

~ BRIEFING NOTE ~
Motor Coach Survey Results
September 8, 2014

BCTA bus and motor coach members were surveyed about BC's current seat belt legislation and mandatory seat belts on buses and motor coaches.

MONITORING SEAT BELT USE (NOVEMBER 2013)

BCTA surveyed its bus and motor coach members about adopting Motor Coach Canada's (MCC) position and recommendations¹ to amend provincial seat belt legislation with respect to the requirement for drivers to monitor seat belt use on buses and motor coaches.

The survey was sent to 33 member companies. The results are based on 13 responses (n=13).

Results

- 11 respondents (85%) agreed with MCC's recommendations. 2 respondents (15%) did not agree with MCC's recommendations.
- When asked about the urgency of this matter for their company, 2 respondents (15%) indicated it was "very urgent", 5 respondents (39%) indicated it was "somewhat urgent", and 6 respondents indicated it was "not urgent" (46%).
- In aggregate, the 13 respondents to the survey operated 67 (18%) buses or motor coaches not equipped with passenger seat belts; and 308 (82%) that were equipped with passenger seat belts.
- Most respondents agreed with MCC's recommendations; however, there were some noted caveats. 3 respondents provided additional comments²:
 - 1 respondent indicated that the recommendations should apply to all commercial vehicles carrying passengers regardless of the size of the vehicle.
 - 1 respondent noted that the use of seat belts in coaches should be entirely optional given that the science is inconclusive.

¹ See Appendix 1

² See Appendix 6

- 2 respondents agreed with relieving drivers from monitoring seat belt use for passengers under the age of 16, but noted that it is still impractical to require a supervising adult to enforce seat belt use.

MANDATORY SEAT BELTS IN NEW BUSES AND MOTOR COACHES (SEPTEMBER 2014)

BCTA surveyed its motor coach members to understand their views on a mandatory requirement for new motor coaches and buses to be equipped with seat belts.³

The survey was sent to 33 member companies. The results are based on 10 responses (n=10)

Results

- 9 respondents (90%) indicated that they support a requirement for all new motor coaches and buses in Canada to be equipped with seat belts. 1 respondent (10%) skipped this question. 5 respondents provided additional comments for this question⁴.
 - 1 respondent indicated that although they support the idea, it could potentially impact the usage of child seats and boosters, which must be taken into account.
 - 1 respondent indicated that the requirement for a driver to monitor seat belts use by passengers under the age of 16 would be an issue.
 - 1 respondent noted that it is important to distinguish between all new buses “sold” and “manufactured” as the latter could potentially involve retrofitting.
- 7 respondents (70%) indicated that certain buses such as transit and school buses should be exempt from the requirement to be equipped with seat belts at the time of manufacture. 3 respondents (30%) did not support such an exemption. 3 respondents provided additional comments for this question⁵.
 - 2 respondents clarified that although transit buses should be exempt, school buses should be required to have seat belts.
 - 1 respondent noted that with current legislation, mandatory seat belts on school buses would make it very difficult for the driver to ensure that every child is wearing a seat belt.
- 9 respondents (90%) agreed with MCC and BCTA’s position that there should not be a mandatory retrofit requirement for in-service buses and motor coaches⁶. 1 respondent

³ Appendix 2 contains the background information that was provided to respondents.

⁴ See Appendix 3

⁵ See Appendix 4

⁶ The question clarified that MCC and BCTA are not opposed to voluntary retrofitting.

(10%) did not agree with this position. 3 respondents provided additional comments for this question⁷.

- When asked about the importance of the issue for their company, 6 respondents (60%) indicated that it was “very important” and 4 respondents (40%) indicated that it was “somewhat important”.
- In aggregate, the 10 respondents operated 93 (32%) buses or motor coaches equipped with passenger seat belts and 200 (68%) buses or motor coaches without passenger seat belts.

CONCLUSION

The surveys show that the majority of respondents are in agreement with MCC and BCTA’s positions about who should be responsible for monitoring seat belt use by passengers under the age of 16– the onus should not be placed on the driver. Similarly, the majority of respondents agree that there should be a federal requirement for passenger seat belts to be installed on all new buses and motor coaches in Canada.

The respondents that chose to provide additional comments, provided many different viewpoints; however, several of the additional comments were similar. In the first survey, 2 respondents identified the difficulties of having a supervising adult enforce seat belt use (they still agreed that drivers should be relieved of responsibility). In the second survey, 2 respondents said that, while transit buses should not have seat belts, school buses should⁸.

Although the two surveys had slightly different objectives, several questions were similar or identical; it is worth comparing the responses to these questions across the two surveys.

In the 2013 survey, 15% of respondents indicated that the issue of who should monitor seat belt use was “very urgent”; in comparison, 60% of respondents in the 2014 survey indicated that mandatory seat belts on new buses and motor coaches was “very important”. There could be several reasons for the difference. One explanation could be the difference in the definition of “urgent” vs. “important”. Alternatively, the issue of whether seat belts should be mandatory on all new buses and motor coaches could be more important/urgent to respondents compared to the responsibility of who should monitor seat belt use. Another point to consider is that the first survey had 13 respondents, whereas the second survey had 10 respondents.

The survey results showed that a higher percentage of buses and motor coaches were equipped with passenger seat belts in the 2014 survey when compared to the previous survey. In the 2013 survey, 18% of buses and motor coaches had seat belts. The 2014 survey shows an increase of buses and motor coaches with seat belts to 32%.

⁷ See Appendix 5

⁸ It is important to note that another respondent provided a comment about the difficulties of mandating seat belts on school buses.

APPENDIX 1: MCC POSITION ON SEAT BELT MONITORING

BC legislation or enforcement policy respecting the use of seat belts on buses and motor coaches should:

1. continue to require passengers to wear a seat belt (if one is provided), but should also include a provision allowing passengers to leave their seat to use the lavatory or retrieve an article from an overhead compartment without being subject to potential fines for non-compliance with the general requirement to wear a seat belt at all times,
2. in the case of passengers under the age of 16, consistent with precedent set in Quebec, explicitly relieve drivers of the responsibility for ensuring that passengers under the age of 16 comply with the requirement to wear a seat belt and transfer that responsibility to an adult passenger accompanying the minor, and
3. in the case of passengers who are 16 years of age or older, consistent with current legislation in BC, continue to place full responsibility for complying with the requirement to wear a seat belt with the passenger.

APPENDIX 2: 2014 SURVEY BACKGROUND

Motor Coach Canada's (MCC) position is that the federal government (Transport Canada) should mandate three-point seat belts on all new motor coaches sold in Canada. (Please note, all BCTA motor coach members are automatically members of MCC without the payment of any additional dues.) The requirement for all new coaches sold in Canada to be equipped with seat belts should be consistent with and mirror the recent rule mandating seat belts on all new motor coaches sold in the United States.

Under the US rule, which was adopted in November 2013, newly manufactured over-the-road buses and other types of new buses with a gross vehicle weight rating (GVWR) greater than 11,793 kilograms (26,000 pounds), except transit buses and school buses, will be required to be equipped with lap and shoulder belts beginning in November 2016.

Related to this, and consistent with past BCTA member feedback and MCC's position, BCTA has drafted a submission recommending changes to current provincial legislation with respect to who is responsible for ensuring seat belt use on a bus or motor coach. Should the federal government mandate seat belts on new motor coaches and buses, amendments to current provincial legislation will be necessary, particularly with respect to seat belt use by minors, and whether the responsibility to ensure that a minor wears a seat belt rests with the driver. To be more specific, the Motor Vehicle Act (MVA) should:

- continue to require a passenger to wear a seat belt at all times when one is provided and the passenger is seated, and continue to place full responsibility for complying with this requirement with passengers who are 16 years of age or older; but
- relieve drivers of the responsibility for ensuring seat belt use by passengers under the age of 16; and
- include a provision that allows passengers to leave their seat to use the lavatory or retrieve an article from an overhead compartment without being subject to potential fines for non-compliance with the general requirement to wear a seat belt at all times.

Current Seat Belt Legislation in BC

The BC Motor Vehicle Act (MVA) requires that, when seat belts are provided in a vehicle, passengers must buckle up. This also applies to buses and motor coaches equipped with seat belts (i.e., if equipped with seat belts, which are currently not mandatory under federal manufacturing standards and provincial legislation).

For passengers who are 16 years of age or older, the MVA places the responsibility for ensuring proper seat belt use with the passenger (i.e., not the driver). However, the MVA places the responsibility for passengers under the age of 16 with the driver. This makes sense for privately owned passenger cars, but presents challenges for bus and motor coach operators whose drivers

cannot reasonably be expected to monitor passengers' compliance with the requirement to wear a seat belt.

Another related matter is that current seat belt legislation could result in enforcement when a passenger leaves his or her seat to use the lavatory or retrieve an article from an overhead compartment.

BC's legislation respecting the use of seatbelts is consistent with legislation in other provinces, except for Quebec.

Motor Coach Canada Position

According to Motor Coach Canada (MCC), provincial and territorial seat belt legislation was written at a time when seat belts on buses were not contemplated. While current legislation is appropriate for passenger cars, it is impractical and unreasonable when applied to a motor coach. It is extremely difficult, if not impossible, for a driver to monitor seat belt use on a motor coach, which can typically seat 56 passengers. In 2011, Quebec was the first, and to date only province, to recognize this difficulty and amend its legislation to relieve taxi, bus, and minibus drivers of the responsibility to ensure seat belt use by minors, and placed that responsibility with an accompanying adult (Quebec Highway Safety Code, RSQ, c C-24.2, Division III, Section 401).

Furthermore, provincial and territorial legislation fails to recognize that passengers may need to temporarily leave their seat when they need to use the lavatory or want to retrieve an article from an overhead compartment. Due to the fact that legislation requires passengers to wear a seat belt at all times (when belts are provided), passengers who temporarily leave their seat could potentially be subject to fines.

As a result, the legislation is in some cases discouraging industry from proactively ordering new buses and coaches with seat belts to avoid exposing passengers and drivers to potential liability and prosecution. This is an unfortunate example of the law working at cross purposes to safety.

MCC's position is that drivers should not be responsible for monitoring seat belt use and ensuring passengers' compliance with seat belt laws and that the laws should accommodate passengers who temporarily leave their seat.

APPENDIX 3: ADDITIONAL COMMENTS

We would like to support this idea but at same time we have to think about child seat and booster seat usage condition and status. We don't want to make difficult condition to use the child & booster seat. It should think about it.
the issue with seat belts are the driver is responsible for all passengers under age of 16 to wear. If stopped the driver would be issued the violation for allow person under 16 to be in a motor vehicle not wearing a seat belt. Can you imagine a driver being issued 56 X \$115.00 the price of seat belt ticket in Alberta. BC I believe is more. Legislation has to change first.
Do not include and "buses sold in Canada" as it materially changes the issue. YES, it should be mandatory for all new buses to be built with 3 point seat belts in Canada. Any buses "sold" will include buses built before the "seat belt date" and should not be required to have seat belts installed.
We currently have 9 coaches that have seat belts. These are new coaches bought in the last 2 years.
It no longer matters whether seatbelts are appropriate in coaches. The public thinks that they are, so they are.

APPENDIX 4: ADDITIONAL COMMENTS

I think so for transit bus but better to equipped for school buses.
the design and speed most school buses travel as transit are normally a lot slower because of all the stops and loading that is done. Again legislation has to change before you will see an adult other than the driver on the bus ensuring seat belt are worn and properly adjusted. the cost to have an adult on every school bus would be astronomical to ensure seat belt compliance. Driver doesn't have the time to make sure every student is wearing or every person getting on a transit bus.
Transit should be exempt. School buses maybe not.

APPENDIX 5: ADDITIONAL COMMENTS

I understand that price may effect but above amount is too big. New vehicle will be already very big amount of money we have to spend. Government should support it by tax reduction or cash back etc.
cost is closer to \$50,000.00
I can only see a coach builder approved retrofit as being acceptable.

APPENDIX 6: ADDITIONAL COMMENTS

We do not agree with #1 statement. There is no control. Unrealistic for a driver to enforce this rule, when he should be focused on the safe operation of his vehicle. Also, statement #2 needs tweaking - A driver should not be held responsible, however is it fair to put the onus on a volunteer? e.g: If I am a parent chaperone for my childs field trip transported by a motor coach, it is unreasonable to expect me to be responsible for the passengers on the coach (under the age of 16) to keep their seatbelt on. As a parent, I do not want that responsibility nor should that be asked of a volunteer. This now makes me liable
I think the use of seat belts in coaches should be entirely optional given that the science is inconclusive. I support the relief proposed in the case of passengers under 16 years, but it is also impractical to require a supervising adult to enforce a seat belt requirement. In the question below, I selected not urgent for our company but I do think it is somewhat urgent for the industry.
* Apply to all commercial vehicle for passenger, no matter size of vehicle.