractors, seating positions widths of 15-inch or restraining barrier changes. These costs, particularly the costs of changing seating position widths, could be sizeable. The NPRM encourages states to weigh the benefits of lap and shoulder safety belts against the cost of wider seating positions in large school buses. However, without accurate data on the costs of changing to a wider seating position, it is very difficult to make the requisite cost-benefit calculation

The NPRM assumes that states can determine the incremental costs of safety belts on large school buses so that those costs can be underwritten by the 402 program. However, most school districts do not determine improvements to school buses in that manner. They identify what the specifications for new school bus design would be (including all required changes such as higher seat backs, safety belts, etc.) and then they put these specifications out to bid. The costs of improvements are not individualized – they are part of the overall cost of the new bus design. Hence, it would be difficult for school districts to determine what the incremental costs of a single improvement would be and then invoice the state highway safety office just for that improvement.

The biggest danger to children, as evidenced by years of data from the Fatal Analysis Reporting System (FARS), is in the area around school buses and on the way to and from school. The Department has already responded to these challenges by requiring strobe lights, stop arms and other related improvements on school buses and by implementing the Safe Routes to School program.

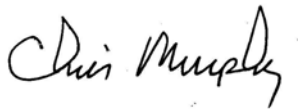
The Department's new emphasis on the use of 402 funds for school bus safety improvements undermines its own policy about 402 priorities. The encouragement to use 402 funds represents a significant shift in federal policy, yet there is no evidence in the NPRM to support such a shift.

The impact on the 402 program is potentially enormous and devastating to a state's highway safety program. If a state chooses to use 402 funding for safety belts on large school buses, it could eliminate a state's entire 402 apportionment and still barely pay for the costs of the improvement. Maryland, for example, received \$3.3 million in 402 funds in FY 2007 yet the state estimates that it would cost \$80 million to equip large school buses with three-point safety belts.

The effect of DOT's promotion of the use of 402 funds for school bus improvements is that additional pressure may be placed on states to fund less-essential highway safety activities. These activities would be funded to the detriment of other competing, potentially more effective and worthwhile highway safety programs. GHSA advocates spending highway safety money on the areas that will have the greatest impact on saving lives. These are programs directed at the three critical highway safety areas: combating drunk driving, improving occupant protection for the general population and reducing incidences of speeding and aggressive driving.

GHSA urges the Secretary to consider seeking additional funding for school bus improvements in the next reauthorization.

Sincerely,

A handwritten signature in black ink that reads "Chris Murphy". The signature is written in a cursive, slightly slanted style.

Christopher J. Murphy
Chairman, Governors Highway Safety Association