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**STATE OF MINNESOTA  
DEPARTMENT OF PUBLIC SAFETY**

**In The Matter Of Proposed Rules  
Of The Department Of Public Safety  
Governing The Operation of School Buses**

**STATEMENT OF NEED  
AND REASONABLENESS**

**GENERAL STATEMENT**

In 1994 the Minnesota Legislature enacted Minnesota Laws, chapter 647, article 12, section 22, which directs the Commissioner of Public Safety to adopt rules governing the operation of school buses used to transport school children. These rules must be made part of any contract between a school district and a privately owned transportation company. The 1994 Minnesota Legislature also enacted Minnesota Laws, chapter 647, article 12, section 39(c) repealing existing Department of Education rules governing the operation of school buses used to transport school children, effective June 30, 1995.

The current Department of Education rules are based on national standards which are reviewed every five years by national experts in the pupil transportation industry. These rules have been reviewed by representatives of Minnesota's school bus industry and the public including: the School Bus Safety Advisory Committee, the Industry School Bus Safety Committee, the Minnesota School Bus Operator's Association and the Minnesota Association for Pupil Transportation. These rules have been revised and updated by the Department of Public Safety to make necessary and technical corrections and to incorporate recommendations of interested persons, and will be recodified under Minnesota Rules 7470. Because these rules are being recodified they appear as all new language.

These rules are necessary to provide for the safe transportation of Minnesota's student population. They are proposed for adoption by the Department of Public Safety.

**STATUTORY AUTHORITY**

Minnesota Statutes, 169.449, subdivision 1, states "The Commissioner of Public Safety along with the School Bus Advisory Committee shall adopt rules governing the operation of school buses used for transportation of school children, when owned or operated by a school or privately owned and operated under a contract with a school, and these rules must be made a part of that contract by reference." The Commissioner also has general rulemaking authority under Minnesota Statutes, section, 299A.01, subdivision 6.

**SMALL BUSINESS CONSIDERATIONS**

Minnesota Statutes, section 14.115, requires the Department to consider the impact of the rules on small businesses and to reduce it where possible. These rules constitute minor modifications to

existing Department of Education student transportation rules under which all pupil transportation must be conducted. These modifications do not change the impact on small businesses.

### **DEPARTMENTAL CHARGES IMPOSED BY THE RULES**

Minnesota Statutes, section 16A.1285, does not apply because the proposed rules do not require additional expenditures by pupil transportation industry.

### **FISCAL IMPACT**

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of the rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

### **IMPACT ON AGRICULTURAL LAND**

Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

### **RULE-BY-RULE ANALYSIS**

#### **7470.1000 OPERATION OF TYPE A, B, C, AND D SCHOOL BUSES.**

**Subpart 1. Application.** This subpart establishes that this rules part applies to the operation of Type A, B, C, and D school buses used to transport school children whether the buses are owned and operated by the school district or privately owned and under contract or agreement with the school district. The rule covers agreements as well as contracts so that all privately owned school buses are covered even if the relationship between the owner and the school district is not covered by a formal contract. This rule is necessary to ensure that all school buses used to transport school children are governed by the same set of rules. This rule is reasonable because it ensures uniformity of application.

**Subp. 2. Transportation of Pupils.** This rules subpart establishes that only pupils assigned to the school bus by the school board or designated administrative officer may be transported at district expense. This language is both reasonable and necessary to clarify exactly who is to be transported at district expense. The rule establishes that pupils are not to be evicted from the bus along the route for discipline, and that all discipline must be reported by the bus driver to the administrative officer of the school district. This language is both reasonable and necessary to protect the safety of pupils by prohibiting drivers from resorting to evicting pupils from the bus for disciplinary reasons, and by requiring that disciplinary actions be reported. The rule requires the entrance door to be closed at all times when students are being transported and the bus is in motion. The rule also requires that buses load and unload in the right lane of the roadway at stops approved by the administrative officer; prohibits the loading or unloading of pupils in a designated

turn lane except in circumstances where the turn lane is a designated school bus stop at which children are not required to cross the road; and prohibits loading or unloading within an intersection. This language is necessary to clearly establish where pupils are to be loaded and unloaded to protect their safety. The rule is reasonable because it allows for situations where there is no alternative to loading or unloading children in or adjacent to a designated turn lane, and sets out how a driver should safely accommodate such situations when they can not be avoided. Further, it is both reasonable and necessary to ensure that pupils are not unloaded in intersections which is unsafe. The rule prohibits pupils from being on the bus when the fuel tank is being filled, and requires the driver to stop the motor, remove the ignition key, set the brakes, and otherwise render the bus immobile before leaving the vehicle when pupils are on the bus. This language is both reasonable and necessary to ensure that the bus cannot accidentally roll, or that pupils are not able to start the bus when the driver is not on the bus. Finally the rule prohibits certain materials including guns, gas cans, animals (with the exception of service dogs accompanying the disabled) or other dangerous or objectionable objects from being transported on school buses when pupils are being transported. This language is necessary to protect the safety of pupils. It is reasonable because it allows for the transportation of service dogs to accommodate the needs of sight impaired children who need to be accompanied by seeing eye dogs.

**Subp. 3. Driving on school grounds.** This rules subpart states that buses are not to be run backwards on the school grounds or elsewhere if it can be avoided. The rule states that where it is necessary to run backwards on roadways, the driver should have adequate visibility to determine if any moving vehicles are within 500 feet in either direction; and that when there is a pupil pick-up or unloading at a backing point, the driver shall always load before backing or unload after backing, so that no pupils are outside the bus when it is backing. This is both reasonable and necessary to ensure that buses run backwards only when necessary, and when drivers have adequate visibility and pupils are safe inside the bus.

**Subp. 4. In case of accidents.** This rules subpart establishes that in case of an accident or breakdown the bus driver shall not leave the bus, but shall send two of the patrol or other responsible pupils to the nearest house to summon help. The rule also requires that all accidents, however slight, be immediately reported by the driver to the administrative officer and to other authorities as required by law, rule, or regulation; and that the driver prepare and keep all records and reports required by the administrative officer. This language is both reasonable and necessary to clarify what should be done in case of an accident or breakdown, to ensure that pupils are not left alone in the bus, that all accidents and breakdowns are reported, and that records are kept.

**7470.1100 DRIVER IF TYPE A, B, C, OR D BUS.**

This rules part establishes specific safety requirements for drivers of Type A, B, C, and D school buses, including requiring: that buses come to a complete stop and disengage gears by shifting into neutral or park before loading and unloading pupils, and use flashing signals and the stop signal arm. Requiring the driver to come to a complete stop and disengage gears before loading and unloading is necessary to prevent the bus from accidentally rolling over pupils. Requiring the

use of flashing signals and the stop arms is necessary to protect pupil safety by alerting motorists to the fact that they must stop while pupils are loading or unloading. These safety requirements are both reasonable and necessary to protect the safety of children when loading and unloading. The rules part establishes specific distances which must be maintained between buses entering or leaving school grounds or traveling on the highway, and requires that pupils are loaded and unloaded only where motorists have a 500 foot unobstructed view in either direction. These requirements are necessary to prevent accidents which could occur if pupils are loaded or unloaded at a location where motorists do not have an unobstructed view from either direction. The rule requires drivers to be responsible for delivering pupils safely across the highway. This is necessary because it makes it clear to drivers that their responsibility does not end until the pupil is safely across the highway. The rules part is reasonable because it provides alternative methods by which a driver can accomplish this. Pupils may cross in front of the bus after receiving the word or signal of the driver, or pupils may be conducted across the road in front of the bus by a bus monitor or a school bus patrol. The rule requires that school buses stop at all railroad crossings and follow specific procedures when stopping at railroad crossings. The language provides specific requirements for the distance at which hazard warning lights should be activated, and at which the school bus must stop at railroad crossings, requires that the driver open the window and service door to look and listen for approaching trains. These rules requirements are necessary to ensure consistent and uniform safety practices by school bus drivers. They are reasonable because they establish clear safety practices which are easily understood, and because they are not overly restrictive or burdensome.

#### **7470.1200 FLAGGING AT RAILROAD GRADE CROSSINGS.**

This rules part spells out the procedure required for flagging a school bus across railroad grade crossings. The rule prohibits flagging school buses across railroad grade crossings except where designated by a local school administrator. This rule is both reasonable and necessary to ensure that the practice of flagging school buses across railroad grade crossings is used only in those instances where it is deemed necessary by local school officials and because it ensures specific safety procedures will be consistently followed. This rule is reasonable because it does not call for a blanket prohibition but does allow for the use of flagging where local officials have deemed it to be necessary.

#### **7470.1400 EQUIPMENT, INSPECTION AND USE.**

This rules part lists the equipment that must be inspected by the driver or other designated person, to ensure that they are in good working order before the school bus can be driven. The rules part also requires that a copy of the current daily pretrip inspection report be carried in the bus. This rule is necessary to protect the safety of Minnesota pupils because it ensures that all school buses being used to transport school children are operating with the proper working equipment.

#### **7470.1400 OPERATION OF TYPE III SCHOOL BUSES.**

**Subpart 1. Application.** This subpart establishes that this rules part governs the operation of Type III school buses used for transporting school children when owned and operated by a school district or privately owned and operated under contract or agreement with the school district. This language is necessary to clarify the coverage of this rules part. The rule covers agreements as well as contracts so that all privately owned school buses are covered even if the relationship between the owner and the school district is not covered by a formal contract. The rule restricts Type III school buses to automobiles, station wagons, and other vehicles having a manufacturer rated seating capacity of ten or fewer people including the driver, and a gross vehicle weight rating of 10,000 pounds or less. This language is reasonable and necessary to clearly define Type III school buses.

**Subp. 2. Transportation of pupils.** This subpart specifies that only pupils assigned to the vehicle by the school board or designated administrative officer of the school district must be transported at district expense. This rule is both reasonable and necessary to clarify exactly who must be transported at district expense.

#### **7470.1500 DRIVER OF TYPE III BUSES.**

This rules part establishes specific safety requirements for the drivers of Type III vehicles, including specifically that a Type III vehicle shall not: be operated as a Type A, B, C, or D school bus; stop traffic; load or unload in a vehicular traffic lane or on the shoulder, but is restricted to the curb, nontraffic side, off-street loading areas, driveways, yard service, and other areas to avoid any hazardous conditions; load or unload in the right-hand lane of the roadway, designated turn lane, or lane immediately adjacent to a designated turn lane; load or unload so that a child has to cross the road, except when not possible or impractical, in which case the driver or aide shall personally escort the child across the road; escort a child across the road unless the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile; load or unload before making a complete stop and disengaging gears by shifting into neutral or park; or operate the vehicle as a school bus, whether carrying pupil passengers or not, without displaying the "Vehicle Stops At RR Crossings" sign and stopping at all railroad crossings. Finally, the rules part requires that the sign be covered or removed when the vehicle is not operating as a school bus. These requirements are both reasonable and necessary to clearly define procedures which ensure the safety of Minnesota pupils who are transported in Type III vehicles. These requirements are consistent with those specified for drivers of Type A, B, C, and D school buses, see Minnesota Rules, part 7470.1100.

#### **7470.1600 TRANSPORTATION OF PUPIL WITH DISABILITY.**

**Subpart 1. Services provided.** This subpart specifies that free transportation services must be provided to any child with a disability who requires special transportation services as required by Minnesota Statutes, section 120.17. The rule further specifies that it applies when the disabling

conditions of the child are such that the child cannot be safely transported on the regular school bus route or when the child is transported on a special route for the purpose of attending an approved special education program. This subpart also specifies that Minnesota Rules, parts 7470.1600 and 7470.1700 are not applicable to parents who transport their own child under contract with a school district. This subpart is both reasonable and necessary to ensure that statutory requirements are complied with.

**Subp. 2. Appeal process.** This subpart specifies that any parent who believes that the transportation provided is not in compliance with Minnesota Rules, parts 7470.1600 and 7470.1700, may utilize the due process procedures provided for in Minnesota Statutes, section 120.17. This is both reasonable and necessary to clearly establish the process by which appeals will be handled.

**Subp. 3. Length of transit time.** This subpart establishes that the length of time that a child with a disability is transported must be appropriate to the physical, mental, and emotional well-being of the child, and should be no longer for a child with a disability than for a child without a disability except as necessitated by the unique location of the child's educational program. This subpart is both reasonable and necessary to ensure that children with disabilities do not spend more time in transit than children without disabilities except where the location of the child's special educational program necessitates it.

**Subp. 4. Type of vehicle.** This subpart establishes that pupils with a disability on the basis of the disabling conditions of those children. The subpart also specifies that the vehicles must comply with Minnesota Statutes, section 169.4504. This is necessary to ensure that the vehicles are in compliance with statutory requirements. The subpart is reasonable because it allows the school district to determine the type of vehicle to be used based on the individual needs of the children being transported.

**Subp. 5. Additional assistance; determination.** This subpart requires that vehicles used to transport pupils with a disability be equipped with a two-way communications system or have a responsible aide, or both, to provide necessary assistance and supervision that cannot safely be provided by the driver. The subpart states that a school district may determine, based on several factors including the disabilities of the pupils, and the distance traveled, that neither the communication system or the aide is required. Exceptions to this subpart may be made upon the mutual agreement between the parents and the school district. This subpart is necessary to establish that some form of additional assistance must be provided on vehicles transporting children with disabilities except where the school district determines, based on the needs of the children, that additional assistance is not necessary, or where the parents of the child have agreed that it is not necessary. The subpart is reasonable because it provides alternative methods of providing additional assistance, and for exceptions to the requirement where it is determined to be unnecessary.

**Subp. 6. Special equipment.** This subpart requires that specially adapted seats, support, or protective devices must be provided for all pupils who require the devices to ensure their safe transportation. The devices must be selected by the school district in consultation with the child's parents on the basis of the specific needs of the individual child. This is both reasonable and necessary because it ensures pupil's safe transportation and requires only what is necessary to the individual child's needs.

**Subp. 7. Wheelchair securement.** This subpart requires that a school bus used to transport students in wheelchairs must be equipped with fastening devices that will hold the wheelchairs securely in a fixed position. This requirement is both reasonable and necessary to ensure that pupils in wheelchairs are consistently secured in a fixed position while being transported to protect both their safety and the safety of other pupils being transported along with them.

#### **7470.1700 DRIVERS AND AIDES FOR PUPILS WITH DISABILITY.**

**Subpart 1. Driver generally.** This rules subpart requires that drivers of vehicles for pupils with disabilities be carefully selected to fulfill the unique requirements of the job, and should be assigned to routes on a regular basis whenever possible. This requirement is both reasonable and necessary to provide consistency for pupils with disabilities, and to ensure as much as possible that drivers are able to become familiar with the unique needs of the pupils in their charge.

**Subp. 2. Information necessary.** This subpart requires that each aide assigned to a vehicle transporting pupils with a disability, or the driver if there is no aide assigned, have available to them in the vehicle a typewritten card containing the pupil's name and address, nature of disability, emergency health care information, the names and telephone numbers of the pupil's physician, parents, guardians or custodians, and the name of an emergency contact person. This is both reasonable and necessary because it enables the driver or aide to immediately summon appropriate help if there is a problem or accident with a pupil, and it ensures that those rendering assistance to a pupil will have the correct information available about the pupil's specific disabilities and emergency health care needs.

**Subp. 3. Training.** This subpart requires that each driver and aide assigned to a vehicle transporting pupils with a disability must be instructed in basic first aid and procedures for the pupils under their care, and that within a month after being assigned they participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of pupils with disabilities; that drivers assist children on and off the bus when necessary for their safety; and ensure that protective safety devices, as required in Minnesota Rules, part 7470.1600, subpart 6, are in use and fastened properly. This is both reasonable and necessary to ensure that the special safety needs of students with disabilities are met on a daily basis as well as in the event that an emergency arises.

The Department of Education student transportation rules, parts 3520.2400; 3520.2500; 3520.2600; 3520.2850; 3520.3000; 3520.3100; and 3520.3300, are repealed as required by 1994

Minnesota Laws, chapter 647, article 12, section 39(c). This is both reasonable and necessary to comply with Statutory requirements.