



LEGISLATIVE BUDGET BOARD

Robert E. Johnson Bldg.
1501 N. Congress Ave. - 5th Floor
Austin, TX 78701

512/463-1200
Fax: 512/475-2902
<http://www.lbb.state.tx.us>

September 2, 2010

Robert Scott
Commissioner of Education
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701

Dear Commissioner Scott:

Article IX.17.14, School Bus Seat Belt Program, in the 2010-11 General Appropriations Act required the Texas Transportation Institute (TTI) to conduct a feasibility study and develop and implementation plan for a grant program to reimburse school districts for costs related to providing seat belts in school buses. Upon approval of the report and plan by the Legislative Budget Board (LBB), the Texas Education Agency (TEA) is directed to implement a program, and an appropriation of \$10 million in General Revenue in fiscal year 2011 is provided for this purpose.

The TTI report was submitted and is attached for reference. The report recommends the following prioritization schedule for implementation based on risk-based analysis.

Priority 1: Equip vehicles that will have the highest safety benefit from the addition of lap/shoulder belts: small buses and motorcoaches.

Priority 2: Equip buses used in counties with the highest number of serious bus crashes for use on high-speed, two-lane routes and with the highest average pupil density on those routes (priority counties identified as Harris, Dallas, Bexar, Tarrant, Hidalgo, Montgomery, and Travis).

Priority 3: Equip buses on high-speed two-lane routes in other counties, in order of decreasing linear density.

TTI's recommendation also includes Operational and Policy recommendations. These include:

- a district plan for addressing any diminished capacity so as not to force students into alternative (and less safe, regardless of seat belt availability) transportation
- a district training program for drivers and students on correct belt use and emergency procedures, and
- a written policy regarding belt use and an enforcement system.

TTI cites evidence that monitoring is necessary to ensure correct, consistent usage. There are two means of monitoring seat belt use identified—through an additional adult present on the bus and through an electronic monitoring system. The report recommends prioritizing or providing incentives to encourage the use of human or electronic monitoring.

Finally, TTI recommends that the program be evaluated.

This letter constitutes LBB approval of the report and implementation plan submitted by TTI and approval of the release of the \$10 million General Revenue appropriation in FY2011. The LBB intends that TEA include the following minimum program requirements, which are consistent with the recommendations in the report:

1. Expenditures of grant awards should be limited to the incremental cost of purchasing buses with seat belts versus those without;
2. Districts making bus purchases that fall within any of the three TTI priorities are eligible to apply for funding, and funding will be prioritized in order of the three risk-based categories identified in the report (all eligible priority 1 applications would be funded first, followed by priority 2 applications, etc. until the available funding is allocated);
3. School districts must certify in the application that the buses for which funding is sought under priorities 2 or 3 travel routes identified as high risk under the parameters of the TTI report;
4. Applications including a plan for monitoring seat belt use should be prioritized in the funding allocation;
5. School district property wealth should be a factor in prioritizing applications for funding allocation (lower wealth being a higher priority), if additional prioritization is necessary;
6. At a minimum, applications must include proof of adequate capacity, plans for driver and student training, and written district policies regarding seat belt use and enforcement to be eligible for funding; and
7. The program should be evaluated by TEA or its designee.

TEA should consult the report for additional guidance in implementing the program.

Note that participation in the School Bus Seat Belt program under the authority of Article IX.17.14 of the 2010-11 GAA is not mandatory, and a receipt of a grant award in one

year does not create a future entitlement to state funding nor does it commit TEA to fund expenses beyond fiscal year 2011.

Please contact Jennifer Schiess at 463-4284 if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "John O'Brien", with a stylized flourish extending to the right.

John O'Brien
Director

cc.

Mary Katherine Stout, Director, Governor's Office of Budget, Planning, and Policy
Suzy Whittenton, Director of Fiscal Management, Comptroller of Public Accounts