

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Chairperson Ben Vidrickson at 9:00 a.m. on January 26, 1994 in Room 254-E of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Martha Ozias, Committee Secretary

Conferees appearing before the committee:

Jacque Oakes - Schools for Quality Education
Vicky Johnson - Kansas Department of Transportation
Mark Tallman - Kansas Association of School Boards

Others attending: See attached list

SB 499 - School buses, exemption from certain requirements

The Revisor briefed the Committee on the bill and explained what it was designed to do.

Jacque Oakes addressed the Committee concerning a regulation that could financially hinder some school districts if they were required to comply with the "steps" section to accommodate special needs children. She stated that this bill would be of great assistance in grandfathering all school buses which the districts currently own so that these buses would not be required to be replaced. (Attachment 1)

Vicky Johnson explained that the current statute allows a school bus to be used for a period of six years from its purchase without regard to any new regulations and this legislation would extend that period indefinitely. She asked the Committee to give some consideration to a "middle ground" decision to extend the grandfather period to eight or ten years so as to allow school districts to utilize buses for a period which will approximate their useful life and encourage the need to meet new standards within a reasonable time. (Attachment 2)

Mark Tallman spoke in opposition to this measure questioning whether it was in the best interest of all concerned to give exemption from future regulations to every school bus without regard to the safety of the children. (Attachment 3)

A copy of testimony from Barbara Pringle, Past President of Kansas State Pupil Transportation Association, was distributed to the Committee (Attachment 4) as well as the Fiscal Note for the bill. (Attachment 5).

After some discussion, Senator Emmert made a motion to amend the bill to be in compliance for 10 years from the date of purchase or acquisition. This was seconded by Senator Burke. The motion carried.

A motion was then made by Senator Emmert to recommend the bill favorable as amended. A second was made by Senator Burke. Motion carried.

The meeting was adjourned by the Chairman.

GUEST LIST

SENATE TRANSPORTATION COMMITTEE

DATE: JANUARY 26, 1994

[illegible]



Schools for Quality Education

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

January 26, 1994

TO: SENATE TRANSPORTATION COMMITTEE

SUBJECT: SB 499--SCHOOL BUSES, EXEMPTIONS FROM CERTAIN REQUIREMENTS

FROM: SCHOOLS FOR QUALITY EDUCATION

Mr. Chairman and Members of the Committee:

I am Jacque Oakes representing Schools For Quality Education, an organization of 100 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 accomodate special needs children and the head start/pre-school age children.

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

This bill would be of great assistance in grandfathering all school buses which the districts currently own so that these buses would not be required to be replaced. This regulation would require some districts to experience a substantial cost to replace under the current six year sunset.

We do understand that there is some concern that this bill might go too far in that some safety regulations that are needed might be eliminated by this grandfathering. We would not want to compromise the safety of kids, but we do need some relief from the "steps" provision.

Thank you for your time and attention to SB 499.

"Rural is Quality"

ATTACHMENT A

SEN. TRANS. 1/26/94

A-1



MEMBERSHIP ROSTER*



NORTHWEST REGION

103 Bird City
212 Northern Valley
241 Sharon Springs
242 Weskan
274 Oakley
275 Triplains-Winona
280 West Graham-Morland
291 Grinnell
292 Grainfield
293 Quinter
294 Oberlin
295 Prairie Heights
301 Utica
302 Smoky Hill-Ransom
304 Bazine
316 Golden Plains
318 Atwood
468 Healy

SOUTHWEST REGION

209 Moscow
210 Hugoton
214 Ulysses
215 Lakin
217 Rolla
218 Elkhart
219 Minneola
220 Ashland
225 Fowler
228 Hanston
363 Holcomb
374 Sublette
452 Stanton
459 Bucklin
476 Copeland
477 Ingalls
494 Syracuse

NORTH CENTRAL REGION

104 White Rock-Esbon
239 Minneapolis
269 Palco
270 Plainville
271 Stockton
273 Beloit
278 Mankato
307 Ell-Saline
324 Eastern Heights
326 Logan
334 Southern Cloud
395 LaCrosse
399 Paradise-Natoma
403 Otis-Bison
432 Victoria

SOUTH CENTRAL REGION

254 Barber County
255 Kiowa
300 Comanche County
311 Pretty Prairie
327 Ellsworth
332 Cunningham
354 Claflin
355 Ellinwood
358 Oxford
359 Argonia
376 Sterling
411 Goessel
424 Mullinville
438 Skyline
474 Haviland
496 Pawnee Heights
509 South Haven
511 Attica

NORTHEAST REGION

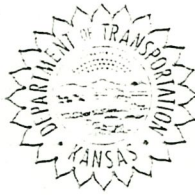
221 North Central-Haddam
222 Washington
223 Barnes
321 Kaw Valley
329 Mill Creek Valley-Alma
378 Riley County
380 Vermillion
384 Blue Valley
498 Valley Heights
430 South Brown County

SOUTHEAST REGION

244 Burlington
245 LeRoy-Gridley
247 Cherokee
252 Southern Lyon County
256 Marmaton Valley
258 Humboldt
286 Chautauqua Co.-Sedan
287 West Franklin
365 Garnett
366 Yates Center
387 Altoona-Midway
390 Hamilton
396 Douglass
397 Centre
398 Peabody-Burns
404 Riverton
408 Marion
462 Burden
463 Udall
471 Dexter
479 Crest-Kincaid
492 Flinthills

*Current as of January 18, 1994

For more information contact:
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124 Bluemont Hall
Kansas State University
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(913)532-5886.



Michael L. Johnston
Secretary of Transportation

KANSAS DEPARTMENT OF TRANSPORTATION
Docking State Office Building
Topeka 66612-1568
(913) 296-3566
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Joan Finney
Governor of Kansas

TESTIMONY BEFORE
SENATE TRANSPORTATION COMMITTEE
ON
SENATE BILL NO. 499
SCHOOL BUSES, EXEMPTION FROM CERTAIN REQUIREMENTS

January 26, 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 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 indefinitely.

The Department does not oppose a change from the six- year grandfather period. The question of an open- ended grandfather provision versus a set number of years really comes down to two policy questions. First, how much safety can we afford? Second, who should decide? This bill really addresses the second question

by proposing that there be no state- imposed deadline for compliance with new requirements. 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. An open-ended grandfather provision would put the answer to that question in the hands of the local districts.

We would ask the committee to give some consideration to the middle ground. There are many small and seemingly insignificant changes made to the standards for school buses by both the federal government, through Federal Motor Vehicle Safety Standards, and by the state through administrative regulations. However, historically there have been changes that all would agree are quite significant. The most noteworthy example would be the new Federal Motor Vehicle Safety Standards adopted in 1977. These changed the interior design of buses to provide for greater occupant crash protection through enhanced rollover protection, compartmentalization and gas tank protection. In the absence of some end point to the grandfather period, districts would have been free to use buses that did not conform to these new standards indefinitely. A set period of years encourages compliance within a reasonable period of time.

In the absence of a set grandfather period, if there are new major federal or state requirements it will be up to the discretion of the local districts to decide if and when to replace nonconforming vehicles which may result in considerable disparity among districts in the quality of transportation provided. In

order for the state to take any action to hasten those replacement decisions there will have to be legislation on a case- by- case basis to require it. If the grandfather period were extended to eight or ten years (current depreciation period on buses is eight years), it would allow school districts to utilize buses for a period which, in most cases, will approximate their useful life while still providing some encouragement to meet new standards in a reasonable time frame.

Thank you for your consideration. I would be happy to address any questions you might have.



Testimony on S.B. 499

Before the Senate Committee on Transportation and Utilities

By Mark Tallman, Director of Governmental Relations

January 26, 1994

Mr. Chairman, Members of the Committee:

We appreciate the opportunity to share our concerns about S.B. 499. We appear today in opposition to this measure because of the possible unintended consequences for local school districts and the children they serve. We certainly understand the frustration that is caused when regulations bring unforeseen costs for school districts, but we are also uncertain whether it is in the best interest of all concerned to give a blanket exemption from future regulations to every school bus without regard to children's potential safety.

We believe that there may be other ways to address whatever concerns now exist, such as asking the Rules and Regulations Committee to reject proposed regulations that are unnecessarily rigid. The sweeping approach to the problem represented by S.B. 499 should be considered more carefully before it is recommended for passage.

Thank you for your consideration.

**Presented
to
Kansas Senate
Transportation Committee**

January 26, 1994

**Presented
By
Barbara Pringle
Past President
Kansas State Pupil Transportation Association**

On behalf of the Kansas State Pupil Transportation Association, I would like to voice our thoughts and concerns relating to Senate Bill 499 and the exemption of existing school buses from certain School Transportation Regulations.

It is our understanding that the intent of the law is to delete the six year compliance window and to approve all vehicles owned or operated on July 1, 1992, when the new regulations went into effect. Section C is unclear to me and I hope you will be able to clarify that today.

While we believe the six year compliance regulation is too restrictive for the new school bus standards we believe having it open-ended is also faulty.

Statistics in Kansas do not reflect the urgency of a six year compliance regulation; however, past history indicates that without a deadline some districts will not make a reasonable and good faith effort to replace their buses. We recently saw this happen with the deadline for compliance of the 1977 standards. The standards were repeatedly relaxed and in 1992 many school districts across the state were forced to put pre-77 buses out of service. These buses were 15 years old by that time and many would still be in service if the deadline had not been enforced. We are very proud of the fact that Kansas is among the growing number of states that do not transport students in the pre-77 buses.

We are however, very concerned about the safety of the children if there is not a mandatory date for compliance of the current regulations.

School districts need to identify age and obsolescence in order to plan for the replacement of the bus. Without a replacement plan for vehicles then there is a tendency to wait another year and end up with a lot of old buses before you realize what is happening.

Too often transportation personnel hear, "It sure would be nice to get another year out of that bus."

Yes, finances have been tight and continue to be tight. School districts are keeping school buses that they had planned to dispose of because of enrollment growth or budget limitations.

Our goal is to transport students efficiently and safely in buses which are

both mechanically and structurally sound.

We believe the logical life span of a school bus to be 10 or 12 years and propose the 6 year clause be replaced to read,

shall be exempt from the requirements of laws, rules and regulations which become effective during a period of twelve (12) years from the date the regulations become effective.

I have included in my handout material a portion of the most current School Transportation Report by KDOT. The most recent information available concerning the age of school buses in Kansas is for the 90/91 school year. As you can see, the statistics show the number of buses decline dramatically at 10 years of age. The total number of buses listed on the report is 5409; currently there are approximately 6000 school buses in Kansas.

On the financial side of this issue, mandatory compliance in 6 years (2 years short of the depreciation life) would be extremely expensive and unaffordable for most school districts. However, maintenance expenses on an older vehicle will also be high. Very little maintenance is required for the first five years of vehicle life. You see an increase in expenses from years 5 thru 10. From 10 years on, the expenses continue to climb at a much higher rate. Cost per mile comparison with newer vehicles show the required maintenance to keep the vehicle on the road continue to rise with the age of the vehicle.

The older vehicle will also put more burden and liability on the Highway Patrol Troopers that inspect and certify the school buses annually. It is easier to inspect a newer bus and feel comfortable with its road worthiness. However, inspecting a bus that may be 15 to 20 years old and certifying it as safe may be another story.

If we are going to allow the use of older and older school buses, then we need to have a more stringent inspection program. The Highway Patrol is already heavily burdened with the summer inspections of almost 6000 buses. The average inspection takes only about 10 minutes for 2 troopers to complete. The hood is not opened and no one crawls under the bus to inspect the undercarriage or suspension system. Did you know the school bus body is held to the chassis by only a few attachments? A vital link if there is an accident.

The conditions of travel also affect the life span of a bus. The miles of gravel and dirt roads a bus travels will reduce the life span and increase deterioration compared to traveling only on paved roads.

We understand the financial concerns but believe safety is also a vital issue to be considered. There are numerous safety related components in the current regulations, as well as several new federal mandates for new school buses. These new safety features shouldn't wait 20 years to be implemented in our school buses. Considerable time and research went into these regulations and we need to assure our children are riding the safest possible bus.

As a member of the task force that worked on the Kansas School Transportation Regulations that became effective on July 1, 1992, I recall we discussed having the 6 year provision changed to possibly 10 years, but never did we discuss eliminating the mandatory compliance date.

I have talked to several supervisors and some of them are planning on retrofitting their buses to meet the current regulations. Some of them already have the 3 step stepwell, so this is not a problem. I would like to suggest that vehicles could be retrofitted for approximately \$6000 to \$7000 dollars. If a bus met all the requirements, except the problem of the step well, a waiver could be issued under the existing provisions by the Secretary of Transportation. The noncompliance of the step well should not be the reason for a bus to be disqualified from use. It is not a vital safety item; however, if you have ever watched a young child trying to lift their feet high enough to climb into a bus, you'll understand the need for it.

Without a reasonable mandatory compliance requirement, past history indicates some districts will "run the wheels off a bus" and see no value in making an attempt to meet new standards of safety.

I urge you to change the 6 year clause to a 12 year mandatory compliance date. The current regulations became effective on July 1, 1992, this would mean twelve (12) years from that date, or July 1, 2004 all buses would need to be in compliance with the current regulations.

A - 10-16
 J - 17-24
 C - 25-66
 TYPE D - 67&OVER
 TYPE E - SCHOOL VEHICLE
 TYPE F - ACTIVITY BUS

KANSAS DEPARTMENT OF TRANSPORTATION SCHOOL VEHICLE INSPECTION RECORD

VEH. NO. _____
 ROUTE BUS _____
 SPARE BUS _____
 ACT. BUS _____
 SCH. VEH. _____

U.S.D. NO. _____ OWNER'S NAME _____
 CHASSIS MAKE _____ BODY MAKE/STYLE _____ VIN _____
 YEAR OF MANUFACTURE _____ RATED CAPACITY _____ PASS. GVWR (BUSES) _____
 INSURANCE? YES _____ NO _____ COMPANY _____
 SCHOOL OFFICIAL/CONTRACTOR SIGNATURE _____

1	2	3	4	5	6	7	8	9	10	11	12	13	

ITEM	DESCRIPTION	1/2	ITEM	DESCRIPTION	1/2
14	Headlights - High/Low Beam Function		30	Stepwell Area (Buses) ___ Light Activated by Door ___ Non-Skid Material in Area	
15	Turn Signals ___ Left Turn (F&R) ___ Right Turn (F&R)		31	Steering: ___ 2" Minimum Clearance Around Steering Wheel ___ No Excessive Play	
16	Alternately Flashing 8-way Signal Lamps (Buses) (F&R)		32	Service Brake System	
17	Stop Arm (Buses) ___ Stop Arm Mechanism ___ Flashing Lamps		33	Parking Brake System	
18	Mirrors ___ Interior Mirror ___ Exterior Rear Vision(L&R) ___ Crossover Mirrors (L&R)		34	Windshield Wiper/Washer	
19	Clearance Lamps (Buses over 80" in width)		35	Sun Shield Visor	
20	Identification Lights (Buses over 80" in width)		36	Horn	
21	Tail/Stop Lamps		37	Heaters and Defrosters	
22	Back-up lights		38	First Aid Kit ___ Removable ___ Accessible ___ Contents	
23	Fuel System		39	Body Fluid Clean-up Kit*	
24	Exhaust System		40	Disabled Vehicle Warning Devices	
25	Tires & Wheels ___ Tire Tread Depth ___ Bad Condition/Broken Lugs		41	Fire Extinguisher	
26	Lettering ___ "School Bus" or Owner Identification ___ "Emergency Door" (Buses)		42	Driver's Seat Belt ___ Lap Belt Only ___ 3-point Lap/Shoulder Belt*	
27	Reflectors (Buses)		43	Interior Lights ___ Aisle ___ Emergency Exits	
28	Vehicle Exterior		44	Ceiling Free From Projections (i.e., no luggage- racks, etc.)* (Buses)	
29	Service Door (Buses) ___ Driver Activated ___ Properly Opens & Closes ___ Minimum 10" First Step		45	Emergency Door (Buses) ___ Opens from inside or outside ___ Safety Signal Operational	
			46	Other Emergency Exits*(Buses) ___ Roof Hatches ___ Pop-Out Windows ___ Clearly Marked ___ Open from inside or outside ___ Safety Signal Operational	

ACCEPTED: _____ REJECTED: _____ OK STICKER APPLIED: _____

47	48	49

REMARKS: _____

DATE: _____ TROOPER'S SIGNATURE: _____ BADGE NO: _____

If the vehicle is rejected upon first inspection, the transportation supervisor has ten days to complete necessary repairs. Once these repairs are completed, contact the Kansas Highway Patrol for reinspection of the vehicle.

REINSPECTION DATE: _____ Repairs Completed? Yes _____ No _____

50	51	52

TROOPER'S SIGNATURE: _____ BADGE NO: _____



SCHOOL TRANSPORTATION REPORT

KANSAS
DEPARTMENT
OF
TRANSPORTATION

Bureau of Personnel Services

E. VEHICLE AGE:

NEW	569	622	453	625	641
1 YEAR	780	587	622	545	544
2 YEARS	543	643	535	659	527
3 YEARS	463	505	569	566	658
4 YEARS	374	401	499	538	592
5 YEARS	435	369	346	473	578
6 YEARS	428	391	378	339	406
7 YEARS	388	368	353	297	303
8 YEARS	265	309	344	335	222
9 YEARS	279	218	254	269	264
10 OR MORE	666	743	769	676	661
NOT STATED	3	1	12	8	13

TOTAL	5193	5157	5134	5330	6108
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STATE OF KANSAS



DIVISION OF THE BUDGET

Room 152-E

State Capitol Building

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FAX (913) 296-0231

Joan Finney
Governor

Gloria M. Timmer
Director

January 24, 1994

The Honorable Ben Vidricksen, Chairperson
Senate Committee on Transportation and Utilities
Statehouse, Room 143-N
Topeka, Kansas 66612

Dear Senator Vidricksen:

SUBJECT: Fiscal Note for SB 499 by Senator Moran

In accordance with KSA 75-3715a, the following fiscal note concerning SB 499 is respectfully submitted to your committee.

Current law requires school buses to meet safety standards established by the Department of Transportation (KDOT). If new standards are established after the bus has been purchased the owner has six years in which to bring the bus into compliance with the new standards. SB 499 provides that a purchaser of a school bus need not bring buses into compliance with standards adopted by KDOT subsequent to its purchase. The bill also makes this provision retroactive to all buses purchased after July 1, 1988.

The bill has no state fiscal effect. The act would reduce 1998 expenditures for some school districts because, at that time, some districts under existing statute would have to replace or retrofit school buses to bring them into compliance with 1992 standards adopted by KDOT.

Sincerely,

A handwritten signature in cursive script that reads "Gloria M. Timmer".

Gloria M. Timmer
Director of the Budget

cc: Bill Watts, KDOT

499.fn

ATTACHMENT 5

SEN. TRANS.

1/26/94

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