

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 283

(Delegate D. Jones, *et al.*)

Environment and Transportation

Judicial Proceedings

Vehicle Laws - School Bus Safety - Occupant Capacity

This bill requires a school bus to be routed with the intent that the number of pupils on the bus does not exceed the manufacturer’s rated seating capacity for the bus. If an emergency or other temporary situation causes the number of pupils on a bus to exceed the seating capacity of the bus, the situation must be corrected within a reasonable period of time. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: None.

Local Effect: Local expenditures for student transportation services may increase in certain local school systems. Revenues are not affected.

Small Business Effect: Potential meaningful. Private contractors that provide student transportation services for public schools may experience increased business if local school systems implement the bill’s requirement by using additional buses to transport students.

Analysis

Current Law: The driver of a school bus is responsible for its operation and may not drive it into a roadway without first stopping and determining that there is no danger from any other vehicle. The person responsible for any pupils on a school bus is a teacher on the bus or, if no teacher is present, the driver. The person responsible may not permit the number of standing pupils on the bus to exceed one pupil for each part of the aisle that is bounded on both sides by forward facing seats.

Local Expenditures: Some local school systems already comply with the bill’s requirement under their current student transportation policies, while other school systems indicate that their current policy allows one student to be standing in the middle of each row of seats, which is authorized under current law.

The Maryland State Department of Education (MSDE) indicates that local school systems exercise judgment in deciding how many students are actually transported in school buses. Due to the variation of size and age of students, the number of students that are transported in a school bus may exceed the manufacturer’s seating capacity. MSDE emphasizes that local school systems continually strive to make sure that students are properly and safely seated facing forward. MSDE estimates that the bill’s requirement will have an impact on local school system operations by requiring additional buses to be purchased and additional drivers to be obtained in the event that the number of students on the school bus exceeds the seating capacity.

The local school systems in Baltimore City and Frederick, Prince George’s, and St. Mary’s counties indicate that the bill’s requirement will not impact local school operations or finances.

For local school systems that do allow students to stand while the school bus is moving, local school expenditures will increase to either purchase and operate additional school buses or increase the number of school buses contracted to transport students. Although the precise cost for each local school system cannot be reliably estimated, the total cost may be significant, depending on how many additional buses are needed. MSDE indicates that the cost of a traditional diesel-powered school bus can start around \$90,000. In addition, local school systems may face additional personnel costs due to the need to hire additional school bus drivers. The total fiscal impact will depend on the negotiated salary agreements in each local school system. It should be noted that many local school systems continue to face difficulty in finding enough qualified school bus drivers to fill existing school bus routes.

Additional Comments: Local school systems spend approximately \$650 million each year for student transportation services (**Exhibit 1**). During the 2019-2020 school year, approximately 657,000 students received transportation services. Due to the COVID-19 pandemic and the increased use of virtual learning, only around 87,500 students received transportation services during the 2020-2021 school year (**Exhibit 2**). Student transportation services are provided by a combination of government-owned school vehicles and private contractors (**Exhibit 3**). Local school systems in seven counties (Baltimore, Frederick, Kent, Montgomery, Prince George’s, Talbot, and Washington) primarily use government-owned school vehicles to transport students, whereas one local school system (Caroline) uses a combination of government-owned and private contractors. Local school systems in the other jurisdictions primarily use private contractors to transport students. In total, local school systems use about 7,200 school vehicles for student transportation services.

Exhibit 1
Expenditures for Student Transportation Services
Maryland Public Schools

<u>School System</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
Allegany	\$5,921,892	\$6,110,190	\$5,783,854
Anne Arundel	56,750,072	59,182,079	57,016,082
Baltimore City	47,046,560	47,084,874	41,647,729
Baltimore	69,316,982	74,125,310	73,209,916
Calvert	14,430,714	14,660,923	14,857,801
Caroline	4,172,816	4,232,941	4,479,076
Carroll	21,629,306	22,329,214	21,850,729
Cecil	10,745,460	11,077,824	10,888,794
Charles	27,650,247	29,566,887	30,099,936
Dorchester	3,882,282	3,786,727	3,674,398
Frederick	21,666,212	22,679,665	22,575,768
Garrett	4,116,990	4,257,198	4,078,412
Harford	31,633,212	32,371,773	31,190,032
Howard	39,011,564	41,407,112	41,917,814
Kent	1,954,490	1,951,784	1,678,839
Montgomery	115,706,066	124,477,674	116,236,406
Prince George's	103,469,529	107,762,799	110,495,828
Queen Anne's	7,115,765	7,523,183	7,540,988
St. Mary's	16,752,171	17,184,867	17,554,000
Somerset	3,074,050	3,114,058	2,858,415
Talbot	2,689,705	2,677,578	2,744,595
Washington	12,246,269	12,583,560	11,791,850
Wicomico	9,408,765	9,119,989	8,694,391
Worcester	6,886,663	7,104,334	7,165,129
Total	\$637,277,782	\$666,372,543	\$650,030,782

Source: Maryland State Department of Education

Exhibit 2
Number of Public School Students Receiving Transportation Services

<u>School System</u>	2019-2020 School Year			2020-2021 School Year		
	<u>Nondisabled</u>	<u>Disabled</u>	<u>Total</u>	<u>Nondisabled</u>	<u>Disabled</u>	<u>Total</u>
Allegany	5,336	247	5,583	1,524	172	1,696
Anne Arundel	59,921	2,116	62,037	0	139	139
Baltimore City	30,713	2,939	33,652	23,916	71	23,987
Baltimore	83,071	4,226	87,297	0	142	142
Calvert	15,236	370	15,606	289	210	499
Caroline	4,653	112	4,765	372	76	448
Carroll	24,087	524	24,611	11,992	298	12,290
Cecil	13,801	301	14,102	1,986	214	2,200
Charles	24,855	886	25,741	0	8	8
Dorchester	4,150	99	4,249	0	5	5
Frederick	29,511	1,145	30,656	1,044	324	1,368
Garrett	3,709	42	3,751	3,564	33	3,597
Harford	32,293	955	33,248	30,940	442	31,382
Howard	42,501	1,838	44,339	148	75	223
Kent	1,732	28	1,760	100	20	120
Montgomery	98,050	5,923	103,973	0	44	44
Prince George's	84,713	4,599	89,312	0	36	36
Queen Anne's	7,644	129	7,773	745	84	829
St. Mary's	17,475	448	17,923	0	0	0
Somerset	2,720	86	2,806	1,319	41	1,360
Talbot	3,947	72	4,019	2,689	52	2,741
Washington	19,184	562	19,746	2,445	400	2,845
Wicomico	13,083	232	13,315	672	79	751
Worcester	6,271	115	6,386	738	70	808
Total	628,656	27,994	656,650	84,483	3,035	87,518

Source: Maryland State Department of Education

Exhibit 3
Number of School Vehicles Used by Local School Systems
Fiscal 2021

<u>School System</u>	<u>Share of Total</u>				
	<u>Public</u>	<u>Private</u>	<u>Total</u>	<u>Public</u>	<u>Private</u>
Allegany	21	84	105	20.0%	80.0%
Anne Arundel	55	583	638	8.6%	91.4%
Baltimore City	21	223	244	8.6%	91.4%
Baltimore	626	159	785	79.7%	20.3%
Calvert	0	137	137	0.0%	100.0%
Caroline	24	33	57	42.1%	57.9%
Carroll	0	257	257	0.0%	100.0%
Cecil	8	138	146	5.5%	94.5%
Charles	13	369	382	3.4%	96.6%
Dorchester	8	48	56	14.3%	85.7%
Frederick	361	0	361	100.0%	0.0%
Garrett	0	63	63	0.0%	100.0%
Harford	107	349	456	23.5%	76.5%
Howard	0	464	464	0.0%	100.0%
Kent	14	5	19	73.7%	26.3%
Montgomery	1,248	0	1,248	100.0%	0.0%
Prince George's	1,026	0	1,026	100.0%	0.0%
Queen Anne's	16	73	89	18.0%	82.0%
St. Mary's	6	193	199	3.0%	97.0%
Somerset	0	32	32	0.0%	100.0%
Talbot	33	0	33	100.0%	0.0%
Washington	145	47	192	75.5%	24.5%
Wicomico	27	102	129	20.9%	79.1%
Worcester	0	69	69	0.0%	100.0%
Total	3,759	3,428	7,187	52.3%	47.7%

Source: Maryland State Department of Education

Additional Information

Prior Introductions: HB 87 of 2021 passed the House and was referred to the Senate Judicial Proceedings Committee, but no further action was taken. The cross file, SB 253, received an unfavorable report from the Senate Judicial Proceedings Committee. HB 1226 of 2020 passed the House and was referred to the Senate Judicial Proceedings Committee, but no further action was taken

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Maryland Department of Transportation; Baltimore City Public Schools; Anne Arundel County Public Schools; Prince George's County Public Schools; Frederick County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

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