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

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

Source: Maryland State Department of Education
## Exhibit 2

Number of Public School Students Receiving Transportation Services

<table>
<thead>
<tr>
<th>School System</th>
<th>2019-2020 School Year</th>
<th>2020-2021 School Year</th>
<th>Source: Maryland State Department of Education</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nondisabled</td>
<td>Disabled</td>
<td>Total</td>
</tr>
<tr>
<td>Allegany</td>
<td>5,336</td>
<td>247</td>
<td>5,583</td>
</tr>
<tr>
<td>Anne Arundel</td>
<td>59,921</td>
<td>2,116</td>
<td>62,037</td>
</tr>
<tr>
<td>Baltimore City</td>
<td>30,713</td>
<td>2,939</td>
<td>33,652</td>
</tr>
<tr>
<td>Baltimore</td>
<td>83,071</td>
<td>4,226</td>
<td>87,297</td>
</tr>
<tr>
<td>Calvert</td>
<td>15,236</td>
<td>370</td>
<td>15,606</td>
</tr>
<tr>
<td>Caroline</td>
<td>4,653</td>
<td>112</td>
<td>4,765</td>
</tr>
<tr>
<td>Carroll</td>
<td>24,087</td>
<td>524</td>
<td>24,611</td>
</tr>
<tr>
<td>Cecil</td>
<td>13,801</td>
<td>301</td>
<td>14,102</td>
</tr>
<tr>
<td>Charles</td>
<td>24,855</td>
<td>886</td>
<td>25,741</td>
</tr>
<tr>
<td>Dorchester</td>
<td>4,150</td>
<td>99</td>
<td>4,249</td>
</tr>
<tr>
<td>Frederick</td>
<td>29,511</td>
<td>1,145</td>
<td>30,656</td>
</tr>
<tr>
<td>Garrett</td>
<td>3,709</td>
<td>42</td>
<td>3,751</td>
</tr>
<tr>
<td>Harford</td>
<td>32,293</td>
<td>955</td>
<td>33,248</td>
</tr>
<tr>
<td>Howard</td>
<td>42,501</td>
<td>1,838</td>
<td>44,339</td>
</tr>
<tr>
<td>Kent</td>
<td>1,732</td>
<td>28</td>
<td>1,760</td>
</tr>
<tr>
<td>Montgomery</td>
<td>98,050</td>
<td>5,923</td>
<td>103,973</td>
</tr>
<tr>
<td>Prince George’s</td>
<td>84,713</td>
<td>4,599</td>
<td>89,312</td>
</tr>
<tr>
<td>Queen Anne’s</td>
<td>7,644</td>
<td>129</td>
<td>7,773</td>
</tr>
<tr>
<td>St. Mary’s</td>
<td>17,475</td>
<td>448</td>
<td>17,923</td>
</tr>
<tr>
<td>Somerset</td>
<td>2,720</td>
<td>86</td>
<td>2,806</td>
</tr>
<tr>
<td>Talbot</td>
<td>3,947</td>
<td>72</td>
<td>4,019</td>
</tr>
<tr>
<td>Washington</td>
<td>19,184</td>
<td>562</td>
<td>19,746</td>
</tr>
<tr>
<td>Wicomico</td>
<td>13,083</td>
<td>232</td>
<td>13,315</td>
</tr>
<tr>
<td>Worcester</td>
<td>6,271</td>
<td>115</td>
<td>6,386</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>628,656</strong></td>
<td><strong>27,994</strong></td>
<td><strong>656,650</strong></td>
</tr>
</tbody>
</table>
### Exhibit 3
Number of School Vehicles Used by Local School Systems
Fiscal 2021

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

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

Fiscal Note History: First Reader - February 15, 2022

Analysis by: Eric F. Pierce

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