



**House
Legislative
Analysis
Section**

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PUPIL TRANSPORTATION ACT

Senate Bill 534 (Substitute H-2)

Sponsor: Senator Frederick Dillingham

Senate Bills 843 and 844 with House committee amendments

Sponsor: Senator Richard D. Fessler

Second Analysis (6-29-90)

Senate Committee: State Affairs, Tourism, and
Transportation

House Committee: Transportation

THE APPARENT PROBLEM:

Many children must ride a bus to get to school; to a large degree, they and their parents must trust the system to ensure that bus drivers are well-qualified, that the buses themselves are safe, that school bus stops are properly placed, and that school buses and passing motorists are required to observe sensible operating procedures. Every time a child is killed in school-bus related accident (and, tragically, this happens at least once a year), fresh attention is focused on how current regulations can be improved to ensure greater safety for children and others around school buses. Of continuing concern for many is whether driver qualification requirements are stringent enough, whether school bus stopping procedures are as safe as they could be, and whether non-bus vehicles, such as vans, are adequately regulated. Many have urged that existing regulations be improved and consolidated into a single act dealing with pupil transportation.

THE CONTENT OF THE BILLS:

Senate Bills 534, 843, and 844 constitute a package of bills that largely would consolidate existing regulations affecting school bus equipment standards, driver qualifications, and school bus operation into the "Pupil Transportation Act," to be created by Senate Bill 534. However, Senate Bill 534 also proposes a number of significant changes. Among other things, it would: require bus drivers (and drivers of non-bus "pupil transportation vehicles") to pass road tests every four years, have physical examinations every two years, and take continuing education courses every two years. The bill also would require that all vehicles used to transport pupils meet federal motor vehicle safety standards, transfer rulemaking authority for school bus equipment from the Department of Education to the Department of State Police (which conducts the inspections), require schools to report pupil transportation incidents to the Department of Education, and call for studies on the feasibility of an "all right hand drop procedure" (meaning that pupils would not have to cross a road to leave the school bus) and on the feasibility of using transit-style buses instead of the current type of bus. The bill also would create new procedures for boarding and discharging passengers and using school bus lights to warn and control traffic, and it would apply these procedures statewide (municipalities may at present exempt themselves from the requirement for motorists to stop when a school bus flashes its red lights).

Senate Bill 843 would make complementary changes to the Michigan Vehicle Code (MCL 257.6 et al.). It also would allow school buses to travel 55 miles-per-hour on freeways (they are at present limited to 50 mph on all roads), require motorists to stop for a school bus at a distance of 20 feet rather than the current 10 feet, decriminalize the failure to stop by making it a civil infraction instead of a misdemeanor, and specifically authorize a judge to impose community service as punishment for violating provisions dealing with how drivers are to operate their vehicles around school buses. In addition to any other fines, up to 100 hours of community service at a school could be ordered.

Senate Bill 844 would amend the School Code (MCL 380.1341 et al.) to repeal provisions pertaining to the use and inspection of school buses and the state Board of Education's authority over school bus routes, and to delete a prohibition against the use of a modified school bus that uses compressed or liquified natural gas unless the installation has been inspected and approved by the state police.

Each of the bills would take effect August 15, 1990. A more detailed explanation of Senate Bill 534 follows.

Senate Bill 534 would create the Pupil Transportation Act to regulate the equipment, maintenance, operation, and use of school buses and other vehicles used to transport pupils, to prescribe the qualifications for those drivers, and to provide for various reporting requirements and feasibility studies.

Equipment standards. Provisions for school bus vehicle specifications and equipment standards would be much as they are now in statute and rule. However, the bill would assign to the Department of State Police the responsibility to promulgate rules for safety specifications and operational procedures for school buses and pupil transportation vehicles. At present, the Department of Education sets the standards for school buses; other vehicles are not specifically addressed. The bill's school bus standards would apply to those manufactured after 1977. The Department of Education would make copies of the standards available at no cost.

By October 1, 1997, a non-bus vehicle would have to meet or exceed federal passenger protection safety standards applicable to that vehicle. Vehicles for which there were no applicable federal standards would be barred from transporting passengers to and from school and school-

related events. Beginning October 1, 1993, newly-purchased vehicles would have to meet the standards. The requirement would not apply to parents' vehicles.

The bill would require that new school buses manufactured on or after October 1, 1990 be equipped with an eight-light system. In addition to the currently-required four red flashing lights (two in front and two in back), a bus would have to have four yellow flashing lights.

School bus requirements for safety glass, first aid kits, emergency triangles and flares, now provided by statute and rule, would be extended to apply to "pupil transportation vehicles" (that is, vehicles other than school buses used to transport pupils to or from school or school events).

Detailed specifications for mirror systems in school buses and pupil transportation vehicles would replace an existing vehicle code requirement that requires a school bus to have a convex front-mounted mirror for viewing from the front bumper to the direct line of sight. These specifications would require, among other things, that a school bus or pupil transportation vehicle be equipped so that the driver can observe objects on the roadway in front of and beside the vehicle; the field of view would have to reach at least 18 feet in front of the vehicle, the full length of each side, and out two feet from each side.

Vehicle inspections. Annual inspections would continue to be the responsibility of the state police, with the bill instituting a new requirement that pupil transportation vehicles, as well as school buses, be inspected. The bill would incorporate current state police policy regarding the sticker of inspected vehicles. As is now required for school buses, new school buses and new pupil transportation vehicles would have to be inspected before delivery was accepted.

Driver qualifications. As is required by the vehicle code, a driver of a school bus or a pupil transportation vehicle would have to have a chauffeur's license with the appropriate commercial driver's license endorsement. Basic education requirements would be much as they are now under the vehicle code, with several significant differences: the course would have to be enrolled in or completed within the immediately preceding two years (the vehicle code makes no mention of timeframe); while the course would still have to be completed within the school year in order for the applicant to continue to transport pupils, the enrollment certificate would expire 10 days after the end of the course, rather than being valid for up to one year. In addition, the bill would require drivers to take a six-hour continuing education course every two years.

Drivers of school buses and pupil transportation vehicles would have to meet federal physical requirements for motor carriers and be examined every two years as required under those federal standards. They also would be subject to federal procedures for controlled substance testing. As is now the case, an employer who had reason to believe that a driver was not physically qualified could demand more frequent physical examinations. However, the bill would in addition require an employer requesting an examination to put in writing the physical impairment for which the driver is to be examined; the employer would be entitled to only the examination results pertaining to that impairment. Employer-requested examinations would have to be paid for by the employer. A driver would have to carry a copy of his or her physician's certificate while operating a school bus or pupil transportation vehicle.

Records. The bill would require that the record maintained in the school administrative office on each driver include, in addition to the currently-required copy of the physician's certificate, copies of the Department of Education (driver course) certificate, driver's license, and certificate of road test application for employment. Such records would be open to state police inspection.

Prohibited acts. A person could not smoke on a school bus or pupil transportation vehicle (the vehicle code now bars smoking within one hour of the vehicle's use). A person could not possess or consume alcoholic liquor or a controlled substance on a school bus or pupil transportation vehicle.

Vehicle operation. Where pupils were required to cross the roadway, procedures for activating and observing the alternately flashing red lights would be significantly changed. While the vehicle code at present calls for the use of the alternately flashing red lights 200 feet in advance of a stop, the bill would require the use of hazard warning lights prior to stopping. The alternately flashing red lights would still be used when the bus was stopped to board or discharge pupils. New under the bill would be the use of amber lights for buses equipped with an eight-light system; alternately flashing amber lights would be used prior to stopping and activating the red flashers. Also new would be a procedure allowing only the use of a bus's hazard warning lights (not the alternately flashing red lights) at stops where pupils were not required to cross the roadway. The procedure could be used only at stops approved by the school administrator where the bus was pulled off the roadway leaving normal traffic flow unobstructed. Where this procedure was not used, the procedure for alternately flashing lights would have to be followed. Municipalities could no longer exempt themselves from procedures for activating and observing the alternately flashing red lights.

The bill would revise the standard for placing bus stops where the alternately flashing red lights are to be used: a bus would still have to be visible to approaching vehicles for 400 feet, but instead of "completely" visible, the bus would have to be "clearly and continuously" visible. The bill would prohibit the following school bus stops: on divided highways where pupils are required to cross the highway; on roads with three or more lanes of traffic in either direction, if pupils are required to cross the roadway; and within 200 feet of an intersection unless the school administrator approved the stop as the safest alternative available.

Passengers crossing the road upon being discharged from a school bus would have to cross the road in front of the bus. If a school district authorized drivers to signal pupils across, that signal would have to be uniform across the district.

Procedures for crossing railroad tracks would be the same, except that the bus would have to stop 15 feet, rather than the current 10, from the nearest rail.

As with current law, only pupils, teachers, and other authorized personnel could ride a bus while pupils were being driven to and from school.

During the regular school year, the number of passengers on a school bus would be limited to 100 percent of its capacity, rather than the currently-allowed 110 percent.

Operational Agreements. Provisions allowing the use of "off-duty" school buses by senior citizens, nonprofit organizations, and others would be much as they are now.

Accident reports. Nonpublic schools and public school districts would have to report the following incidents to the Department of Education: each incident of fire on a school bus or pupil transportation vehicle, each accident resulting in property damage of \$500 or more, and each accident that caused personal injury.

Task force studies. The Department of Education would establish a task force to study the feasibility, safety, and fiscal implications of an all right hand drop procedure for discharging passengers from a school bus. The task force would consist of representatives of the Department of Education, the Michigan Association for Pupil Transportation, the Michigan Association of School Business Officials, the Michigan Association of School Administrators, Buses United for Safety, the Department of State Police, nonpublic schools, and other organizations or groups the education department considered necessary. The study would have to be presented to the legislature by October 1, 1991.

Also established would be a task force to study the feasibility of using transit style buses exclusively; this task force would consist of representatives of the same organizations as above, plus representatives from the Department of Transportation, the Michigan Education Association, other organizations representing school bus drivers, and the Michigan Association of School Boards. The transit bus study would have to be presented to the legislature by January 1, 1992.

Penalties. Violation of the bill generally would be a misdemeanor, unless that violation was by statute a felony or civil infraction. A misdemeanor violation of the bill would be punishable by a fine of up to \$500, up to three months in jail, or both. Violations of provisions on stopping at railroad tracks, carrying nonpupil passengers, or carrying passengers in excess of capacity would be civil infractions. Speed limit violations would be subject to vehicle code penalties.

HOUSE COMMITTEE ACTION:

The House Transportation Committee adopted a substitute for Senate Bill 534 that differed from the Senate-passed version in not providing for a temporary school bus operator's permit, in the specifics of what is to be reported to the Department of Education, in requiring a study on the possible use of transit-style buses, and in a number of other details. House committee changes to all three bills added effective dates of August 15, 1990.

FISCAL IMPLICATIONS:

With regard to a substantially similar version of Senate Bill 534, the Senate Fiscal Agency said that the bill would result in indeterminate costs to local and intermediate school districts that would be reimbursable by the state. The agency estimated costs under the bill to be several million dollars per year. (3-6-90)

ARGUMENTS:

For:

The legislation would improve school bus safety in a myriad of ways. It would require more thorough and more frequent examinations of drivers' skills, knowledge, and health. Coupled with stronger educational requirements, especially continuing education, these requirements would help to ensure that new drivers were competent and longtime drivers remained so. Various safety provisions, notably the requirement for annual state police vehicle

inspections, would be extended to apply to non-bus vans and other vehicles used to transport pupils. Vehicles, such as certain vans, for which there are not now federal passenger safety standards, would be barred from transporting schoolchildren (when anticipated federal standards for rollover and side-crash protection come into effect in 1992, such vans could be used). Statewide uniformity on the use and observance of a school bus's flashing red lights would be achieved; further, adoption of the eight-light system would bring Michigan into better uniformity with the 48 other states that have adopted it. With better uniformity should come better motorist awareness of and compliance with school bus traffic rules. Various stopping distances would be increased, thus increasing the margin of safety for schoolchildren using buses. Many aspects of the law on school buses, now scattered throughout various statutes, attorney general opinions, and rules, would be consolidated into one comprehensive act, thus simplifying enforcement and improving compliance.

Against:

Many aspects of the legislation have been criticized. Perhaps foremost among the criticisms is the legislation's potential cost in relation to its likely effectiveness. By one estimate, expenses for road tests alone could run to \$400,000 per year; these costs, together with those for equipment, state inspections, and data collection, are expected to total several million dollars per year. Such costs argue strongly against legislation that may fall far short of truly effective safety reform by its failure to require an all right-hand drop procedure, require the use of left-side stop arms, or establish a truly uniform use of school bus warning lights. The legislation also fails to require schools to undertake and evaluate a criminal record check of each bus driver. Some argue that Senate Bill 534, with its provisions for road testing, continuing education, and employer-ordered physicals, among other things, would violate drivers' legitimate rights to collective bargaining on the conditions of employment, and that these provisions also are unnecessary in light of new commercial driver's license requirements. Much of Senate Bill 534, especially its equipment requirements, is of a specificity more appropriate to rules, rather than statute. In addition, those provisions contain a number of changes from the rules from which they are drawn; some of those changes may be matters of dispute. Many matters relative to school bus safety would remain in statutes outside of the proposed Pupil Transportation Act; rather than simplify matters, Senate Bill 534 may complicate them.

POSITIONS:

The Department of Education supports the bills. (5-31-90)

The Department of State Police supports the bills. (5-31-90)

The Secretary of State supports the bills. (5-30-90)

AAA Michigan supports the bills. (5-30-90)

The Michigan Association for Pupil Transportation supports the bills. (6-1-90)

The Michigan Association of School Business Officials supports the bills. (6-1-90)

The Michigan Education Association opposes the bills in their current form. (6-4-90)