

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 369

(Senator Conway)

Education, Health, and Environmental Affairs

Environmental Matters

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Education - School Buses - Fire Safety Standards

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This bill requires that any school bus procured for use in the State on or after January 1, 2014, be constructed with materials that enable it to meet the fire safety criteria established by the National School Transportation Specifications and Procedures (NSTSP) adopted at the most recent National Congress on School Transportation (NCST). The Motor Vehicle Administration (MVA), with the advice and consent of the Maryland State Department of Education (MSDE), must adopt regulations to promote the safety of school buses.

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Fiscal Summary

**State Effect:** MVA can adopt the required fire safety regulations using existing resources. Revenues are not affected.

**Local Effect:** Local school system expenditures for new school buses may increase by approximately \$550 for each bus procured after January 1, 2014 (FY 2014). **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** It is assumed that school bus contractors will pass on any costs associated with updating their fleet to meet the new fire safety criteria to the local school systems.

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Analysis

**Current Law:** According to the Code of Maryland Regulations, the rear davenport paneling in a school bus is required to be covered with fireblock upholstery or have fireblock material between the engine compartment and the passenger compartment. In

addition, seating on rear engine buses, track seating, and crash barriers are required to be covered with fireblock material.

School buses must also meet the Federal Motor Vehicle Safety Standard #302 (49 CFR § 571.302). In general, according to this safety standard, a material used in a school bus must not burn, nor transmit a flame front across its surface, at a rate of more than four inches per minute.

A school bus may be operated for up to 12 years, although extensions may be granted in certain situations. In four Lower Eastern Shore counties, the limit is 15 years.

**Background:** NCST convenes every five years. The sixteenth NCST is scheduled to meet in May 2015 to adopt updates to the 2010 NSTSP. The 2010 NSTSP indicates all restraining barriers and passenger seats should be constructed with materials that enable them to meet the criteria of the School Bus Upholstery Fire Block Test (SBUFBT). Under SBUFBT test procedure, three seats are installed in a specified test chamber at minimum spacing, per installer recommendation. Tests are performed at each of three designated ignition source positions. The ignition source is a paper grocery bag containing newsprint, meeting specified weight and dimensions as a unit. The SBUFBT performance criteria indicate that (1) the maximum time from ignition (by wooden match) to flameout must be 8 minutes; (2) the flame may not spread to any other seat in the test chamber for two of the ignition source positions; and (3) weight loss may not exceed 10% of the pretest weight of padding and upholstery.

After meeting with the School Bus Advisory Council, the School Vehicle Division of the Maryland Department of Transportation sets the safety standards and regulations that must be met by all public school buses. The council is overseen by MVA's Vehicle Inspection Services School Vehicle Division and consists of the School Vehicle Division leadership team, the MSDE Director of Transportation, five members of the Maryland Association of Pupil Transportation, three members of the Maryland School Bus Contractors Association, a member of the private school transportation association, representatives from the three major Maryland school bus dealers, and members from other related State agencies.

In October 2010, a school bus caught fire in the Fort McHenry Tunnel. The two adult occupants escaped without injury. The cause of the fire was not reported.

As of the 2009-2010 school year, there were 3,898 publicly owned school vehicles and 3,296 contract school vehicles in the State.

**Local Expenditures:** Local school system expenditures for new school buses may increase for each bus procured after January 1, 2014. The Maryland Association of

Boards of Education (MABE) estimates that it would cost approximately \$550 per school bus to reupholster seats with materials that meet the fire safety standards set under the bill. If this cost is applied to the 7,200 school buses that systems currently use to transport students, total costs would amount to approximately \$4.0 million. However, the bill only applies the standard to buses procured on or after January 1, 2014, and MABE advises the current standards of some school systems meet NSTSP standards. The total cost will be higher in larger school systems that purchase a large number of school buses and lower in smaller school systems.

**Small Business Effect:** School bus contractors operate 3,296 of the school buses in the State. However, it is assumed that school bus contractors will pass on any costs associated with purchasing buses that meet the new fire safety criteria on to the local school systems either directly or through higher contract costs.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Department of State Police, Maryland Association of Boards of Education, Maryland Department of Transportation, ASTM, Underwriters Limited Inc., *Firefighter Nation*, National Congress on School Transportation, Department of Legislative Services

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