

WEST BROOK BUS CRASH FAMILIES

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SENATE OVERSIGHT HEARING ON BUS SAFETY

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Our Reality: We are the families of the Beaumont West Brook High School girls' soccer team. On the afternoon of March 29, 2006, the motorcoach bus transporting 23 of our daughters and their two coaches to a playoff game in Houston overturned, killing two of our children and maiming and injuring the others.

The motorcoach that carried our daughters did not have seatbelts of any kind. The oversized windows, making up approximately 50% of the side area of the bus, were not impact resistant, had no "glazing" and were merely glued to the outside of the bus as opposed to being installed in a framework. When, according to the preliminary DPS report, the bus driver took "faulty evasive action," the bus rolled over on its left side and 25 passengers were thrown from their seats. The windows shattered into shards of glass. Bodies, equipment, books, purses, even seats flew through the air landing on each other in a tumult of glass and asphalt. As the bus slid toward the ditch, our children were pummeled as if they were in a washing machine spin cycle.

Ashley and Alicia were ejected from the motor coach and crushed, their bodies coming to rest under the debris. Devin and Allison were ejected, their left arms sucked under the frame of the bus and their bodies dragged beneath the bus as it skidded, mangling each of their left arms and causing serious head injuries. Still alive, both girls were pinned underneath the bus. Devin was trapped in a bed of fire ants. Allison was pinned upside down in a headstand. It took rescuers over an hour to free them. Sarah's ear was torn from her head, her head violently gashed. Shoulders, ribs and knees cracked, glass shards the size of fists lodged in backs and legs, the beautiful faces of youth shredded on the pavement.

In the immediate aftermath, some girls attempted to revive their dead teammates. Others tried to free their trapped friends and comfort them in their pain. Still others tried to lead the wounded to rescue. Blood and tears mixed with mud and raindrops. As parents, we shudder at the horror of the scene.

We buried our precious Ashley and Alicia. Of the 21 survivors, all received medical treatment of some kind. The more seriously injured spent a combined total of 86 days in the hospital including intensive care. Four of the girls have endured a combined 16 surgeries to save and in some way rebuild bodies maimed by the accident. Over eight months of school instructional days were missed prior to the close of the school year. Literally millions of dollars in medical expenses have been expended and those costs continue.

Devin's arm was amputated. For Allison, her left elbow was crushed and is useless. She has minimal use of her left hand. There were multiple head injuries, some

requiring plastic surgery and stitches. For some, the “road rash,” pieces of glass and asphalt imbedded in flesh, was so severe that it had to be removed by surgery or by a special hydraulic procedure under anesthesia. There have been hours of physical therapy, thousands of stitches, bandages, crutches and wheelchairs. And there has been pain – lots of pain – both physical and emotional. The girls, their families and coaches have spent hours in counseling and therapy sessions. As one can expect, both the physical and emotional scars of the tragedy will last a lifetime.

The Risk: After the crash, we learned that charter buses hired by schools (often under pressure from parents, coaches and teachers) do not meet “crashworthiness” standards required by Congress for school buses. Those standards, which became law in 1977, added structural frame, roof and seat requirements “to protect our most precious cargo, the children of our future.” The structural requirements forced school bus windows to be small and rigidly framed offering less chance of ejection. Seatbelts in school buses was debated, but because of money and technology issues, never implemented. ***It was never contemplated that charters would transport school children like they do today.***

Unfortunately, times have changed, but the law has not. Nor has the bus industry voluntarily. The NTSB has recommended, on several occasions since 1977, that crash protections be required of motorcoaches including body and roof structural support, safety windows and seatbelts. In 1999, the NTSB made the addition of safety belts and roof crush protections part of there “Most Wanted” safety improvement list. NTSB reiterated recommendations in there July 8, 2008 report on Atlanta Bluffton Baseball Team crash stating ¹ “Contributing to the severity of the accident was the motorcoach’s lack of an adequate occupant protection system.”

But still, almost 10 years after becoming “Most Wanted”, powerful industry lobbies have successfully kept these protections from being added to motorcoaches. At the same time, the industry continues to “target” school districts, churches and other youth organizations. (At the 2007 Motorcoach Expo one seminar was entitled “Targeting School Districts, How to Increase Your Market Share.”)

Sadly, structural protections, safer windows, even lap-shoulder seatbelts, are readily available for motor coaches, ***but bus manufacturers and operators in the US don’t install them to save money.*** (Buses in European Union and Australia have had these protections for 10 years!) As an expert for the Texas Association of Pupil Transportation recently testified before the Texas House Transportation Committee, “these buses [chartered motor coaches] are designed for comfort, *not safety.*” Charter buses look massive and have an appearance of safety, but don’t be fooled.

Motorcoach operators do not inform schools (or parents) that their buses lack crash protection. Yet, they sell their buses for long distance, highway speed travel – the maximum accident risk! And forget about recourse. Even though charters carry 55 to 60 persons at a time, operators are only required to carry insurance limits of \$5 million, nowhere near adequate liability should a crash occur.

¹ See <http://www.nts.gov/Publictn/2008/HAR0801.htm>

The bus industry attempts to justify their conduct with a good (thankfully) accident-per- miles-driven safety record. What they won't share is the *high* injury/death-per- accident result. Charter bus accidents can and will continue to happen, especially given our ever more dangerous and complex highways. When they do, the result is catastrophic. Our accident is case-in-point.

The Remedy: The Brown-Hutchison Bill (S2326) and Lewis House Companion (HR6747) (*Action, not delays through testing as found in HR4690*) provide the needed impetus to require NHTSA to mandate these need safety reforms. Congress has allowed this inaction to continue long enough. No more adults and children should die or be injured as a result of the motorcoaches failure to implement these basic safety standard. The Bill:

- Applies to new buses purchased with exceptions
- Regulations w/in 1 year
 - Safety belts (retrofit in 2-5 years depending on hardship)
 - Advanced window glazing to prevent ejection
 - Firefighting Equipment (retrofit in 2-5 years)
- Regulations w/in 2 years
 - Compartmentalization and Impact protection
 - Stability control
 - Roof Strength - Crush Resistance
 - Enhanced Conspicuity
 - Smoke and Fire Suppression (retrofit in 2-5 years)
 - Improved Passenger Evacuation/Lighting
- Regulations w/in 3 years
 - Adaptive Cruise Control/Collision Warnings
 - Automatic Fire Suppression
- Test Reports
- Improved Carrier Oversight
- Stricter Driver Training/Licensing/Requirements
- Better Bus Inspection Programs
- Financial Incentive for Small Operator Compliance (HR6747)

The provisions of the Bill are strong and reasonable. The Bill says “Enough is enough”. It is obvious that neither industry not the DOT will take action without Congressional mandate. Congress must act before more are killed and injured. As advocates for safer student transportation, we also ask Congress to close the “non-conforming” loophole that allows motorcoaches to be used for school “activities” (as opposed to school commutes) until they meet the same safety requirements that Congress enacted for our school children in 1974.

No more parents, students, passengers should face the risk that became our horrible reality. The risk is real, the result is real, and the remedy is available and reasonable. It is time for Congress to have the political courage to make a new reality – a reality of safe motorcoaches for all.