

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 697

(Delegate Mandel, *et al.*)

Environmental Matters

Transportation - Safety Standards for the Transportation of Children

This bill requires a person who transports nine or more children younger than 18 to or from school, a school-related activity, a child care center, or a civic, educational, athletic, social, recreational, or faith-based activity, including day or summer camp, to use a vehicle that conforms to federal school-bus safety standards under 49 U.S.C. § 30125(b) and applicable federal regulations. The bill provides for certain exceptions. Nonconforming vehicles can be used by private schools until October 1, 2009.

Fiscal Summary

State Effect: State education and transportation agencies could comply with the bill's requirements with existing resources.

Local Effect: Potential minimal increase in local school expenditures for student transportation. Revenues would not be affected.

Small Business Effect: Potential meaningful. While the bill provides certain exceptions for day care providers and other small businesses that transport children younger than 18, any businesses not exempted would face higher costs to replace nonconforming vehicles. A Type I school vehicle can cost in the range of \$54,000 to \$75,000, depending upon the specifications. A Type II school vehicle can cost approximately \$30,000 to \$40,000.

Analysis

Bill Summary: The bill exempts the following from the conforming requirement: (1) a common carrier not primarily engaged in transporting children younger than 18 that does so in a vehicle other than a 15-passenger van; (2) a privately-owned vehicle not operated

for compensation carrying members of the vehicle owner's household; (3) a licensed taxicab under contract with a local board of education; (4) a privately-owned vehicle of a registered family child care provider; and (5) a transportation service that uses a nonconforming vehicle under a private contract with a parent or guardian of a child or a person who supervises a child under an out-of-home placement program.

If a vehicle that does not comply with this bill was used to transport children younger than 18 to or from school, a school-related activity, a child care center, or a civic, educational, social, recreational, or faith-based activity, including a day or summer camp, before October 1, 2004, the vehicle may continue to be used for that purpose until October 1, 2009. This exemption does not apply to public school transportation services.

The bill requires the regulations adopted by the Motor Vehicle Administration (MVA) for the safe operation of school vehicles to include safety standards for school buses and to comply with federal school-bus safety standards under 49 U.S.C. § 30125(b) and applicable federal regulations.

Current Law: State law requires the MVA, with the advice of the Maryland State Department of Education (MSDE), to adopt and enforce rules and regulations not inconsistent with the Maryland Vehicle Law to govern the safe operation of all school vehicles. The following are subject to those rules and regulations: (1) every school or school district and its officers and employees; (2) every person employed under contract by a school or school district; and (3) every person who owns or operates a school vehicle.

Under 49 U.S.C. § 30125(b), the federal Secretary of Transportation prescribes motor vehicle safety standards for school buses and school-bus equipment manufactured in, or imported into, the U.S. Standards include minimum performance requirements for:

- emergency exits;
- interior protection for occupants;
- floor strength;
- seating systems;
- crashworthiness of body and frame (including protection against rollover hazards);
- vehicle operating systems;
- windows and windshields; and
- fuel systems.

COMAR requires a Type I or Type II school vehicle to be used to transport students to and from school and school-related activities when school vehicle transportation services are provided. A nonconforming vehicle can be used to transport students to and from school and school-related activities upon obtaining special written approval from the State Superintendent of Schools.

State law defines “school vehicle” as any motor vehicle that: (1) is used regularly for the exclusive transportation of children, students, or teachers for educational purposes or in connection with a school activity; and (2) is either a Type I school vehicle or a Type II school vehicle.

“School vehicle” does not include: (1) a privately-owned vehicle while carrying members of its owner’s household and not operated for compensation; or (2) a vehicle registered as a Class M (multipurpose) vehicle or a Class A (passenger) vehicle and used to transport children between one or more schools or licensed child care centers or to and from designated areas approved by the MVA if specified conditions are met. First, the vehicle must be designed for carrying 15 persons or less, including the driver. Second, the children must be allowed to embark or exit the vehicle only at a school or child care center or a designated area approved by the MVA. Third, the owner must have vehicle liability insurance or other security as required by law. Finally, the vehicle must be equipped with proper seat belts or safety seats so as to allow each child to be secured in a seat belt or a safety seat as required by law.

Background: School buses that conform to federal safety standards are the safest way to transport children. According to the Transportation Research Board of the National Academy of Sciences (NAS), approximately 800 school-aged children are killed each year as passengers in other motor vehicles or walking or riding bicycles during normal school transportation hours. According to NAS, most of these deaths could have been prevented if the children rode in school buses. Between 1990 and 2000, on average just six children each year died as school-bus passengers. Children are 100 times more likely to be killed in a passenger car than in a school bus. According to the School Bus Information Council, the death rate per 100,000 passenger miles totals 0.94 for passenger cars and 0.01 for school buses.

A primary reason for the excellent safety record of school buses is that they are equipped with more safety equipment than any other vehicle on the road. The enhanced safety equipment is due to federal regulations. One of these required safety features not provided on nonconforming vans is reinforcement and rollover protection standards which specify the minimum structural strength of buses in rollover-type accidents. This standard reduces the likelihood of a roof collapse and allows for operable emergency exits even after the roof is subjected to extreme forces.

Nonconforming vans do not meet federal safety standards for school buses. These vans offer little resistance to side impacts or other accidents. According to State student transportation officials, nonconforming vans were originally intended for hauling cargo and only meet cargo and truck standards. In addition 15-passenger vans offer less protection than the smaller minivans which must meet passenger-vehicle construction standards. In addition, vans are also top-heavy when carrying students and roll over more easily than conforming vehicles.

The National Transportation Safety Board (NTSB) conducted a special investigation as a result of four fatal accidents in 1998 and 1999 involving nonconforming vehicles used to transport school children. These accidents resulted in nine people dying and 36 people sustaining serious and minor injuries. Most of the victims, including eight fatalities, were children. NTSB found that some school districts, day care centers, Head Start facilities, and contract transportation companies are using vehicles for transportation that meet the federal definition for “bus” but do not meet the federal occupant crash-protection standards of school vehicles. As a result of the report, NTSB recommended that states require all vehicles carrying more than 10 passengers and transporting children to and from school and school-related activities, including Head Start programs and day care centers, to meet the school-bus structural standards related to equipment such as emergency exits, windshields, and fuel systems.

Currently, Pennsylvania, Delaware, West Virginia, and South Carolina have regulations prohibiting the use of nonconforming vans. Approximately one-half of the states have enacted legislation or are in the process of prohibiting the use of 10- to 15-passenger vans to transport children.

Federal law prohibits dealers from selling or leasing a new or used vehicle with a capacity of more than 10 persons for transporting students to and from a school or school-related activity, unless the vehicle complies with applicable federal motor-vehicle safety standards for school buses. Vans do not meet these standards. Penalties apply to the dealer in the event that a 10- to 15-passenger van is sold or leased to transport children. The penalty is not assessed on the operator of the vehicle. Consequently, once a van is acquired, the owner or operator has no legal consequence for its use. The National Highway Traffic Safety Administration has stepped up enforcement efforts, resulting in fines and other sanctions to dealers. One of the dealerships fined was located in Maryland.

Student Transportation Services in Maryland

Approximately 6,800 school vehicles are used to transport public school students. Local school systems operate 53% of the school vehicles and private contractors operate 47%. Seventeen local school systems use a combination of publicly-owned and contract buses,

five use only contract buses, and two use only publicly-owned buses. School systems that primarily use publicly-owned buses to transport students are Baltimore, Frederick, Montgomery, Prince George's, and Talbot counties. School systems that do not use publicly-owned buses are Calvert, Howard, Kent, Wicomico, and Worcester counties. Local school systems spent \$385.6 million on student transportation in fiscal 2002, or \$620 per student transported.

Cost to Purchase School Vehicles

A Type I conventional school bus costs in the range of \$54,000 to \$75,000, depending upon the specifications. A Type II school vehicle can cost approximately \$30,000 to \$40,000. Type I school vehicles are a conventional-style school bus with a gross vehicle weight of more than 15,000 pounds. Type II school vehicles are a van-conversion style school bus with a gross vehicle weight of 15,000 pounds or less. Local school systems use primarily Type I school vehicles to transport children.

The cost to purchase a Type I conventional school bus in Montgomery County is \$68,000 for a 48-passenger bus with wheelchair lift and \$75,000 for a 72-passenger transit-style rear-engine bus. In Prince George's County, the cost is \$56,000 for a 64-passenger bus, \$60,600 for a 34-passenger bus with special seating for pre-kindergarten children, and \$68,200 for a 21-passenger bus with wheelchair lift. Prince George's County does not purchase Type II school vehicles. In Baltimore County, the cost is \$54,250 for a 64-passenger bus and \$61,100 for a 48-passenger bus with wheelchair lift. Baltimore County does not purchase Type II school vehicles or transit-style rear-engine buses.

The cost to purchase a typical Type II school vehicle ranges from \$35,000 to \$40,000. This estimate includes a vehicle with air conditioning and a diesel engine. The cost of a Type II school vehicle without air conditioning and with a gasoline engine ranges from \$30,000 to \$35,000.

Local Fiscal Effect: Except upon obtaining written approval from the State Superintendent of Schools, local school systems must use school vehicles that meet federal safety standards when transporting students. The use of nonconforming vehicles is not prevalent among local school systems in Maryland; most local school systems use only school buses that comply with federal safety standards to transport students. However, two local school systems used nonconforming vehicles during the 2003-2004 school year to transport students in limited circumstances as shown below. MSDE has not been notified of any other local school system utilizing nonconforming vehicles.

<u>County</u>	<u>Vehicle Type</u>	<u>Reason</u>
Allegany	1 Jeep Cherokee	Transport students to school bus stops that are not accessible to conventional school buses.
Charles	1 seven-passenger minivan	Transport students to school-related activities.

Since local school systems do not use nonconforming vehicles as the primary mode of transporting public school children, existing school vehicles or a greater utilization of private school-bus operators could be used to comply with the requirements in the bill. Local school systems would not have to purchase additional conventional school buses. Furthermore, it is assumed that the local school systems affected by this bill could phase out the use of nonconforming vehicles with minimal costs.

Additional Information

Prior Introductions: A similar bill was introduced at the 2003 session as HB 848. The bill received an unfavorable report from the Environmental Matters Committee. At the 2002 session, HB 872 was introduced and received an unfavorable report from the Commerce and Government Matters Committee.

Cross File: None.

Information Source(s): Maryland State Department of Education, Maryland Department of Transportation, National Transportation Safety Board, School Bus Information Council, National Academy of Sciences, Department of Legislative Services

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