

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND TOURISM

The meeting was called to order by Chairman Ben Vidricksen at 9:05 a.m. on January 22, 1997 in Room 254-E of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department
Emalene Correll, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Marian Holeman, Committee Secretary

Conferees appearing before the committee: Barbara Pringle, KS State Pupil Transportation Assn.

Others attending: See attached list

Chairman Vidricksen announced that because of conflict with the regularly scheduled 8-9:00 a.m. Energy and Natural Resources Committee meeting in this room, future meetings will be scheduled to begin at 9:05 a.m.

Members had been provided information the Internet entitled, "Passenger Vans Used as School Buses" and a letter from National Highway Traffic Safety Administration (Attachment 1).

SB 17: Relating to school buses; concerning definition thereof - passenger requirement.

Bruce Kinzie, Revisor of Statutes, briefed members on the issue. He pointed out that federal law applies only to the manufacture and sale of "school buses" not apply to usage. This bill simply changes the definition on the state level - allowing the definition to be for 14 passengers plus the driver. Kansas law already allows for the use of "activity buses." Lines 41 and 43 contain the only changes in the bill - striking out 10 and inserting 14. This legislation would not put Kansas out of compliance with federal law and thus liable for sanctions.

Barbara Pringle, Executive Secretary, Kansas State Pupil Transportation Association, addressed the committee as an opponent of **SB 17** (Attachment 2). Members discussed safety factors, driver training/responsibility, liability aspects. Mandatory use of seat belts is already required. Members generally failed to see how there could be any added safety factors or problems resulting in an increase from 10 passengers to 14.

Before changing statutes, members would like further information on liability aspects involved in this bill as well as training and licensing requirements for drivers of these vehicles. Members would also like to know if other states have similar legislation.

When questioned regarding the use of school buses by other government entities during the summer, Ms. Pringle advised school district buses can be used to transport senior citizen and youth groups and their sponsors.

SB 17 will be reconsidered when the requested information is available.

Next Wednesday the committee will begin consideration of a working proposal for a new highway bill. Perhaps a starting point would be to work with the interim committee report. The meeting adjourned at 9:55 a.m.

The next committee meeting will be Tuesday, January 28, 1997.

Passenger Vans Used as School Buses

In recent years, the use of passenger vans with capacities of more than 10 passengers to transport children to and from school and school-related activities has become a significant issue. In an apparent effort to save money, some school districts have purchased or leased passenger vans in lieu of school buses. This is an alarming situation with potentially disastrous consequences to everyone.

Under federal law, any motor vehicle designed to carry more than 10 persons is classified as a bus. They classify a bus as a school bus if it is used, or intended for use, in transporting students to and from school or school-related activities. Federal law prohibits dealers from selling/leasing a motor vehicle with a capacity of more than 10 persons for transporting students to and from school or a school-related activity, unless the vehicle complies with the applicable Federal Motor Vehicle Safety Standards for school buses.

In fact, each manufacturer of full-sized passenger vans (Chrysler Corp., Ford Motor Co. and General Motors) has provided written notification to each of its dealers of the federal law as a reminder not to sell/lease to schools passenger vans with seating capacities of more than 10 persons. It is the responsibility of the seller/lessor to ascertain the intended use of the vehicle. The seller/lessor is subject to substantial penalties for knowingly selling or leasing a vehicle that does not meet the Federal Motor Vehicle Safety Standards for school buses, including civil fines and injunctive sanctions. It is unfortunate that some sellers/lessors are apparently ignoring this information.

A passenger van does not offer the same level of safety to its occupants as a full-sized school bus or a school bus built on a van-type chassis. In a crash, the risk of a serious injury or fatality is significantly higher for the occupants of a passenger van. Since it would be expected that any crash resulting in serious injuries or fatalities to schoolchildren would ultimately result in lawsuits, the fact that a school was using a vehicle that was not manufactured, sold or leased in accordance with federal laws governing school transportation would most likely be a significant issue in the lawsuit. This fact could also have an impact on the liability responsibilities of the insurance company used to insure the operations of the school.

The National Association of State Directors of Pupil Transportation Services believes that it is appropriate to require higher levels of safety in vehicles that transport children to and from school and school-related activities. Accordingly, the association supports the position that schoolchildren should be transported in school buses which provide them with the highest levels of safety, not in vans which do not meet the stringent school bus safety standards issued by the federal government and recommended by the National Standards Conference on School Transportation, an organization of state school transportation officials.

SENATE TRANSPORTATION & TOURISM
ATTACHMENT NO. 1
1/22/97

1-1



U.S. Department of Transportation

National Highway Traffic Safety Administration

400 Seventh Street, S.W. Washington, D.C. 20590

JUL 1 1993

Mr. Ben F. Barrett Associate Director The Legislative Research Depa 300 West Tenth Street, Room 5 Topeka, KS 66612-1504

Post-It* Fax Note 7671 Date 11-26-96 # of pages 3 To D. Moshier From R. Kinzie Co./Dept. Co. Phone # Phone # Fax # Fax #

Dear Mr. Barrett:

This responds to your letter of June 7, 1993, in which you stated that a Kansas school district wants to use 15-passenger buses to transport school children, but does not want to cause those buses to meet the additional safety requirements applicable to school buses. You also stated that although the state definition of a school bus is the same as the Federal definition, it has been suggested that the state amend that definition to exclude 15-passenger vehicles. You asked our comments on the consequences of such legislation, including any sanctions, liability, or other issues that could result.

The National Traffic and Motor Vehicle Safety Act, 15 U.S.C. §1381, et seq. (Safety Act), defines a school bus as a passenger motor vehicle "designed to carry more than 10 passengers in addition to the driver, and which . . . is likely to be significantly used for the purpose of transporting primary, preprimary, or secondary school students to or from such schools or events related to such schools." This agency defines a bus as a motor vehicle "designed for carrying more than 10 persons," and a school bus is further defined as a bus that is sold "for purposes that include carrying students to and from school or related events." Thus, the 15-passenger buses to which you referred would clearly fall within the Federal definition of "school bus." 49 U.S.C. 30125

The Safety Act authorizes this agency to issue Federal motor vehicle safety standards which regulate the manufacture and sale of new motor vehicles. In the case of school buses, it is a violation of Federal law for any person to sell a new school bus that is not certified as complying with all applicable Federal safety standards. The onus is on the seller to ascertain the intended use of the new vehicle, and the seller is subject to substantial penalties for knowingly selling a noncomplying school bus, including civil fines and injunctive sanctions.



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1-2

Section 103(d) of the Safety Act, 15 U.S.C. §1392(d) provides that no state shall maintain in effect any standard regulating an aspect of performance that is regulated by a Federal safety standard unless the state standard is identical to the Federal standard. If it is not, the Federal standard preempts the state standard unless the state standard imposes a higher level of safety and is applicable only to vehicles acquired solely for the state's own use. Therefore, even if the State of Kansas redefines a school bus to exempt 15-passenger buses, Federal law remains applicable and any new school bus sold in Kansas must comply with all applicable Federal safety standards, state law notwithstanding.

The purchaser or user of the vehicle is not under the same legal constraints as the seller. Since Federal law applies only to the manufacture and sale of a new vehicle, a school may use any vehicle it chooses to transport its students, whether or not the vehicle meets Federal safety standards. Further, there is no Federal requirement that the state or school district retrofit a vehicle to bring it into compliance with Federal standards. That is because once that vehicle has been sold new to the first customer, the use of that vehicle becomes subject to state law.

Although not required by Federal law, this agency strongly recommends that vehicles meeting Federal school bus safety standards be used to transport school children. In that connection, please find enclosed for your information a copy of Highway Safety Program Guideline No. 17, Pupil Transportation Safety. This publication was issued under the authority of the Highway Safety Act of 1966, 23 U.S.C. §401, et seq., which authorizes this agency to issue nonbinding guidelines to which states may refer in developing their own highway safety programs. Guideline 17, jointly issued by this agency and the Federal Highway Administration, provides recommendations to the states on various operational aspects of their school bus and pupil transportation safety programs. Specifically, the Guideline recommends, among other things, that any vehicle designed to carry more than 10 persons and which is used as a school bus comply with all Federal safety standards applicable to school buses at the time the vehicle was manufactured.

Finally, we would note that the use of vehicles that do not comply with Federal school bus safety standards to transport school children could result in increased liability in the event of an accident. Therefore, school districts should consult their attorneys and/or insurance carriers for advice on that issue.

We hope this information is helpful to you. Should you have any further questions regarding this matter, please feel free to contact Walter Myers of my staff at this address or at (202) 366-2992.

Sincerely,

John Womack

John Womack
Acting Chief Counsel

Enclosure

1-4

**Kansas Senate Transportation Committee
Chairman
Senator Ben Vidricksen**

Senate Bill # 17

January 22, 1997

Presented By

**Barbara Pringle
Executive Secretary
Kansas State Pupil
Transportation Association
P. O. Box 1504
Emporia Kansas 66801
Wk 316-341-2218
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On behalf of the Kansas State Pupil Transportation Association I would like to express our concerns with Senate Bill # 17. The proposed change in the definition of "bus", from 10 passenger to 14 passenger would encourage school districts to transport more children in non-conforming vans instead of schoolbuses. I believe the motive behind increasing the capacity of vans is an effort to be more cost effective. Increasing constraints on the already limited budgets have school districts seeking additional ways to cut expenses. Cutting cost at the expense of safety is not acceptable. Efficiency is always a concern for transportation personnel, but safety must always come first.

Currently school districts transport students in vehicles with 10 pass or less capacity. We believe the change in the definition would increase this practice.

The 14 passenger vans are larger and handle differently than most passenger vehicles. Persons driving these vehicles will not receive any special training or instruction.

I have included in your packet position statements from the National Association of State Directors of Pupil Transportation. They stress that the passenger van does not offer the level of safety as a schoolbus and children should be transported in schoolbuses which provide the highest level of safety. They should not be transported in vans which do not meet the stringent schoolbus safety standards.

Also included in the packet is information from the National Highway Traffic Safety Administration. (NHTSA) Office of Chief Council and Office of Safety Performance Standards. The Federal definition of a bus is a motor vehicle designed to carry 11 or more passengers including the driver.

They have also included copies of letters sent to school districts and vehicle dealerships across the nation. The letters are intended to inform dealers that it is illegal for a dealership to sell a school district a vehicle over 10 passenger that does not meet schoolbus standards to transport children. It states " If a State chooses to define 'schoolbus' to include only vehicles with a capacity of 16 or more, that definition would not affect the obligation of dealers in selling or leasing 11 to 15 person buses under Federal law. If a dealer sold or leased a bus of this size for school transportation, the dealer would have to ensure that the bus was certified to the Federal motor vehicle safety standards for schoolbuses. A dealer selling or leasing a new bus for school use that does not meet the schoolbus standards would be subject to civil penalty."

NHTSA strongly recommends that only vehicles that meet Federal schoolbus safety standards be used to transport school children.

NHTSA also cautions that the use of vehicles that do not comply with the Federal schoolbus safety standards to transport children could result in increased liability in the event of an accident and cautions school district to consult their attorney before transporting school children in non-complying vehicles.

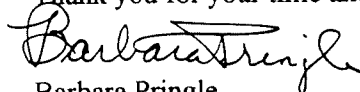
I am concerned about the increased liability to the districts using non-complying vehicles and the position it put our dealers in when they are approached by a school district wishing to purchase a new van/bus. I don't believe we want to put the districts or dealers in this kind of position.

The packet also contains information concerning the specific safety standards that buses must meet to transport children.

I urge you to read the packet of information before making a decision .

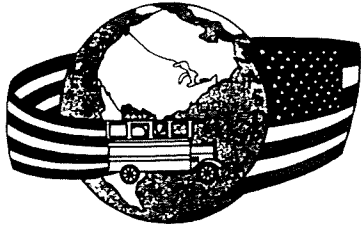
Raising the passenger capacity of passenger vehicles from 10 to 14 encourages schools to transport children in them and will put more children at risk. We ask you to leave the definition of a bus as a vehicle designed to transport more than 10 passengers.

Thank you for your time and allowing me to speak to you today.



Barbara Pringle
January 22, 1997

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NATIONAL ASSOCIATION OF STATE DIRECTORS OF PUPIL TRANSPORTATION SERVICES

Position Paper

Passenger Vans Used as School Buses

In recent years, the use of passenger vans with capacities of more than 10 passengers to transport children to and from school and school-related activities has become a significant issue. In an apparent effort to save money, some school districts have purchased or leased passenger vans in lieu of school buses. This is an alarming situation with potentially disastrous consequences to everyone.

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In fact, each manufacturer of full-sized passenger vans (Chrysler Corporation, Ford Motor Company, and General Motor Corporation) has provided written notification to each of its dealers of the Federal law as a reminder not to sell/lease passenger vans with seating capacities of more than 10 persons to schools. It is the responsibility of the seller/lessor to ascertain the intended use of the vehicle. The seller/lessor is subject to substantial penalties for knowingly selling or leasing a vehicle that does not meet the Federal Motor Vehicle Safety Standards for school buses, including civil fines and injunctive sanctions. It is unfortunate that some sellers/lessors are apparently ignoring this information.

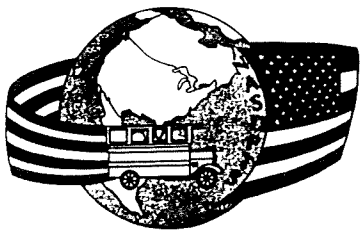
A passenger van does not offer the same level of safety to its occupants as a full-sized school bus or a school bus built on a van-type chassis. In a crash, the risk of a serious injury or fatality is significantly higher for the occupants of a passenger van. Since it would be expected that any crash resulting in serious injuries or fatalities to school children would ultimately result in law suits, the fact that a school was using a vehicle that was not manufactured, sold, or leased in accordance with Federal laws governing school transportation would most likely be a significant issue in the law suit. This fact could also have an impact on the liability responsibilities of the insurance company used to insure the operations of the school.

The National Association of State Directors of Pupil Transportation Services believes that it is appropriate to require higher levels of safety in vehicles that transport children to and from school and school-related activities. Accordingly, the Association supports the position that school children should be transported in school buses which provide them with the highest levels of safety, not in vans which do not meet the stringent school bus safety standards issued by the Federal government and recommended by the National Standards Conference on School

Transportation, an organization of state school transportation officials.

Revised February 1996

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NATIONAL ASSOCIATION OF STATE DIRECTORS OF PUPIL TRANSPORTATION SERVICES

Position Paper

History of School Bus Safety -- Why Are School Buses Built as They Are?

In the earliest days of our Nation, education was mostly provided through churches. Public education started in the mid 1600's, but pupil transportation was not provided until the late 1800's. By 1910, thirty states had pupil transportation programs in place. The first "vehicles" used to transport students was nothing more than horse-drawn carts which were borrowed from local farmers. With the development of automobiles and trucks with gasoline-powered engines, the school "wagon" was replaced with the school "truck." During the 1920's and 1930's, the Nation's roadway system was expanding, especially in rural communities. This led to a greater need for vehicles to transport school children and the formation of an industry of manufacturers of school buses.

As the number of school buses operating on the roadways increased, there came the inevitable problems. Several serious tragedies occurred involving school buses which caused school officials to think seriously about developing safety guidelines or standards. In 1939, representatives from 48 states gathered to develop standards and recommendations for school buses. Since that time, there has been a total of 12 National Conferences on School Transportation where representatives from each state gather to revise existing and establish new safety standards for school buses and operating procedures for the safe transportation of school children, including those with disabilities.

In addition to the requirements developed by the school transportation community itself, there are Federal standards that apply to school buses. As a result of the passage of the National Traffic and Motor Vehicle Safety Act of 1966 and the School Bus Safety Amendments of 1974, the National Highway Traffic Safety Administration, an agency of the U.S. Department of Transportation, has issued 34 Federal motor vehicle safety standards which apply to school buses. These standards cover a wide range of components and systems, e.g., brakes, steering, glazing, lights, fuel system integrity, mirrors, heaters/defrosters, compressed natural gas containers, etc., and apply to all types of motor vehicles. Many of these Federal standards have unique requirements for school buses, e.g., outside mirrors to provide the seated driver with a view in front of and along both sides of the bus; amber and red warning lights when the bus is stopped to load or unload passengers; emergency exits; and fuel system integrity. In addition, four of the standards are unique to school buses. These are:

1. "School Bus Rollover Protection," which specifies the minimum structural strength of buses in rollover-type accidents;
2. "School Bus Body Joint Strength," which specifies the minimum strength of the joints between panels that comprise the bus body and the body structure;

2-5
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3. "School Bus Passenger Seating and Crash Protection," which establishes requirements for school bus seating systems for all sizes of school buses, and provides minimum performance requirements for wheelchair securement/occupant restraint devices and establishes a requirement that wheelchair locations be forward facing; and
4. "School Bus Pedestrian Safety Devices," which requires school buses to be equipped with an automatic stop signal arm on the left side of the bus to help alert motorists that they should stop their vehicles because children are boarding or leaving a stopped school bus.

The design and construction of today's school buses are a direct result of both the Federal motor vehicle safety standards that apply to school buses, and the standards adopted by the National Conferences on School Transportation, and some requirements that are unique to particular state or local school districts. While some may argue that today's school buses do not look much different from their predecessors of 30-40 years ago, they are dramatically different. The improvements made to school buses in the past decades, and improvements in driver training, school bus maintenance, and school bus operating procedures, have been responsible for the outstanding safety record of school transportation. Well-trained school bus drivers actually avoid many crashes.

Every year, approximately 390,000 public school buses travel about 4.2 billion miles to transport 23 million children to and from school and school-related activities. While catastrophic school bus crashes have occurred, they are rare events. Most school bus crashes are minor, and in most crashes involving passenger cars and light trucks, the school bus has the advantage of its larger size and weight. As a result, many more people are killed or injured each year in vehicles that crash into school buses than are killed or injured in the school buses. Developing ways to protect school bus occupants in catastrophic crashes is difficult, if not impossible, such as those involving trains and heavy trucks. The crash forces in those accidents are so great that any reasonable structural design cannot maintain the integrity of the vehicle, which is one critical component of occupant crash protection.

The safety of pupil transportation is the highest priority of the National Association of State Directors of Pupil Transportation Services. The Association continues its active involvement with Federal, state, and local governments to establish standards and programs that will continue to safeguard the future generations of America.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION



OFFICE OF CHIEF COUNSEL FACSIMILE TRANSMISSION COVER SHEET

From: Dorothy Nakama

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Fax: (in USA) (202) 366-3820

*To: Ms. Barbara Pringle
Executive Secretary*

*Kansas State Pupil Transportation Association
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Emporia, Kansas 66801

Phone: (316) 341-2205

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Number of Pages to Follow: eleven

Comments: Please call me if there are any questions.

2-7
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U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

August 1995

FREQUENTLY ASKED QUESTIONS ABOUT FEDERAL SCHOOL BUS SAFETY REQUIREMENTS

QUESTION: What is a school bus?

The National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation, defines a bus as a motor vehicle designed to carry 11 or more persons (including the driver), and a school bus as a bus that is sold or introduced into interstate commerce "for purposes that include carrying students to and from school or related events." This definition does not include buses operated as common carriers in urban transportation.

QUESTION: What is a school related event?

A school related event is any activity sponsored by a school, whether on or off the school grounds, including sports events, band concerts, field trips, and competitions such as debate or chess tournaments.

QUESTION: To whom do the Federal Motor Vehicle Safety Standards (FMVSSs) apply?

The FMVSSs apply to motor vehicle manufacturers and any person selling or offering for sale or lease a new motor vehicle. It is a violation of Federal law for any person knowingly to sell or lease a new vehicle for use as a school bus that does not comply with all FMVSSs applicable to school buses. The law provides substantial penalties for violation of the FMVSSs, including civil fines.

QUESTION: Do the FMVSSs apply to the purchaser as well as the seller?

No. The FMVSSs regulate the manufacture and sale of only new motor vehicles, not the use of vehicles. Once a new vehicle is sold to the first retail purchaser, Federal requirements no longer apply, with certain narrow exceptions. The use of that vehicle is strictly a matter of State law.

QUESTION: Do the school bus requirements apply to sales of buses to private schools?

Yes. NHTSA looks to the nature of the particular institution purchasing the bus. If the central purpose of the institution



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2-8
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is the education of preprimary, primary, or secondary school students, whether public or private, new buses sold to the school must comply with the FMVSSs applicable to school buses.

QUESTION: Does Federal law require school buses to be yellow?

No. Federal law applies only to safety performance standards, and not to design standards or appearance. However, NHTSA provides recommendations for the States on various operational aspects of school bus and pupil transportation safety programs, in the form of Highway Safety Program Guideline No. 17, Pupil Transportation Safety. Among other matters, Guideline 17 recommends that school buses be yellow. A copy of Guideline 17 is attached.

QUESTION: Can the States change Federal requirements?

No. A State may not prescribe a standard for new vehicles covering the same aspect of performance as a Federal standard unless the State standard is identical to the Federal standard. However, a State may impose more stringent standards than Federal standards for vehicles obtained for the use of the State or one of its political subdivisions.

QUESTION: Is a school or school district liable for not using complying school buses to transport students?

Possibly. This is a question of state law, so schools or school districts should consult their attorneys or insurance carriers on this question.

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2-7
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§ 1204.4, Guide 17

23 CFR Ch. II (4-1-94 Edition)

I. The program should provide as a minimum that:

A. Operational procedures are established and implemented for:

(1) Enabling rescue and salvage equipment personnel to get to the scene of accidents rapidly and to operate effectively on arrival:

a. On heavily traveled freeways and other limited access roads;

b. In other types of locations where wreckage or spillage of hazardous materials on or adjacent to highways endangers the public health and safety;

(2) Extricating trapped persons from wreckage with reasonable care—both to avoid injury or aggravating existing injuries;

(3) Warning approaching drivers and detouring them with reasonable care past hazardous wreckage or spillage;

(4) Safe handling of spillage or potential spillage of materials that are:

a. Radioactive

b. Flammable

c. Poisonous

d. Explosive

e. Otherwise hazardous.

(5) Removing wreckage or spillage from roadways or otherwise causing the resumption of safe, orderly traffic flow.

B. Adequate numbers of rescue and salvage personnel are properly trained and retrained in the latest accident cleanup techniques.

C. A communications system is provided, adequately equipped and manned, to provide coordinated effort in incident detection, and the notification, dispatch, and response of appropriate services.

II. The program should be periodically evaluated by the State, and the National Highway Traffic Safety Administration should be provided with an evaluation summary.

HIGHWAY SAFETY PROGRAM GUIDELINE
No. 17

PUPIL TRANSPORTATION SAFETY

I. *Scope.* This guideline establishes minimum recommendations for a State highway safety program for pupil transportation safety including the identification, operation, and maintenance of buses used for carrying students; training of passengers, pedestri-

ans, and bicycle riders; and administration.

II. *Purpose.* The purpose of this guideline is to minimize, to the greatest extent possible, the danger of death or injury to school children while they are traveling to and from school and school-related events.

III. *Definitions.*

Bus is a motor vehicle designed for carrying more than 10 persons (including the driver).

Federal Motor Carrier Safety Regulations (FMCSR) are the regulations of the Federal Highway Administration (FHWA) for commercial motor vehicles in interstate commerce, including buses with a gross vehicle weight rating (GVWR) greater than 10,000 pounds or designed to carry 16 or more persons (including the driver); other than buses used to transport school children from home to school and from school to home. (The FMCSR are set forth in 49 CFR parts 383-399.)

School-chartered bus is a "bus" that is operated under a short-term contract with State or school authorities who have acquired the exclusive use of the vehicle at a fixed charge to provide transportation for a group of students to a special school-related event.

School bus is a "bus" that is used for purposes that include carrying students to and from school or related events on a regular basis, but does not include a transit bus or a school-chartered bus.

IV. *Pupil Transportation Safety Program Administration and Operations.—Recommendation.* Each State, in cooperation with its school districts and other political subdivisions, should have a comprehensive pupil transportation safety program to ensure that school buses and school-chartered buses are operated and maintained so as to achieve the highest possible level of safety.

A. *Administration.* 1. There should be a single State agency having primary administrative responsibility for pupil transportation, and employing at least one full-time professional to carry out these responsibilities.

2. The responsible State agency should develop an operating system for collecting and reporting information needed to improve the safety of operat-

NHTSA and FHWA, DOT

§ 1204.4, Guide 17

ing school buses and school-chartered buses. This includes the collection and evaluation of uniform crash data consistent with the criteria set forth in Highway Safety Program Guidelines No. 10, "Traffic Records" and No. 18, "Accident Investigation and Reporting."

B. *Identification and equipment of school buses.* Each State should establish procedures to meet the following recommendations for identification and equipment of school buses.

1. All school buses should:

a. Be identified with the words "School Bus" printed in letters not less than eight inches high, located between the warning signal lamps as high as possible without impairing visibility of the lettering from both front and rear, and have no other lettering on the front or rear of the vehicle, except as required by Federal Motor Vehicle Safety Standards (FMVSS), 49 CFR part 571.

b. Be painted National School Bus Glossy Yellow, in accordance with the colorimetric specification of National Institute of Standards and Technology (NIST) Federal Standard No. 595a, Color 13432, except that the hood should be either that color or lusterless black, matching NIST Federal Standard No. 595a, Color 37038.

c. Have bumpers of glossy black, matching NIST Federal Standard No. 595a, Color 17038, unless, for increased visibility, they are covered with a reflective material.

d. Be equipped with safety equipment for use in an emergency, including a charged fire extinguisher, that is properly mounted near the driver's seat, with signs indicating the location of such equipment.

e. Be equipped with device(s) demonstrated to enhance the safe operation of school vehicles, such as a stop signal arm.

f. Be equipped with a system of signal lamps that conforms to the school bus requirements of FMVSS No. 106, 49 CFR 571.106.

g. Have a system of mirrors that conforms to the school bus requirements of FMVSS No. 111, 49 CFR 571.111.

h. Comply with all FMVSS applicable to school buses at the time of their manufacture.

2. Any school bus meeting the identification recommendations of sections 1.a-h above that is permanently converted for use wholly for purposes other than transporting children to and from school or school-related events should be painted a color other than National School Bus Glossy Yellow, and should have the stop arms and school bus signal lamps described by sections 1.e & f removed.

3. School buses, while being operated on a public highway and transporting primarily passengers other than school children, should have the words "School Bus" covered, removed, or otherwise concealed, and the stop arm and signal lamps described by sections 1.e & f should not be operated.

4. School-chartered buses should comply with all applicable FMCSR and FMVSS.

C. *Operations.* Each State should establish procedures to meet the following recommendations for operating school buses and school-chartered buses:

1. *Personnel.* a. Each State should develop a plan for selecting, training, and supervising persons whose primary duties involve transporting school children in order to ensure that such persons will attain a high degree of competence in, and knowledge of, their duties.

b. Every person who drives a school bus or school-chartered bus occupied by school children should, as a minimum:

(1) Have a valid State driver's license to operate such a vehicle. All drivers who operate a vehicle designed to carry 16 or more persons (including the driver) are required by FHWA's Commercial Driver's License Standards by April 1, 1992 (49 CFR part 383) to have a valid commercial driver's license;

(2) Meet all physical, mental, moral and other requirements established by the State agency having primary responsibility for pupil transportation, including requirements for drug and/or alcohol misuse or abuse; and

(3) Be qualified as a driver under the Federal Motor Carrier Safety Regulations of the FHWA, 49 CFR part 391, if the driver or the driver's employer is subject to those regulations.

§ 1204.4, Guide 17

23 CFR Ch. II (4-1-94 Edition)

2. *Vehicles.* a. Each State should enact legislation that provides for uniform procedures regarding school buses stopping on public highways for loading and discharge of children. Public information campaigns should be conducted on a regular basis to ensure that the driving public fully understands the implications of school bus warning signals and requirements to stop for school buses that are loading or discharging school children.

b. Each State should develop plans for minimizing highway use hazards to school bus and school-chartered bus occupants, other highway users, pedestrians, bicycle riders and property. They should include, but not be limited to:

(1) Careful planning and annual review of routes for safety hazards;

(2) Planning routes to ensure maximum use of school buses and school-chartered buses, and to ensure that passengers are not standing while these vehicles are in operation;

(3) Providing loading and unloading zones off the main traveled part of highways, whenever it is practical to do so;

(4) Establishing restricted loading and unloading areas for school buses and school-chartered buses at or near schools;

(5) Ensuring that school bus operators, when stopping on a highway to take on or discharge children, adhere to State regulations for loading and discharging including the use of signal lamps as specified in section B.1.f. of this guideline;

(6) Prohibiting, by legislation or regulation, operation of any school bus unless it meets the equipment and identification recommendations of this guideline; and

(7) Replacing, consistent with the economic realities which typically face school districts, those school buses which are not manufactured to meet the April 1, 1977 FMVSS for school buses, with those manufactured to meet the stricter school bus standards, and not chartering any pre-1977 school buses.

(8) Informing potential buyers of pre-1977 school buses that these buses may not meet current standards for newly manufactured buses and of the need for

continued maintenance of these buses and adequate safety instruction.

c. Use of amber signal lamps to indicate that a school bus is preparing to stop to load or unload children is at the option of the State. Use of red warning signal lamps as specified in section B.1.f. of this guideline for any purpose or at any time other than when the school bus is stopped to load or discharge passengers should be prohibited.

d. When school buses are equipped with stop arms, such devices should be operated only in conjunction with red warning signal lamps, when vehicles are stopped.

e. *Seating.* (1) Standing while school buses and school-chartered buses are in motion should not be permitted. Routing and seating plans should be coordinated so as to eliminate passengers standing when a school bus or school-chartered bus is in motion.

(2) Seating should be provided that will permit each occupant to sit in a seat intended by the vehicle's manufacturer to provide accommodation for a person at least as large as a 5th percentile adult female, as defined in 49 CFR §71.208. Due to the variation in sizes of children of different ages, States and school districts should exercise judgment in deciding how many students are actually transported in a school bus or school-chartered bus.

(3) There should be no auxiliary seating accommodations such as temporary or folding jump seats in school buses.

(4) Drivers of school buses and school-chartered buses should be required to wear occupant restraints whenever the vehicle is in motion.

(5) Passengers in school buses and school-chartered buses with a gross vehicle weight rating (GVWR) of 10,000 pounds or less should be required to wear occupant restraints (where provided) whenever the vehicle is in motion. Occupant restraints should comply with the requirements of FMVSS Nos. 208, 209 and 210, as they apply to multipurpose vehicles.

f. *Emergency exit access.* Baggage and other items transported in the passenger compartment should be stored and secured so that the aisles are kept clear and the door(s) and emergency exit(s) remain unobstructed at all

NHTSA and FHWA, DOT

§ 1204.4, Guide 18

times. When school buses are equipped with inferior luggage racks, the racks should be capable of retaining their contents in a crash or sudden driving maneuver.

D. *Vehicle maintenance.* Each State should establish procedures to meet the following recommendations for maintaining buses used to carry school children:

1. School buses should be maintained in safe operating condition through a systematic preventive maintenance program.

2. All school buses should be inspected at least semiannually. In addition, school buses and school-chartered buses subject to the Federal Motor Carrier Safety Regulations of FHWA should be inspected and maintained in accordance with those regulations (49 CFR Parts 393 and 396).

3. School bus drivers should be required to perform daily pre-trip inspections of their vehicles, and the safety equipment thereon (especially fire extinguishers), and to report promptly and in writing any problems discovered that may affect the safety of the vehicle's operation or result in its mechanical breakdown. Pre-trip inspection and condition reports for school buses and school-chartered buses subject to the Federal Motor Carrier Safety Regulations of FHWA should be performed in accordance with those regulations (49 CFR 392.7, 392.8, and 396).

E. *Other Aspects of Pupil Transportation Safety.* 1. At least once during each school semester, each pupil transported from home to school in a school bus should be instructed in safe riding practices, proper loading and unloading techniques, proper street crossing to and from school bus stops and should participate in supervised emergency evacuation drills, which are timed. Prior to each departure, each pupil transported on an activity or field trip in a school bus or school-chartered bus should be instructed in safe riding practices and on the location and operation of emergency exits.

2. Parents and school officials should work together to select and designate the safest pedestrian and bicycle routes for the use of school children.

3. All school children should be instructed in safe transportation prac-

tices for walking to and from school. For those children who routinely walk to school, training should include preselected routes and the importance of adhering to those routes.

4. Children riding bicycles to and from school should receive bicycle safety education, wear bicycle safety helmets, and not deviate from preselected routes.

5. Local school officials and law enforcement personnel should work together to establish crossing guard programs.

6. Local school officials should investigate programs which incorporate the practice of escorting students across streets and highways when they leave school buses. These programs may include the use of school safety patrols or adult monitors.

7. Local school officials should establish passenger vehicle loading and unloading points at schools that are separate from the school bus loading zones.

V. *Program evaluation.* The pupil transportation safety program should be evaluated at least annually by the State agency having primary administrative responsibility for pupil transportation.

HIGHWAY SAFETY PROGRAM GUIDELINE
No. 18

ACCIDENT INVESTIGATION AND REPORTING

I. *Scope.* This guideline establishes the requirement that each State should have a highway safety program for accident investigation and reporting.

II. *Purpose.* The purpose of this guideline is to establish a uniform, comprehensive motor vehicle traffic accident investigation program for gathering information—who, what, when, where, why, and how—on motor vehicle traffic accidents and associated deaths, injuries, and property damage; and entering the information into the traffic records system for use in planning, evaluating, and furthering highway safety program goals.

III. *Definitions.* For the purpose of this guideline the following definitions apply:

Accident—an unintended event resulting in injury or damage, involving one or more motor vehicles on a high-

Dear [Dealer]:

Recently, legislation has been introduced in several State legislatures to change the State definitions of "school bus." This may raise questions about the effect of differing State and Federal definitions of school buses on the obligations of vehicle dealers.

It is important to remember that the State definitions of "school bus" affect the scope of State school bus requirements only, while the Federal definition affects the scope of the Federal requirements only. For example, the State definitions determine which vehicles are subject to the State operational requirements for school buses. Similarly, the Federal definition determines which new vehicles sold or leased by dealers are required under Federal law to meet the Federal motor vehicle safety standards for school buses.

Under Federal law, a "bus" is any vehicle, including a van, that has a capacity of 11 persons or more, including the driver. A bus is a "school bus" if it is to be used to transport children to and from school or school-related events.

If a State chooses to define "school bus" to include only buses with a capacity of 16 persons or more, that definition would not affect the obligations of dealers in selling or leasing 11 to 15-person buses under Federal law. If a dealer sold or leased a bus of this size for school transportation, the dealer would have to ensure that the bus was certified to the Federal motor vehicle safety standards for school buses. A dealer selling or leasing a new bus for school use that does not meet the school bus standards would be subject to a civil penalty.

The school bus standards require protective seats, emergency exits, special mirrors, and several other features that provide a high level of safety for children. Children transported in buses that meet these standards are travelling in the safest vehicles on the road.

For your information, I am enclosing a question-and-answer sheet about school bus issues of interest to motor vehicle dealers. In addition, the manufacturer whose vehicles you sell may have written guidelines for sales of vehicles to schools and school districts. Please contact your manufacturer for any such information. If you have any legal questions regarding

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Federal school bus requirements, please contact Ms. Dorothy Nakama of my staff at (202) 366-2992.

Sincerely,

John Womack
Acting Chief Counsel

Enclosure

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U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

August 1995

DEALERS' QUESTIONS ABOUT FEDERAL SCHOOL BUS SAFETY REQUIREMENTS

QUESTION: What is a school bus?

The National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation, defines a bus as a motor vehicle designed to carry 11 or more persons (including the driver), and a school bus as a bus that is sold or introduced into interstate commerce "for purposes that include carrying students to and from school or related events." This definition does not include buses operated as common carriers in urban transportation.

QUESTION: What is a school related event?

A school related event is any activity sponsored by a school, whether on or off the school grounds, including transportation between home and school, sports events, band concerts, field trips, and competitions such as debate or chess tournaments.

QUESTION: To whom do the Federal Motor Vehicle Safety Standards (FMVSSs) apply?

The FMVSSs apply to motor vehicle manufacturers and any person selling or offering for sale or lease a new motor vehicle. It is a violation of Federal law for any person knowingly to sell or lease a new vehicle for use as a school bus that does not comply with all FMVSSs applicable to school buses. The law provides substantial penalties for violation of the FMVSSs.

QUESTION: Do the school bus requirements apply to sales of buses to private schools?

Yes. NHTSA looks to the nature of the particular institution purchasing the bus. If the central purpose of the institution is the education of preprimary, primary, or secondary school students, whether public or private, new buses sold to the school must comply with the FMVSSs applicable to school buses.

QUESTION: What are my responsibilities when selling a new bus to a school or school bus contract operator?

A dealer may not sell any new bus to a school or a school bus contract operator to transport students unless it has been



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2-16

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certified by its manufacturer as complying with all school bus standards.

QUESTION: Does Federal law require school buses to be yellow?

No. Federal law applies only to safety performance standards, and not to design standards or appearance. However, NHTSA provides recommendations for the States on various operational aspects of school bus and pupil transportation safety programs, in the form of Highway Safety Program Guideline No. 17, Pupil Transportation Safety. Among other matters, Guideline 17 recommends that school buses be yellow. A copy of Guideline 17 is attached.

QUESTION: Can the States change Federal requirements?

No. A State may not prescribe a standard for new vehicles covering the same aspect of performance as a Federal standard unless the State standard is identical to the Federal standard. However, a State may impose more stringent standards than Federal standards for vehicles obtained for the use of the State or one of its political subdivisions.

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Dear [school district]:

With the beginning of the school year, this is a refresher about the school bus safety standards of the National Highway Traffic Safety Administration (NHTSA), an agency of the U.S. Department of Transportation. We are concerned about the increasing use of large vans or other buses that do not meet the Federal motor vehicle safety standards for school buses to transport students for school activities.

As you are probably aware, under Federal statute, NHTSA has issued safety standards applicable to new motor vehicles, including school buses. Congress has directed NHTSA to require school bus manufacturers to meet safety standards on aspects of school bus safety; including floor strength, seating systems, and crashworthiness. Each seller or lessor of a new bus for school use must ensure that the vehicle is certified as meeting these safety standards.

Vehicles that meet the school bus standards have more safety features providing occupant crash protection than do conventional buses. A State statute that permits the use of conventional buses could result in school children being transported in vehicles that are not as safe as school buses. NHTSA believes that, while comparably-sized school buses may be more expensive than conventional buses, the increased level of safety justifies a higher cost.

Let me emphasize that NHTSA attaches the utmost importance to the use of the safest possible means to transport school children. The safety record of school buses has improved in the years since they began to be manufactured in accordance with the school bus safety standards.

For your information, I am enclosing a fact sheet posing frequently asked questions about school buses, and NHTSA's answers. If you have any safety questions regarding school buses, please call NHTSA's toll-free Auto Safety Hotline at (800) 424-9393, or the appropriate NHTSA Regional Administrator, from the enclosed list.

Sincerely,

James Hedlund
Associate Administrator for
Traffic Safety Programs

Enclosure

2-18

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U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

FEDERAL SCHOOL BUS SAFETY REQUIREMENTS

The National Highway Traffic Safety Administration (NHTSA) defines a bus as a motor vehicle designed to carry more than 10 persons, and a school bus as a bus that is sold or introduced into interstate commerce "for purposes that include carrying students to and from school or related events." Excluded are buses operated as common carriers in urban transportation. See 49 CFR 571.3.

In interpreting those provisions, NHTSA has looked to the nature of the particular institutions purchasing the buses. If the central purpose of the institution is the education of preprimary, primary, or secondary school students, including Head Start participants, whom NHTSA considers preprimary students, the buses must comply with all Federal motor vehicle safety standards (FMVSS) applicable to school buses. The FMVSSs are found in 49 CFR 571.

If, on the other hand, the institution is primarily custodial in nature, such as a nursery or day care center, or is concerned primarily with the education of post-secondary students such as college students, adult education or post-high school vocational students, the buses need not comply. Similarly, if transporting children to and from Sunday school or religious services, or if transporting athletic teams that have no connection to a school, the vehicles need not comply. However, if the vehicles are purchased to transport vocational students or athletic teams connected with preprimary, primary, or secondary schools or to transport students to or from such schools operated by a church, such as parochial schools, the vehicles would be required to comply.

It is a violation of Federal law for any person knowingly to sell or lease as a school bus any new vehicle that does not comply with all FMVSSs applicable to school buses. The onus is on the seller or lessor to ascertain the intended use of the vehicle, and the seller/lessor is subject to substantial penalties for knowingly selling or leasing a noncomplying vehicle for use as a school bus, including civil fines and injunctive sanctions.

Under Federal law, the purchaser or user of a vehicle is not under the same legal constraints as the seller. Since the law applies only to the manufacture and sale of a new vehicle, a



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2-19

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school may use any vehicle it chooses to transport its students. In addition, Federal law does not require the school to retrofit a vehicle to bring it into compliance with Federal standards. A state may prescribe requirements relating to the use of school buses, including requirements relating to retrofitting or to operation and maintenance. The only Federal constraint on a state is that the state may not prescribe a standard for new vehicles covering the same aspect of performance as a Federal standard unless the state standard is identical to the Federal standard.

Finally, although not required by Federal law, NHTSA strongly recommends that only vehicles meeting Federal school bus safety standards be used to transport school children. See Highway Traffic Safety Program Guideline No. 17, *Pupil Transportation Safety*, 23 CFR 1204. Further, NHTSA cautions that the use of vehicles that do not comply with Federal school bus safety standards to transport school children could result in increased liability in the event of an accident. That is a matter of state law, however, so school districts should consult their attorneys and/or insurance carriers before transporting students in non-complying vehicles.

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People Saving People

SCHOOL BUS SAFETY STANDARDS

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FEDERAL REQUIREMENTS FOR SCHOOL BUSES

The National Highway Traffic Safety Administration (NHTSA) is responsible for establishing Federal motor vehicle safety standards (FMVSSs) to reduce the number of fatalities and injuries from motor vehicle crashes, including those involving school buses. We also work with the states on school bus safety and occupant protection programs. School bus safety is one of our highest priorities.

Federal regulations define a "bus" as a vehicle that is designed to carry more than 10 persons.

A "school bus" is defined as a bus that "that the Secretary of Transportation decides is likely to be used significantly to transport preprimary, primary, and secondary school students to or from school or an event related to school."

49 USC Section 30125

NHTSA regulations apply only to the manufacture and sale and lease of new vehicles.

Each State prescribes its own regulations that apply to the use of any vehicle that is used to transport students.

NHTSA regulations require any vehicle with a capacity of more than 10 sold or leased for use as a school bus to meet the safety standards applicable to school buses.

It is a violation of Federal law for any person to knowingly sell or lease as a school bus any new vehicle that does not comply with all FMVSSs applicable to school buses. 49 USC Chapter 301.

To determine how these provisions apply, NHTSA looks at the nature of the particular institutions to whom a new vehicle is sold or leased. If the central purpose of the institution is education of preprimary, primary, or secondary school students the buses must meet the Federal motor vehicle safety standards for school buses.

NHTSA has determined that Head Start is preprimary because the central purpose is educational in nature.

In 1974 Congress directed NHTSA to establish or upgrade school bus safety standards in eight areas.

- Emergency Exits
- Interior occupant protection
- Floor strength
- Seating systems
- Crashworthiness of the body and frame
- Vehicle operating systems
- Fuel systems

In the legislative history of the 1974 School Bus Safety Amendments, Congress stated that school transportation should be held to the highest level of safety, since such transportation involves the Nation's most precious cargo -- children who represent our future.

NHTSA believes that safety standards requiring higher levels of safety performance for school buses are appropriate.

NHTSA has established minimum safety standards for school buses that are over and above the standards that other buses must meet. Tables No. 1 and No. 2 present the FMVSSs that have more stringent requirements for school buses. These tables are not all inclusive but do present the major differences between school buses and other vehicles.

There are 36 FMVSSs that applies to school buses. Table No. 3 lists the number and the name of the FMVSSs.

**TABLE No 1: SAFETY ENHANCEMENTS OF SCHOOL BUSES
GVWR of 10,000 POUNDS OR LESS.**

- Standard No. 108: Lamps, Reflective Devices and Associated Equipment -- Red and amber signal lamps, which indicate the bus is loading/unloading passengers.
- Standard No. 111: Rearview Mirrors -- requires the driver be able to see either directly or through a system of mirrors certain areas in front of and along both sides of the school bus.
- Standard No. 131: School Bus Pedestrian Safety Devices -- The stop arm that extends on the left side of the bus to warn motorist when it is loading/unloading passengers.
- Standard No. 217: Bus Emergency Exits and Window Retention and Release. Requirements that make the emergency exits easier for children to use along with increased conspicuity.
- Standard No. 220: School Bus Rollover Protection -- Specifies minimum strength requirements for school bus roofs to reduce the likelihood of roof collapse in a rollover accident, and requires that emergency exits (except roof exits) be operable after the roof is subjected to forces that can be encountered in rollovers.
- Standard No. 222: School Bus Passenger Seating and Crash Protection -- Specifies seating and impact zone requirements for school buses. Requires well-padded and well-constructed energy absorbing seats to help provide occupant protection on school buses. Specifies requirements for wheelchair restraints systems.

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**TABLE No 2: SAFETY ENHANCEMENTS OF SCHOOL BUSES
GVWR GREATER THAN 10,000 POUNDS**

- Standard No. 105: Hydraulic Brake System -- Requires school buses utilizing hydraulic brakes to stop in shorter distances.
- Standard No. 108: Lamps, Reflective Devices and Associated Equipment -- Red and amber signal lamps, which indicate the bus is loading/unloading passengers.
- Standard No. 111: Rearview Mirrors -- Requires the driver be able to see either directly or through a system of mirrors certain areas in front of and along both sides of the school bus.
- Standard No. 131: School Bus Pedestrian Safety Devices -- The stop arm that extends on the left side of the bus to warn motorist when it is loading/unloading passengers.
- Standard No. 217: Bus Emergency Exits and Window Retention and Release -- Requirements that make the emergency exits easier for children to use along with increased conspicuity.
- Standard No. 220: School Bus Rollover Protection. Specifies minimum strength requirements for school bus roofs to reduce the likelihood of roof collapse in a rollover accident, and requires that emergency exits (except roof exits) be operable after the roof is subjected to forces that can be encountered in rollovers.
- Standard No. 221: School Bus Body Joint Strength -- Specifies minimum strength requirements for body panel joints to improve the structural integrity of the passenger compartment and to reduce the likelihood of lacerative injuries to occupants caused by the sharp edges of body panels that tear loose in crashes.
- Standard No. 222: School Bus Passenger Seating and Crash Protection -- Specifies seating, restraining barrier, and impact zone requirements for school buses. The standard relies on compartmentalization between well-padded and well-constructed energy absorbing seats to provide occupant protection. Specifies requirements for wheelchair restraints systems.
- Standard No. 301: Fuel System Integrity -- Specifies requirements for the integrity and security of the entire fuel system, including the fuel tanks, fuel pump, carburetor, emission controls, lines, and connections in severe barrier impact crash tests.
- Standard No. 303: Fuel System Integrity of Compressed Natural Gas Vehicles -- Specifies requirements for the integrity and security of the entire fuel system and connections in severe barrier impact crash tests.

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**TABLE No 3: FEDERAL MOTOR VEHICLE SAFETY STANDARDS
AFFECTING SCHOOL BUSES**

<u>Number</u>	<u>Standard</u>
101	Control Location, Identification and Illumination
102	Transmission Shift Lever Sequence, Starter Interlocks, and Transmission Braking Effect
103	Windshield Defrosting and Defogging Systems
104	Windshield Wiping and Washing Systems
105	Hydraulic Brake Systems
106	Brake Hoses
107	Reflecting Surfaces
108	Lamps, Reflective Devices and Associated Equipment
111	Rearview Mirrors
112	Headlamp Concealment Devices
113	Hood latches
115	Vehicle Identification Numbers
116	Motor Vehicle Brake Fluids
119	New Pneumatic Tires
120	Tire Selection and Rims
121	Air brake Systems
124	Accelerator Control Systems
131	School Bus Pedestrian Safety Devices
201	Occupant Protection in Interior Impact
202	Head Restraints
203	Impact Protection for the Driver for the Steering Control Systems
204	Steering Control Rearward Displacement
205	Glazing Materials
207	Seating Systems (Drivers Seat)
208	Occupant Crash Protection (Driver)
209	Seat Belt Assemblies
210	Seat Belt Assembly Anchorages
212	Windshield Mounting
217	Bus Emergency Exits and Window Retention and Release
219	Windshield Zone Intrusion
220	School Bus Rollover Protection
221	School Bus Body Joint Strength (large school buses, GVWR.>10,000#)
222	School Bus Passenger Seating and Crash Protection
301	Fuel System Integrity
302	Flammability of Interior Materials
303	Fuel System Integrity of Compressed Natural Gas Vehicles
304	Compressed Natural Gas Fuel Container Integrity

Items not regulated by the FMVSSs.

Color -- National school bus yellow is not a Federal requirement. Most if not all states has adopted this color scheme for school buses used as school buses. Uniformity of color between States has made school buses easily recognizable.

Aisle Spacing -- The aisle space between the vehicle seats is not regulated. Aisle space is specified by the consumer at the time of purchase. School buses that carry wheelchair passengers can have aisles that are different than buses without wheelchair securement systems.

Number of Persons per Seat -- The Federal standards do not specify the number of persons per seat. The seats in larger buses are usually 39 inches wide. Generally, three small children or two large (adult size) persons can be seated in this seat. However, in order to be afforded the occupant protection provided by the seat all persons must be sitting fully within the seat.

School bus transportation has been and continues to be one of the safest forms of transportation in America.

- Every year, approximately 394,000 public school buses travel approximately 4.3 billion miles to transport 23.5 million children to and from school and school-related activities.
- Since 1984, on the average, 11 passengers per year have died in school bus crashes.
- School bus pedestrian fatalities account for the highest number of school bus related fatalities each year. There are about 31 such fatalities per year, about two-thirds of which involve the school bus itself and about one-third of which involve motorists illegally passing the stopped school bus.
- Almost half of pedestrian fatalities are children between the ages of 5 and 9.

The recent upgrade of Standard No. 111, Rearview Mirrors, and Standard No. 131, School Bus Pedestrian Safety Devices, were implemented to reduce the likelihood of pedestrian type school bus fatalities.

Highway Safety Program Guideline #17, Pupil Transportation Safety, recommends that school children be transported to and from school and related events in school buses.