

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairman Rex Crowell at 1:30 p.m. on March 8, 1994 in Room 519-S of the Capitol.

All members were present except: Rep. King, Excused
Rep. Lawrence, Excused
Rep. Hendrix, Excused

Committee staff present: Tom Severn, Legislative Research Department
Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Donna Luttjohann, Committee Secretary

Conferees appearing before the committee: Robert Haley, KDOT
John Koepke, KASB
Vicky Johnson, KDOT
Jacque Oakes, Schools for Quality Education
Evelyn Davis, KSPTA
Glen Shuler, Midwest Business Sales

Others attending: See attached list

Chairman Crowell opened the hearing on SB 724 concerning transferring administration of school bus safety responsibilities from KDOT to SBOE.

Robert Haley was recognized by the Chairman as a proponent of the bill. He testified that this bill would improve the service to the school districts. See Attachment 1.

John Koepke was recognized by the Chairman as a proponent of the bill. He testified that passage of this bill would be consistent with KASB's position that supervisory authority over school districts remain with the State Board of Education and the State Department of Education. See Attachment 2.

The Chairman recognized Vicky Johnson as a proponent of the bill. She testified there needs to be a finite time frame as to when the buses need to be in compliance with the statutes. KDOT is willing to go along with any reasonable period as long as it runs from the date of purchase. See Attachment 3.

Jacque Oakes was recognized by the Chairman as a proponent of the bill. Ms. Oakes testified that this bill would help school districts meet the requirements in a more feasible time frame. See Attachment 4.

The Chairman closed the hearing on SB 724.

Chairman Crowell opened the hearing on SB 499 concerning the time permitted for owners of school buses to bring them into compliance with KDOT rules and regulations adopted after the purchase of the buses.

The Chairman recognized Evelyn Davis as a proponent of the bill. She testified that one point of agreement with the bill is that some guideline is needed as far as the amount of time a school bus owner has in order to be in compliance with the new safety regulations. See Attachment 5.

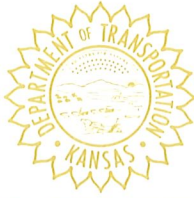
Glen Shuler was recognized by the Chairman as opponent of the bill as written. He testified that as the bill is written, school districts would have to either replace or retrofit all buses acquired on or before April 1984, immediately. See Attachment 6.

Chairman Crowell closed the hearing on SB 499.

The meeting was adjourned at 2:44 p.m. by Chairman Crowell with the next meeting scheduled for March 9, 1994, at 1:30 p.m. in Room 519-S of the Capitol.

HOUSE TRANSPORTATION COMMITTEE

Name	Address	Representing
John Koepke	Topeka	KASB
Glenn Schuler	EASTON, KS	MBS
Evelyn Davis	Topeka	KSPTA
Lee Gehring	Buhler KS.	KsptA
Jacque Jones	Topeka	SQE
Robert Haley	Topeka	H2001
Vicky Johnson	Topeka	KDOT



Michael L. Johnston
Secretary of Transportation

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Joan Finney
Governor of Kansas

**TESTIMONY BEFORE THE
HOUSE TRANSPORTATION COMMITTEE
REGARDING S.B. 724
SCHOOL BUS PROGRAM TRANSFER
MARCH 8, 1994**

Mr. Chairman and Members of the Committee:

To improve service to the school districts, the Kansas Department of Transportation is proposing that the statutory and regulatory authority for school transportation be transferred from the Kansas Department of Transportation to the State Board of Education.

At the present time persons needing help with school transportation issues must contact the Department of Transportation for training and regulatory assistance and the Board of Education for special needs transportation and school bus funding assistance. This bill would enable most school transportation services to be provided by one agency, which should better serve all the school districts of the State of Kansas.

This change is supported by a recent survey which determined that 46 of the 50 states have assigned authority for school transportation to the state board/department of education. Authority for school transportation is assigned to the Department of Public Safety in the states of Arizona and New Hampshire and the Department of Motor Vehicles in Connecticut. Kansas is the only state where this authority rests with the Department of Transportation.

This transfer will improve communication on school transportation issues and provide a better structure for evaluating and improving all services connected with pupil transportation. To provide adequate funding, the Kansas Department of Transportation will transfer \$160,000, which is approximately what KDOT spends on the school bus program, to the school bus safety fund each fiscal year. We believe this amount provides adequate funding for salaries and benefits at the present level, and necessary costs of OOE.

The provisions of Senate Bill 499 were amended to this bill. The amendment allows owners of school buses a period of ten years from the date of purchase to comply with rules and regulations that were adopted after the date of purchase.



**Testimony on S.B. 724 and S.B. 499
before the
House Committee on Transportation**

by

**John W. Koepke, Executive Director
Kansas Association of School Boards**

March 8, 1994

Mr. Chairman and members of the Committee, we appreciate the opportunity to appear before you on behalf of the member boards of education of the Kansas Association of School Boards. We have combined our testimony on the two bills before you today in the interest of time, since both measures address the same subject, school bus regulations. We support both measures, but would urge your support for S.B. 724, since it also contains the provisions of S.B. 499.

Senate Bill 724 would transfer the regulatory authority over school bus safety standards from the Department of Transportation to the Department of Education. This transfer would be consistent with our position that most supervisory authority over unified school districts should rest with the State Board of Education and the State Department of Education. It seems to us that, as a general rule, the personnel of the State Department of Education are in a better position than the personnel in other state agencies to deal with the general supervision of education issues in the state.

In its present form, S.B. 724 also contains the basic provision of S.B. 499. That measure would give the authority to the appropriate state agency to exempt existing buses from new regulations for periods of up to ten years, rather than the existing statutory limit of six years. We believe this is a satisfactory compromise to the unlimited exemption proposed in H.B. 2615. We would therefore urge your favorable action on S.B. 724 and I would be happy to attempt to answer any questions about our position.

HOUSE TRANSPORTATION
March 8, 1994
Attachment 2-2

STATE OF KANSAS



Michael L. Johnston
Secretary of Transportation

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Joan Finney
Governor of Kansas

TESTIMONY BEFORE
HOUSE TRANSPORTATION COMMITTEE
ON
SENATE BILL NO. 499
SCHOOL BUSES, EXEMPTION FROM CERTAIN REQUIREMENTS
AND
SENATE BILL 724
TO THE EXTENT IT INCORPORATES THE PROVISIONS OF SENATE BILL 499

March 8, 1994

Mr. Chairman and Committee Members:

Mr. Chairman and members of the Committee, I am Vicky Johnson, a staff attorney for the Department of Transportation. On behalf of the Department of Transportation, I am here today to provide testimony on Senate Bill No. 499 and Senate Bill 724 to the extent that it incorporates Senate Bill 499 relating to the exemption of certain school buses from regulations setting design criteria after their purchase date.

The proposed legislation amends the statute that currently allows a school bus to be used for a period of six years from its purchase without regard to any new regulations that may become effective during that period. This legislation would extend that six- year period to ten years from its date of purchase.

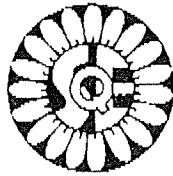
I testified before this committee in January on House Bill 2615 which dealt with the same subject but instead of a ten-year

HOUSE TRANSPORTATION
March 8, 1994
Attachment 3-1

period, that bill grandfathered buses indefinitely. As I told this committee then, there is seldom much question that the revised standards represent improvements in bus design and safety. In many cases, however, there is question whether the incremental safety justifies the cost of replacement. We asked the committee to give some consideration to setting a period longer than six years but finite rather than indefinite.

Senate Bill 499 began in a form identical to House Bill 2615 but was amended by the Senate Transportation Committee to set a period of ten years from date of purchase for the grandfather period. Since that time there has been concern raised by some school districts that ten years from date of purchase does not coincide with the normal life of their buses and that twelve years would be more appropriate. The Department is willing to go along with any reasonable set period so long as it runs from the date of purchase and not the date of the new regulations.

I have had the opportunity to discuss this bill with many school districts since I last appeared before this committee and I believe that they all are trying to balance safety concerns against the costs of bus replacements. If they believe that twelve years is a reasonable life for these buses, as some have suggested to the Department in the last few days; and this committee believes that to be appropriate, then the Department would have no opposition to a twelve year period.



Schools for Quality Education

Bluemont Hall Manhattan, KS 66506 (913) 532-5886

March 7, 1994

To: House Transportation Committee

Subject: SB 499 -- Concerning time permitted for owner of school bus to bring into compliance with KDOT rules and regulations adopted after the purchase of the bus.

SB 724 -- Transfers administration of school bus safety responsibilities from KDOT to SBOE

From: Schools for Quality Education

Mr. Chairman and Members of the Committee:

I am Jacque Oakes, representing Schools for Quality Education, an organization of 102 small school districts.

School districts are concerned with a regulation effective July 1, 1998 that may financially hinder some districts. All buses will comply with a "steps" section which reads "first step at service door shall be no less than 10 inches and not more than 14 inches from the ground based on standard chassis specifications" and "step risers shall not exceed a height of 10 inches." This would be to accommodate special needs children and the head start/ pre-school age children. There are also concerns with some other regulations on shoulder harnesses for drivers and escape hatches.

We certainly want to take care of kids, but some of the buses will have low mileage, be in sound conditions and able to continue servicing their districts.

This bill would be of great assistance in allowing districts ten years to meet the requirements and replace buses. This regulation would have required some districts to experience a substantial cost to replace buses under the current six year sunset.

We would not want to compromise the safety of kids, but we do need some relief from these provisions.

We also favor the transferral of the administration of school bus safety responsibilities from KDOT to SBOE.

Thank you for your time and attention to SB 499 and SB 724.

"Rural is Quality"

HOUSE TRANSPORTATION

March 8, 1994

Attachment 4

SB 499

Testimony presented before the House Transportation Committee
by Evelyn Davis, transportation director for Seaman USD #345
representing Kansas State Pupil Transportation Association (KSPTA)
March 8, 1994

Mister Chairman and Members of the Committee:

My focus today is to present some additional background data to help you make a more informed decision concerning the impact this legislation, if the 10 year compliance requirement is enacted into law, will have on school transportation in the state of Kansas. First, let me state that one point of agreement is that some guideline is needed and that is why I'm appearing here today as a proponent.

In talking with various people/groups impacted by this proposed legislation - KDOT, school bus dealers, members of KSPTA, KSDE, our school district's business official - I find there is confusion concerning what this legislation will require. Because the language is the same in the current law and this proposed law (the difference being whether buses must meet standard in six or ten years from date of acquisition), people are confused because the current law has been liberally interpreted to mean all buses had to comply in six years from the date the regulations were put into effect. This interpretation meant all buses could continue to be used and older buses which were built before the standard was adopted would be replaced as we annually upgraded our fleets. Even this means that most school district's must aggressively replace vehicles to meet the 1998 deadline. We have all thought for two years that the day of "reckoning" would be July 1, 1998. Now we find if this legislation passes, many school districts will have to replace vehicles (and in some cases many vehicles) before the beginning of the next school term.

In attempting to get statistics on the number of school buses in the state that would not meet standards, I contacted both KDOT and KSDE. Neither department has current statistics compiled that they could ~~make~~ available! Working from the latest statistics available, which are for the 90/91 school year, there were 661 buses over 10 years of age at that time. There had been as many as 769 (in 88/89) in the 5 year span that they supplied statistics for. Neither could I find anyone who had available information on how many buses were forced out of service a couple of years ago when the edict was given that pre-1977 buses could no longer be used. Assuming there are between 650 and 750 buses that would have to be replaced before the next school year begins, it is obvious that manufacturers could not supply this demand. Assuming the manufacturers could

HOUSE TRANSPORTATION
March 8, 1994
Attachment 5-1

meet the demand and assuming there are between 650 and 750 buses in the state that are 10 years old or older, the cost to replace these would be around \$31,000,000.00 (\$45,000/bus x 700 buses). Since buses that meet the standards (including the left-side emergency door exit) have only been in production for a short time (the mandate took effect May 1 of this year), the supply of used buses does not exist either.

There is also confusion about whether or not retrofits are possible. In speaking with some school bus dealers, they are unwilling to make retrofits involving the structural integrity of the body such as attaching the driver's seatbelt shoulder harness to the sidebody, replacing the stepwell, and adding the side emergency door exit which involves reconfiguration of the seat spacing.

Since I could not get state statistics, I can only speak to the impact this bill would have on our district if enacted. As of July 1, 1994 we will have 16 school buses that we have had 10 years or longer. By January 1, we would have to replace 3 more (purchased in January of 1985) and before the following school year starts (August of 1995) we would have to replace 1 more and by December of 1995 we would have to replace another 3 for a total of 23 buses to replace in a year and a half! Assuming we could get delivery, the cost (at \$45,000/bus) would be \$720,000.00. Our district is talking about purchasing 2 or 3 buses this year!

The question of length of use of a bus is subjective and in my opinion based on more than age. We have a relatively small size district compared to many other districts and because of this we put fewer miles on our buses than do larger size districts (but all buses age at the same rate!). Also the issue of whether a bus is diesel powered or gasoline powered is a factor. Diesel buses have a heavier chassis and can be expected to be serviceable for more miles than a gasoline powered bus. Districts which purchased heavier duty vehicles that could last longer are now being penalized for this.

My recommendation would be to set the standard that all buses **manufactured on or before July 1, 1980, must meet current standards (14 years from date of manufacture)**. "Manufactured" would level the playing field; some districts purchase used buses and your intent to have all buses of the same age off the road at the same time will not be accomplished with date "acquired."

What will be the outcome of forcing buses out of service? The issues of safety will not go away by removing buses from service. Districts will not be able to afford to replace these buses and the safety issues will shift from the safety of the student on the bus to the safety of the child walking.

Date: March 8, 1994
To: House Transportation Committee
From: Glenn Schuler, Midwest Bus Sales, Inc.
Subject: Senate Bill 499

It would appear, Senate Bill #499, if passed as written, would require School Districts to either replace or retrofit all buses acquired on or before April 1984, immediately. This being the case, the following questions need to be addressed.

1. How many buses are currently in use in the state at this time that would be affected?
2. As the bill is written, would not a bus manufactured in 1982, and purchased by a District in 1986, be able to be used as is until 1996?
3. Should these buses be replaced or retrofitted?

I do not know of any state that has a time frame to bring buses currently in use into compliance with new state and/or federal requirements regarding school buses. However, a few states do have an age limit on school buses.

As a distributor for a major school bus manufacturer, we would not do any retrofitting of buses requiring any structural changes, such as driver shoulder harness or stepwells (effective April 1992).

If these buses were retrofitted, the person making these retrofits would need to be willing to certify that the vehicle being altered meets all FMVSS in effect at the time of manufacture. Our company would not be willing to accept this liability, nor do I currently know of any that would. Thus, replacement after ten years from date of acquisition will be necessary because there will continue to be new state and federal regulations regarding school buses. (Example: side emergency door on certain capacity buses - effective May 1994.)

If it is the intent of this bill (as it would appear) to limit the useful life of a school bus, would it not be better to establish a life span of 10 or more years from date of manufacture and give the school district a one - three (1-3) year window to accomplish this?

Thank you for allowing me to express my views on this bill.