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SFA



BILL ANALYSIS

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Senate Bill 57 (as enrolled)
Sponsor: Senator Walter H. North
Senate Committee: Education
House Committee: Education

PUBLIC ACT 49 of 2000

Date Completed: 1-23-01

RATIONALE

Enacted in 1990, the Pupil Transportation Act incorporated, and expanded, many provisions concerning the transportation of pupils on school buses that had been found in the School Code and the Michigan Vehicle Code. The Act regulates the equipment, operation, and use of school buses and pupil transportation vehicles. Among other things, the Act governs the location of bus stops for receiving or discharging pupils and establishes safety standards for vehicles that transport students to or from school and school-related activities. The Act's visibility limits for bus stops were considered impracticable, however, particularly given the layout of streets in urban and suburban communities, and definitions of various school transportation vehicles evidently were inconsistent with definitions included in other regulations. Therefore, it was suggested that bus stop regulations be revised to reflect current practices and that the definitions of certain school vehicles be made consistent with State and Federal laws.

CONTENT

The bill amended the Pupil Transportation Act to do the following:

- **Require a motor vehicle operated by a public or nonpublic school, an agent of a school, a private business, or a governmental unit for transporting students to meet or exceed Federal safety standards.**
- **Prohibit a vehicle, other than a school bus, with a seating capacity of at least 11 passengers from being used to transport pupils to and from school after October 1, 2002.**
- **Permit a school district to contract for a motor bus to transport pupils occasionally to and from school-related events, and permit the Department of Education to authorize the use of a motor bus for the regular route transportation of pupils.**
- **Establish a two-tier visibility requirement for**

bus stops based on the speed limit of a road or highway.

- **Revise the definitions of "school bus" and "pupil transportation vehicle", and define "school transportation vehicle".**

Passenger Protection Standards

Previously, each motor vehicle owned by a public, private, or governmental agency and operated for transporting passengers to or from school or school-related events had to meet or exceed the passenger protection Federal motor vehicle safety standards that applied to the construction and sale of that vehicle. Under the bill, this requirement applies to a motor vehicle owned or operated by a public or private nonpublic school, an agent of a school, a private business, or a unit of government. The bill also requires that these vehicles meet or exceed Federal standards for all seating positions in the vehicles. The bill deleted the provision in the Pupil Transportation Act that a vehicle for which there were no applicable passenger protection Federal motor vehicle safety standards could not be used to transport passengers to and from school and school-related events.

The bill also deleted the requirement that vehicles, other than school buses, meet these requirements by October 1, 2002. Under the bill, a vehicle, other than a school bus, with a manufacturer's rated seating capacity of at least 11 passengers, including the driver, may not be used to transport pupils to or from school or school-related events after October 1, 2002, except as provided in the Act. The bill specifies that this provision does not apply to a commercial motor vehicle operated by a carrier certificated by the State Transportation Department, or a bus operated by a public transit agency or authority excluded from the Act's definition of "school bus".

Under the Act, a school may not purchase a vehicle to transport pupils if the vehicle does not meet or exceed the passenger protection Federal motor

vehicle safety standards applicable to that vehicle. (This provision applies to vehicles, other than school buses, purchased on or after October 1, 1993.) The bill refers to vehicles having a manufacturer's rated seating capacity of at least 11 passengers, including the driver.

Under the bill, a school or an agent of a school may transport pupils with disabilities in mobile seating devices in accordance with Federal standards specifically applicable to these pupils, their wheelchairs, and related wheelchair securement and occupant protection systems.

Motor Buses

The bill permits a school district to contract with a motor carrier of passengers for a motor bus to be used for occasional transportation of pupils to or from school-related events. Also, the Department of Education may authorize the use of a motor bus for the regular route transportation of pupils to or from school or home. The authorization must be in writing and include conditions or restrictions that are necessary to safeguard the health, safety, and welfare of the pupils.

The bill deleted provisions in the Act that permitted a school district to use a vehicle constructed to standards comparable to those used by Greyhound-type buses for occasionally transporting pupils, provided that a contract for the construction and delivery of that vehicle was entered into after January 1, 1990, but before the Act's effective date, and prohibiting the vehicle from being used for the regular route transportation of students to and from school and home.

Visibility Requirements

The Act prescribes the methods for receiving or discharging pupils that a school bus driver must follow, including the activation of flashing red or amber lights. The bill refers to "alternately flashing overhead" red or amber lights.

Under the Act, a school bus driver, when using alternately flashing red lights, may not stop the bus to receive or discharge pupils unless the bus is clearly and continuously visible in its stopped position to approaching vehicles on a highway or roadway for at least 400 feet. Under the bill, this applies if the lawful speed limit is more than 35 miles per hour. When the distance from the stopped bus to the end of the highway or roadway is less than 400 feet, clear and continuous visibility must be available from the bus to the end of the highway or roadway.

If the lawful speed limit is not more than 35 miles per

hour, the stopped bus must be clearly and continuously visible to approaching vehicles for at least 200 feet. When the distance from the stopped bus to the end of the highway or roadway is less than 200 feet, clear and continuous visibility must be available from the bus to the end of the highway or roadway.

Definitions

"Pupil transportation vehicle" previously meant any vehicle other than a school bus that was used to transport pupils to or from school or school-related events. "Pupil transportation vehicle" did not include a vehicle operated by a municipally owned transportation system or by a carrier certified by the State Transportation Department. Under the bill, "pupil transportation vehicle" means any vehicle other than a school bus with a manufacturer's rated seating capacity of at least 11 passengers, including the driver, that is used to transport pupils to or from school or school-related events. This does not include a vehicle operated by a motor carrier of passengers or a public transit agency, or a vehicle used by a parent or a parent's designee to transport his or her children to or from school or school-related events.

"School bus" previously meant a motor vehicle, other than a station wagon or passenger van, with a manufacturer's rated seating capacity of at least 16 passengers, used for the transportation of school pupils to and from school and school-related events, that either was owned by a school or, if owned by an entity other than a school, was transporting school pupils under a contract agreement with the school. The definition also specified vehicles that were not a school bus. Under the bill, "school bus" means a motor vehicle, other than a pupil transportation vehicle, with a manufacturer's rated seating capacity of at least 11 passengers, including the driver, used for the transportation of pupils to or from school or school-related events, that is owned by a school or used to transport pupils under a contract or agreement with a school.

The bill defines "school transportation vehicle" as any motor vehicle with a manufacturer's rated seating capacity of up to 10 passengers, including the driver, when operated for the scheduled transportation of pupils to or from school or school-related events. "School transportation vehicle" does not include a vehicle used by a parent or parent's designee to transport children to or from school or school-related events.

In addition, the bill defines "motor bus" and "motor carrier of passengers" as those terms are defined in the Motor Bus Transportation Act. The bill also adds a public school academy and a university school to

the definition of "public school".

MCL 257.1805 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Under the Pupil Transportation Act, a motor vehicle operated for the transportation of passengers to or from school and school-related events must meet or exceed Federal motor vehicle safety standards for passenger protection. The bill enhances the safety and protection of school children by bringing State law into conformity with Federal safety standards and definitions regarding the design specifications for vehicles used to transport students. According to the Department of Education, with the bill's enactment, three types of vehicles are permitted to transport students until the year 2002. These vehicles include: a school transportation vehicle that holds up to 10 passengers, including the driver, that meet Federal standards for that vehicle but otherwise is not regulated; a pupil transportation vehicle that carries 11 to 15 passengers, was purchased prior to 1993, and is regulated depending on its use; as well as a school bus purchased after 1993 that holds at least 11 passengers and conforms to design and usage regulations for school buses. After October 1, 2002, schools or transportation contractors for schools will be able to use only two types of vehicles: a school transportation vehicle, which will have to meet Federal standards but otherwise remain unregulated, and a school bus. As a result, pupil transportation vehicles that previously did not have to meet strict Federal structural standards may not be used to transport students.

Response: Some schools, particularly smaller nonpublic schools, use vans or utility vehicles instead of school buses to transport students. These vehicles fall short of Federal safety provisions and present a potential hazard. Consequently, the bill should have provided for an immediate prohibition on their use to transport students, instead allowing school districts to operate these vehicles until 2002.

Supporting Argument

The Act requires school bus drivers to follow certain procedures for receiving or discharging students that are based on certain visibility requirements. The bill creates a two-tier visibility requirement for school bus stops based on the speed limit of a road and eliminates visibility requirements as they apply to "T-intersection" bus stops. Thus, school districts have greater flexibility in providing bus stops at these intersections, which occur in suburban subdivisions

and urban communities.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: J. Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.