

City of Olmsted Falls
Minutes of a Council Work Session
Monday, February 24, 2020, at Olmsted Falls City Hall
26100 Bagley Road – Council Chambers, 6:45 p.m.

Council President Stibich called the meeting to order at 6:45 p.m. Roll call was conducted. Councilmen Lori Jones (arrived 7:24 p.m.), Jennifer Jansen, Jay McFadden, Cornel Munteanu, and Brian Chitester were present. Yvonne Buchholz was excused.

Presentation by Rudolph Breglia – School Bus Safety Concerns

Rudolph Breglia stated that he lives in Avon Lake, Ohio. He is present tonight because he knows that the Council has a broad responsibility for the safety of all its citizens and has an overlapping responsibility with the school district based upon the children that ride school busses. His hope is that Council would consider producing a resolution supporting a trial of seat belts in school busses that would be conducted by the school district. He knows that the school district and City Council are two separate independent identities and knows that what he is asking Council is to go beyond their traditional roles. The reason he is asking Council to do this is because your children are involved in this safety concern and he is asking Council to go the extra mile and consider a resolution. He stated that three cities have done resolutions Sandusky, Vermillion and Lorain. He indicated that about 1/3 of the Council's that he speaks to will invite him back and he then gives a more robust presentation to those entities so they have a clearer understanding. He thanked Council for allowing him to come in this evening.

Mr. Breglia stated that he is a civilian advocate for seat belts in school busses. He has no commercial interest in this issue at all. He knows that everyone is on the same page in that we want the safest form of transportation for our children and believes that we all realize that it is better to have a seat belt on if you are in a crash. He is talking about the lap/shoulder seat belts, the same ones in every passenger car. He understands that this is a complex issue with a lot of moving parts but he can assure that what he is trying to do is help school districts deal with the issue and overcome any perceived difficulties that they might have.

Mr. Breglia indicated that he has a listing in the presentation of those who have experience on a state level and school district level implementing programs where they put seat belts in school busses. They have all agreed that any questions that come up they are willing to help. If you have any questions please feel free to contact them. The ultimate conclusion is that seat belts save lives and reduce injuries. This slogan came from the federal agency that is responsible for school bus safety. In 2015 they changed their policy and started to recommend seat belts for all school busses, the agencies name is NHTSA (National Highway Traffic Safety Administration). The most important conclusion he will come to tonight is that current Ohio school bus safety features are inadequate to protect children fully, he can say that because six to seven children are killed and more than 5,000 are injured in school bus incidents. The reason he is present is because in November of 2016 he received a wake up call, a school bus rolled over in Chattanooga, Tennessee killing six children, injured 26. The only one that was uninjured was the school bus driver because he had a seat belt on. A tape from the crash in Perry County just came out within the last week, the school bus driver had a seat belt on and the bus rolled over and the kids went flying, and shortly the driver popped up and started giving

directions to the kids. This shows what a seat belt does, it keeps you in place, maybe you are shaken up but you can be alert and aware of what is going on. If these students would have had seat belts, they would have been able to help their classmates. If there was a fire, they would be able to escape but if they are flying around inside the cabin, injured, unconscious, or disoriented they cannot save themselves or help anyone else. The kids in the Chattanooga school bus had no chance without seat belts and three were actually ejected from the bus. In the 1970's federal agencies made a choice they selected padded seat backs over seat belts based upon a flawed and incomplete theory of protection called compartmentalization. This theory is a crude and violent means of protection, it is meant to minimize injuries but not to prevent them. The basis for the theory is the seat back is meant to absorb the impact energy of air borne children's bodies that are set in motion by sudden stops or crashes. The theory is most effective when the bus is going slow, forward and all the children are seated properly and by properly he means sitting upright, facing forward with both feet on the ground. We know that kids cannot maintain that position for any period of time. Whenever he passes a school bus on the highway, he can see that they are moving around and sitting sideways in the seats talking to their neighbor. What this does is put them out of position and if they are out of position compartmentalization does not work at all. If any of the conditions are not met the theory starts to fail and it fails completely when you have roll over's or side crashes. He stated that North Carolina did a 10-year study where they found that 1/3 of all their crashes were side crash or roll over types and not unexpectedly these crashes accounted for 80% of the children's injuries.

He stated that seat belts do two things, they enhance safety and they improve behavior. These are not two separate issues, if you have improved behavior it means less distractions for the driver. The driver is meant to transport children safely, he is not meant to interfere with what is going on in the back of the bus, if there is chaos going on it interferes with the driver's attention and you will have more crashes. The other thing it does is it practically eliminates bullying. If the children are seated and in place they cannot disturb their neighbor's, so as far as bullying is concerned it is almost eliminated by seat belts.

He stated that NHTSA, the rule maker, requires seat belts in cars, small school busses, which is less than 10,000 pounds, and in commercial motor coaches. He stated that Sherrod Brown, our own senator, sponsored the bill that became law that put seat belts in commercial motor coaches. This was stimulated by an individual whose son was killed on a bus trip and the bus rolled over. This was a baseball team going to a meet. This gentleman interacted with Sherrod Brown and he sponsored a bill to get this done. As of 2016 any commercial motor coach that is manufactured has to have lap/shoulder belts. He stated that NHTSA has stated that they do not want to impose seat belts on school districts that cannot afford them because the school district would install the seat belts. But, to save money they would drop services, in other words if you are more than a half a mile now you get bus service, they would extend this to $\frac{3}{4}$ of a mile or a mile and then there would be more kids on bicycle's, riding in their parents cars, walking, or running and that is not as safe as being on a bus.

He does not believe that the busses are unsafe. He thinks that having seat belts is an enhancement to safety. He wants the kids on the big busses, orange colored big busses with the red lights. He is not advocating from moving away from school busses as we need to have those busses and as an enhancement, we would have seat belts.

He stated that Sherrod Brown is on board and wrote a letter to the Avon Lake Board of Education encouraging them to complete their trial and is ongoing. They are having some hiccups with the implementation because if the kids are use to being footloose and fancy free, you put them in a seat

belt and they don't particularly like it. Although it puts them in the right position for compartmentalization it does restrict their movements. He has had meetings with the Superintendent of Avon Lake who is on board and has already started a back to basics approach with more training for the kids and encouragement so this problem will disappear.

He stated that NHTSA and NTSB have recommended lap/shoulder belts in school busses. Many medical organizations make the same recommendation, National Safety Council and AMA. There are states with grant programs, but unfortunately Ohio does not. He stated that there is a program in North Carolina that school districts that want seat belts can apply for a grant, the same for Tennessee who appropriated \$3 million dollars for those that want seat belts.

There are seven states that have requirements for seat belts in school busses. There are two more states that have requirements but the state legislature has to provide the funding. With the grant programs for Tennessee and North Carolina makes up 11 states that either have requirements or strongly support it, which is 22% of the states in the United States. It is a pretty hefty group and he believes that because of Avon Lake and Beachwood and he has talked to many school districts he believes that other school districts will jump on board and complete a trial. One of the things that he promises school districts that he speaks with to make it a little easier he has stated that he will guarantee that they will not pay an extra penny for the first bus that you put seat belts in as he can raise funds through the businesses located in the town. The social action groups like a rotary club, Kiwanis or Knights of Columbus who he has spoken with and gotten positive reactions. He stated that Ohio school districts risk unlimited compensatory damage awards according to the tort law in Ohio.

He stated that Philadelphia, Denver, Dallas, Indianapolis, Ft. Wayne, and Atlanta all require seat belts in school busses. As far as the school districts and their risk; you have a foreseeable harm as far as having kids in school busses without seat belt protection flying down the highway at 70 mph. Seat belts in school busses is becoming a standard of care and you have a print out of what he considers evidence for that standard of care. When you combine these two things, foreseeable harm and seat belts being a standard of care, it will be a tough situation. If you did a risk assessment you will have a high hazard situation but a very low frequency of accidents, when you combine these two elements you wind up with a rare catastrophic event which is what happened in Chattanooga.

He stated that costs always come up and it adds about 8% to 10% of the price of a school bus. A school bus costs about \$90,000 so it would cost about \$8,000 more, which is what Avon Lake has found. Over the lifetime of the bus it ends up being three cents a student a day or \$5.00 a student a year. You do have some cost savings, your insurance rates would drop, you would have better driver retention because the driver isn't worried about the chaos going on behind him or her. You would not have staff time being taken up by the incidents that happen on the bus, like a student pulling another student's hair and then the parents have to come in and speak with staff. He stated that cost is biggest issue for school district delays. He does feel for the school districts because they have a certain amount of money and a lot of problems to deal with like active shooter situations and understands that he is adding to their burden, which he does apologize for. His initial goal is to alert the community and feels that once they are alerted, they will have to decide what they will do.

One of the reasons he brings a seat belt assembly is because people indicate that this will decrease the capacity of the busses. In the past there were two seat belts which limited each seat to two children but now they have worked it out so there will be three seat belts per seat.

This is new and it may be great but since it is new the system has to get use to dealing with it. There are thousands of busses that have seat belts so kids do adjust, it may take a while but we have the safety habit because we get into a vehicle and we buckle up. He stated that 90% of the people who ride in cars do buckle up. His grandchildren get into the car and buckle up and will not let him move the car if they are not buckled.

There is resistance to this issue, National Association of Pupil Transportation believes that once it is a federal regulation then they will do it, but before that they will not and that is their position. The spokesperson for the Ohio School Board Association indicated that this would be something nice to do but not necessary. He forwarded a link to Council of a video clip showing a simulated bus rollover. The test dummies hit the roof or windows. There is absolutely no protection for the kids and follow the laws of physics. If you are doing 60 mph and the bus stops that is what you are doing, if the bus roll overs you are doing 60 mph hitting the roof.

He stated that two years ago he met with the individual who runs the Ohio Department of Education, Transportation Division and gave him a 20-minute presentation. At the end of the presentation this individual indicated that he is from the old school and stated that he has to be shown. He couldn't show him the video but did point it towards him and does not know how much more evidence he needs or what agenda he is playing.

His program goals are to alert the community to this school bus safety concern that can be fixed with seat belts. Another goal is to help school districts deal with the issue and overcome any perceived problems along with raising funds to help them complete trials on their own.

He stated that the installation of seat belts in school busses is a substantial, critical and recognized improvement to school bus safety and really should be a priority for all of us. He likes seat belts to fire extinguishers, they are an absolute needed precaution to prevent catastrophic loss like they had in Chattanooga. If you have a fire in your home you have a fire extinguisher you can put out the fire and saved your house. How many people would let their children ride around in a school bus without a seat belt, he usually gets silence with that question.

Mr. Munteanu indicated that the information distributed to Council indicates that Avon Lake is completing a trial and EU and asked what EU stood for. Mr. Breglia replied European Union. In 2001 every new school bus has to have seat belts and are just about done. He indicated that California started in 2005. You would only put seat belts in new school busses because you do not want to have a big impact on any one budget year and doing existing busses costs about \$5,000 more than doing just new busses. With an existing bus you would have to tear out all the old seats and if there is corrosion then it would cause bigger issues. He is advocating the new school bus approach so that there is not a big impact on any one budget year. He stated that Avon Lake has 33 busses and is unsure how many busses Olmsted Falls has but does believe it is around the same number. Every year you would replace one or two busses. Mr. Munteanu stated that the school district covers 15 or 16 square miles and believes there are more busses than Avon Lake. Mr. Breglia stated that you would add seat belts to one or two busses, now you are talking about \$10,000 or \$20,000 if you have a budget. He stated that Avon Lakes budget is \$40 million so \$10,000 or \$20,000 isn't very much and winds up to being three cents a student a day or \$5.00 a student a year. He is not saying that it is negligible. He stated that Beachwood City Council raised a quarter of a million dollars and is one of the reason's he began speaking to City Council's. He indicated that Avon Lake's City Council is paying for half of the cost of the cameras to get passing violations so it is a real cooperation between

the City Council and school district. A lot of City Council's cannot get passed the idea of the traditional role that they have always played, City Council does their business and the school district does their business and there isn't a lot of mixing. He stated that the City Council's he has spoken with are concerned about disturbing this relationship, which he understands. Mr. Stibich replied that Mr. Breglia needs to understand also that the Olmsted Falls School District not only encompasses the City but also Olmsted Township, part of Columbia Station and Berea. Ms. Jansen asked if Mr. Breglia has dealt with a situation like ours, where the district overlaps multiple cities. Mr. Breglia replied yes. He always speaks with the school board first and offers them the opportunity to come back so that he can speak with the superintendent. Mr. Stibich indicated that he has already spoken with the Olmsted Falls School District. Mr. Breglia replied yes. Mr. Stibich indicated that also makes the city reluctant to "poke their nose in" because it does involve other cities as well. Mr. Breglia stated that he has a listing of where he has spoken, he lists the city and school districts. He is willing to speak with Berea as well, if Council points him in the right direction he will make presentations.

Frank Anselmo stated that he lives off of Bagley Road in North Ridgeville and met Mr. Breglia two years ago. He works in the radio station at Lorain Community College and Mr. Breglia was making a presentation on the radio. He then got attracted. He has grandchildren, two in high school, and two in elementary school, one with special needs. He remembers waiting for the bus to pick up the special needs student and how delicate they take them putting them on the lift and they are all seat belted and secured and likes what Mr. Breglia is doing. What Mr. Breglia did not say is that cities do not advise going back to the older school busses and installing belts as it is better when they are brand new going through the line. Some of the schools use the newly equipped busses for band members or the football or baseball teams because they are usually on the interstates and major highways. They found that it is the safest way for them to travel. So maybe it's one bus at a time or two busses, that are used for travel so it's safer for them. The most important thing is that your mayor was fireman for 15 years and he was also a fireman for 14 years; when you show up on any type of a crash its always better to rescue than it is to come back and try to find pieces and parts. Mr. Stibich replied that Mr. Munteanu is a retired fire chief. Ms. Jansen replied that she was a 9-1-1 dispatcher. Mr. Anselmo indicated that he was as well as Westcom for eight years in the fire dispatch center as a supervisor. The most important thing is kids are irreplaceable, we are putting them in sports cars and doing it every place else what is the price of a child's life.

Ms. Jansen stated that Mr. Breglia began to answer her question about multi-cities involved in a school district and indicated that he first meets with the Board of Education and asked what he would do after that. Mr. Breglia replied that he then moves to the City Council and social action groups. He tries to engage the groups because he knows that sooner or later the school district is going to need money. To make it a little easier he tries to have at least the first bus paid for by external sources. He stated that 1/3 of the City Council's invite him back to speak to the transportation manager. In Avon he spoke with the safety committee and then they make a recommendation to Council as to whether or not they should create a resolution. Ms. Jansen stated that with multiple cities does he need to have all the cities in agreement before a resolution of support can be completed. Mr. Breglia indicated that he is after a resolution from any of the cities in the group. It is the school board who will make the final decision as to where to spend the dollars. For example, if there are three cities and one school board, he would go to the school board and then to each of the cities, if he can. Hopefully the school board would take advice from any of the cities that are part of their district.

Ms. Jansen stated that she has one child in elementary and one in high school and agrees that if you replace school busses you should get ones with seat belts. In talking about this issue with other people she believes that in addition to using the new busses for the band and teams you should also use them for the field trips for the elementary schools. She has personally and multiple times been a volunteer on the school bus with three classrooms and a dozen volunteers and teachers and you are traveling at 70 mph downtown for a field trip and even with that many people helping it is still hard to maintain. Mr. Breglia stated that she has also then felt the bouncing around or if the bus driver comes to a little bit of a short stop you slide around. Now, his youngest granddaughter is maybe 40 pounds soaking wet and she has hit her head a number of times if the school bus stops because she slides right into the seat in front of her. Ms. Jansen stated that if the seat belts have to be adjusted like a regular car seat you use for kids from infant until five or six, can they easily be adjusted for a high school student using the bus and then an elementary child using the bus. Mr. Breglia stated that one of the adjustments that there is, on one of the seat belts that he has, is above the shoulder and you can pull it down so it fits snugly. Ms. Jansen replied similar to what a regular vehicle has where you can adjust the height of the shoulder belt. Mr. Breglia replied right so you can have the little kids and football players. He stated that if the football player is really big their knees will touch the seat in front of them so they are forced to sit upright and in the proper position and they may not like that because in the past they would turn sideways. Ms. Jansen stated that she can see high school kids being more resistant. Mr. Breglia replied high school and middle school are problematic. But 90% of the people driving today in cars and kids are using their seat belts, they have the safety habit.

Ms. Jansen asked if Mr. Breglia was aware of any work being done at the state level to support this issue. Mr. Breglia replied that he is dealing with state politicians and have spoken with three senators and a number of representatives. Currently he is speaking to Nathan Manning and he has the most active thing going on. In the handout that he gave Council there is information regarding a trial proposal. What he has spoken to Mr. Manning about is having an interested parties meeting in Columbus and we have a list of experts in the area. He is asking for \$100,000 for 10 school districts to install seat belts in one school bus and this would be a way of introducing the seat belts into a school district without it costing them anything. They will pay for the bus anyway in the normal routine but this would give them \$10,000 to install seat belts in one new school bus. This bus can be used for high speed travel, fields trips. One of the things he recommends to school districts is when they first get the busses, as much as they possibly can, do the highway driving because the faster the bus the greater the risk.

Mr. Breglia stated that passing violations and active shooter situations are putting school districts in a bind. One of the solutions is cameras and money for those is important. Even more children are killed from passing violations than in school districts.

Adjournment

Mr. Chitester moved to **adjourn**; Ms. Jansen **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried.**

The meeting adjourned at 7:31 p.m.

Paul Stibich, Council President

Angela Mancini, Clerk of Council