

<b>Regulatory Analysis Form</b>		This space for use by IRRC <b>RECEIVED</b> 2003 SEP 10 PM 3:20 INDEPENDENT REGULATORY REVIEW COMMISSION IRRC Number: <u>2258</u>	
(1) Agency  Transportation			
(2) I.D. Number (Governor's Office Use)  # 18-372			
(3) Short Title  School Bus Drivers, School Buses and School Vehicles			
(4) PA Code Cite  67 Pa. Code, Chapters 71 & 171		(5) Agency Contacts & Telephone Numbers  Primary Contact: Rebecca L. Bickley (717) 787-4701 Secondary Contact: Chris Miller (717) 705-9520	
(6) Type of Rulemaking (Check One)  <input type="checkbox"/> Proposed Rulemaking <input checked="" type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final Order, Proposed Rulemaking Omitted		(7) Is a 120-Day Emergency Certification Attached?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor	
(8) Briefly explain the regulation in clear and nontechnical language. The purpose of the proposed amendments to Chapter 71 is to establish criteria under which individuals with certain medical conditions may nevertheless qualify to be issued a school bus driver endorsement to their license. The purpose of the amendments to Chapter 171 is 1) to conform the regulations in this chapter to the provisions of 75 Pa.C.S. § 4552 <i>as amended</i> by the Act of December 21, 1998, P.L. 1126, No. 151, 2) to clarify existing provisions of the regulations, and 3) to address concerns raised by the Pupil Transportation Advisory Committee (PTAC).			
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. Statutory authority for this regulations is contained in Sections 1504, 1508, 1509, 4551, 4552, 4553 and 6103 of the Vehicle Code, Act of June 17, 1996, P.L. 162 No. 81, <i>as amended</i> (75 Pa. C.S. §§ 1504, 1508, 1509, 4551, 4552, 4553, and 6103), proposes to amend Chapters 71 and 171 (relating to school bus drivers, school buses and school vehicles).			

(10) Is the regulation mandated by any federal or state law or court order, or federal regulations? If yes, cite the specific law, case or regulation, and any deadlines for action.

These regulatory amendments are not mandated by any federal or state law or court order or federal regulations.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Mere history of a medical condition is not dispositive of whether an individual is qualified to drive a school bus safely. It is appropriate to establish criteria to determine whether the condition is sufficiently controlled or treated so as not to pose a danger to the safety of children traveling in school buses in the Commonwealth. Changes to the color and marking requirements for school buses are responsive to suggestions and considerations being discussed in the industry. Changes to the contents of the safety kits are proposed to be consistent with current national standards.

(12) State the public health, safety, environmental or general welfare risks associated with non-regulation.

These regulatory amendments enhance the health and safety of children riding in school buses in the Commonwealth. Non-regulation, particularly with regard to criteria for qualifying school bus drivers with medical conditions risks haphazard and inconsistent analysis of drivers' qualifications to operate school buses safely.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Approximately 2 million school-age children riding in school buses and school vehicles throughout the Commonwealth will be the principal beneficiaries of these regulatory amendments.

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

There should be no measurable adverse affects arising from these proposed regulatory amendments. Some marginal additional cost may be incurred to effect the vehicle and equipment improvements required by these amendments.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

School districts and independent contractors operating school buses or school bus services will be required to comply with this regulation. Pennsylvania has 501 public school districts and over 2,000 private schools. In addition, individuals seeking licensure to drive a school bus will also be required to comply with these amendments.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The Pupil Transportation Advisory Committee (PTAC) was consulted during the development of this regulation. The 27 members of the PTAC represent various groups and associations responsible for, or concerned with, pupil transportation.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting of consulting procedures which may be required.

It is not possible to estimate the costs and/or savings to the regulated community associated with compliance with these amendments but it is believed that they will be marginal.

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

It is not possible to estimate the costs and/or savings to local school districts and governments associated with compliance with these amendments but it is believed that they will be marginal.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

It is not possible to estimate the costs and/or savings to state government associated with implementation of these amendments but it is believed that they will be marginal.

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY + 1 Year	FY + 2 Year	FY + 3 Year	FY + 4 Year	FY + 5 Year
<b>SAVINGS:</b>	\$ N/A	\$	\$	\$	\$	\$
Regulated Community:	N/A					
Local Government:	N/A					
State Government:	N/A					
Total Savings	N/A					
<b>COSTS:</b>	N/A					
Regulated Community	N/A					
Local Government	N/A					
State Government	N/A					

Total Costs	N/A					
REVENUE LOSSES:	N/A					
Regulated Community	N/A					
Local Government	N/A					
State Government	N/A					
Total Revenue Losses	N/A					

(20a) Explain how the cost estimates listed above were derived.

N/A

(20b) Provide the three year expenditure history for programs affected by the regulation.

N/A

Program	FY-3	FY-2	FY-1	Current FY

(21) Using cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

Precise cost-benefit information could not be provided as the costs are marginal and the benefits, embodied in the enhanced safety of school children in the Commonwealth, are difficult to measure. It is believed that the benefits of increased safety far outweigh the marginal costs of compliance with these amendments.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

The nonregulatory alternative to the amendments to Chapter 71 is to leave the Commonwealth without formal guidelines to grant of a school bus driver endorsement to an individual with a controlled medical condition. This alternative was dismissed as risking inconsistent and uninformed determinations. The nonregulatory alternatives to the amendments to Chapter 171 would be to ignore the innovations being made in the school bus industry and the concerns and ideas expressed by associations and groups with the responsibility to safeguard the safety of school children. Nonregulation was rejected in favor of enhancing the safety of school buses being operated in the Commonwealth.

(23) Describe alternative regulatory schemes and the costs associated with those schemes. Provide the reasons for their dismissal.

No alternative regulatory schemes were considered.

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

There are no federal standards regulating school bus drivers and school buses; these amendments are, consequently not more stringent than federal standards.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

This regulation is consistent with national standards and standards in neighboring states; it will not put Pennsylvania at a competitive disadvantage.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

These amendments will affect only those chapters of Department regulations being amended. No other existing or proposed regulations of any other agency will be affected.

(27) Will any public hearings or informal meetings be scheduled? Please provide the dates, times and locations, if available.

No public hearings or informal meetings are currently scheduled to discuss these proposed amendments.

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

The amendments to Chapter 71 will require additional reporting for individuals who have been granted the school bus driver endorsement through a waiver of the medical condition requirements.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

There are no special provisions in these amendments which have been developed to meet the particular needs of affected groups or persons.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or

other approvals must be obtained?

The amendments to the regulation will become effective when published in final form in the *Pennsylvania Bulletin*.

(31) Provide the schedule for continual review of the regulation.

Although no sunset date has been established for these regulations, the Department will review these regulations on an annual basis and periodically as input from the public and other sources is received.

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<p>Copy below is hereby approved as to form and legality. Attorney General.</p> <p>By: _____ (Deputy Attorney General)</p> <p>_____ Date of Approval</p> <p><input type="checkbox"/> Check if applicable. Copy not approved. Objections attached.</p>	<p>Copy of below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:</p> <p style="text-align: center;"><u>Department</u> <u>of</u> <u>Transportation</u> (Agency)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>18-372</u></p> <p>DATE OF ADOPTION _____</p> <p>BY <u>Allen D. Bieker</u> Secretary of Transportation</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY <u>[Signature]</u> <u>9/10/03</u> (Date of Approval)</p> <p>(Deputy General Counsel) (<del>Chief Counsel, Independent Agency</del>) (Strike Inapplicable Title)</p> <p><input type="checkbox"/> Check if applicable. No attorney General Approval or Objection within 30 days after submission.</p>
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**NOTICE OF FINAL RULEMAKING**

**DEPARTMENT OF TRANSPORTATION**

**Title 67. Transportation**

**Part I. Department of Transportation**

**Subpart A. Vehicle Code Provisions**

**Article IV. Licensing**

**Chapter 71. School Bus Drivers**

**and**

**Article VII. Vehicle Characteristics**

**Chapter 171. School Buses And School Vehicles**

**TITLE 67. TRANSPORTATION**  
**PART I. DEPARTMENT OF TRANSPORTATION**  
**SUBPART A. VEHICLE CODE PROVISIONS**  
**ARTICLE IV. LICENSING**  
**CHAPTER 71. SCHOOL BUS DRIVERS**  
**and**  
**ARTICLE VII. VEHICLE CHARACTERISTICS**  
**CHAPTER 171. SCHOOL BUSES AND SCHOOL VEHICLES**  
**NOTICE OF FINAL RULEMAKING**

**Preamble**

The Department of Transportation, Bureau of Driver Licensing, pursuant to the authority contained in Sections 1504, 1508, 1509, 4551, 4552, 4553 and 6103 of the Vehicle Code, Act of June 17, 1996, P.L. 162 No. 81, *as amended* (75 Pa. C.S. §§ 1504, 1508, 1509, 4551, 4552, 4553, and 6103), hereby adopts amendments to Chapters 71 and 171 (relating to school bus drivers; and school buses and school vehicles), to read as set forth in Annex A.

***Purpose of Chapters 71 and 171***

The purpose of Chapter 71 is to set forth the course instruction and physical examination requirements for school bus drivers pursuant to 75 Pa. C.S. § 1509 (relating to qualifications for license to drive a school bus). The purpose of Chapter 171 is to set forth equipment and safety requirements for school buses as provided for in 75 Pa.C.S. §4552 (relating to general



requirements for school buses) and for other vehicles transporting school children as provided for in 75 Pa.C.S. §4553 (relating to general requirements for other vehicles transporting school children). The Department published proposed rulemaking in the *Pennsylvania Bulletin* on March 16, 2002, and provided a 30-day public comment period. (See 32 Pa.B. 1396 (March 16, 2002)). The Department also submitted the proposed rulemaking to IRRC and the Transportation Committee(s) of the Pennsylvania House and Senate. The Department received no comments during the public comment period but received comments from the Independent Regulatory Review Commission (IRRC) and from a member of the House Transportation Committee. Additional review of the regulation by the PTAC members has also resulted in some refinements to the regulation in its final form. The comments and changes are discussed in the Summary below.

***Summary of Comments and Changes in Final Adopted Regulation***

Representative Jess M. Stairs, a member of the House Transportation Committee, suggested that § 171.47(2) (relating to color) be amended to include a requirement that every school bus/vehicle bear the identification number of the vehicle in large black numbers painted on its roof. The comment was prompted by an incident earlier in 2002 during which a school bus driver effectively abducted the students on the bus and drove them out of state before being apprehended. Identification numbers painted on the roof of school buses/vehicles would permit easier identification of such an errant bus/vehicle from the air.

The Department has determined that the comment of Representative Stairs has considerable merit but that *requiring* such identification could impose significant cost to school bus fleet owners and school districts. Consequently, section 171.55 has been amended to *permit* the placement of the identifying title number of the vehicle on the roof of a school bus and establishes the criteria for the placement and size of the numbering. This will allow school bus fleet owners and school districts to phase in such numbering as budgetary considerations permit.

IRRC commented that § 71.3 (relating to physical examination) lacked clarity and suggested that a cross-reference to the Department's requirements for a driving examination be added in (b)(2) and (b)(3)(ii)(C). The cross-reference has been added in both subsections. IRRC also commented that it was not clear in this section how a prospective driver would apply for a waiver. A new subsection (d) was added to address this concern. Parenthetical definitions for the acronyms in subsection (b)(5)(i)(B) have also been added in response to IRRC comment.

IRRC reiterated the suggestion of Representative Stairs that a requirement be included in §§ 171.47 and 171.55 (relating to identification) that identification numbers be painted on the roof of all school buses and school vehicles. For the cost and practicability reasons noted above, the Department has declined to include this as a requirement, but has established parameters permitting such identifying markings at the discretion of the school district.

IRRC questioned whether specific contents of a "body fluid clean-up kit" should be included in §§ 171.52, 171.123 and 171.133. Body fluid clean-up kits, like first aid kits, are a product developed for, and marketed to, a wide variety of users; the contents have been dictated by the professionals and technicians working in that industry. It is the Department's concern that

specification of essential contents might lead to the substitution of just those elements instead of the professionally developed kit. Consequently, the Department has declined to include specific contents of the kit in the regulation.

With regard to § 171.74a (relating to the crossing control arm) IRRC noted that the regulation should reference the criteria in 75 Pa. C.S. § 4552(b.2) requiring the arm to be “automatically activated whenever the bus is stopped with the red visual signals in use.” This language has been added to § 171.74a.

Finally, IRRC noted that in § 171.123 (relating to first aid in school vehicles) the Department had eliminated the specific number of gauze pads, bandages, and other items used for first aid and required “one package” of such items. The Department responds that the specificity was removed at the suggestion of the PTAC which noted that the vehicles subject to this subchapter are those which carry ten or fewer passengers, including the driver. Notwithstanding that the number of items in “one package” may vary among different product providers and among different packaging, it is believed that requirement of “one package” of such items is therefore sufficient to guarantee adequate supply of necessary first aid materials for the small number of passengers, and there is, consequently, no need for the detail in the current regulation.

In addition to the comments from Representative Stairs and IRRC, other refinements to the regulation were suggested through continuing internal review. With regard to § 71.3(b)(4)(ii)(C), it was noted that drivers are not always hired by the school district directly but

may be hired by a contracting bus service. Consequently “by a school district” was removed from this subsection.

With regard to Chapter 171, additional refinements have been made. It was noted that some school bus designs cannot accommodate a 72 inch crossing control arm. For these vehicles, a shorter control arm is available. Additional provisions have been added to § 171.74, therefore, to permit the use of a shorter control arm provided that with the arm extended the children walking around it are clearly visible to the driver of the vehicle while seated.

It was also noted that subsections 171.21(c) and (d) in the existing regulation contain provisions for delayed compliance until a 1998 date long past. That language has been deleted in the final rulemaking.

The insertion of new subsection § 171.50(b)(1)(xii) in the proposed rulemaking was intended to move the language from § 171.50(a)(9) to a more appropriate location in the regulation. The phrase “an ignition interlock system or” was inadvertently omitted in the move and has been inserted in § 171.50(b)(1)(xii) in this final form package. This is also consistent with the provisions in § 171.104(11).

The new language inserted in § 171.55(b) has been further clarified that on rounded-front buses the identification number may appear in yellow numbers, letters or combination on the *black* front bumper, in lieu of black numbers, letters or combination on the front of the *yellow* bus body.

***Statutory Authority***

These regulations are amended under the authority contained in Sections 1504, 1508, 1509, 4551, 4552, 4553 and 6103 of the Vehicle Code, Act of June 17, 1996, P.L. 162 No. 81, *as amended* (75 Pa. C.S. §§ 1504, 1508, 1509, 4551, 4552, 4553, and 6103).

***Persons and Entities Affected***

These regulations affect persons and entities responsible for the transportation of school children. This includes all 501 school districts and any organization they may contract to provide pupil transportation. In addition, the Pennsylvania State Police will be affected when conducting school bus vehicle inspections.

***Fiscal Impact***

These regulations will not impose any increased costs on private persons, state or local governments. These regulations will not occasion the development of any additional reports or other paperwork requirements.

***Regulatory Review***

Under Section 5(a) of the Regulatory Review Act (71 P.S. 745.5(a)), on March 5, 2002, the Department submitted a copy of the notice of proposed rulemaking, published at 32 Pa. B 1396, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees for review and comment.

In preparing this final-form rulemaking, the Department has considered all comments received from IRRC and the Committees; no comments were received from the public.

Under section 5.1(j.2) of the Regulatory Review Act, on July 30, 2003, this final-form regulation was deemed approved by the House and Senate Transportation Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on \_\_\_\_\_ and approved the final-form regulation.

***Effective Date***

This rulemaking will be effective on the date of publication in the *Pennsylvania Bulletin*.

***Sunset Date***

The Department is not establishing sunset date for these regulations, since these regulations are needed to administer provisions required under the Vehicle Code (75 Pa. C.S. §101, et. seq.). The Department will, however, continue to closely monitor these regulations for their effectiveness.

***Contact Person***

The contact person for technical questions related to this regulation is: Chris Ann Miller, Manager, Special Driver Programs, Department of Transportation, Bureau of Driver Licensing, Riverfront Office Center, 1101 South Front Street, 3rd Floor, Harrisburg, PA 17104, (717) 772-2117.

**Order**

The Department of Transportation orders that:

- (A) The regulations of the Department of Transportation, 67 Pa. Code , Chapters 71 and 171 are amended as set forth in Annex A.
- (B) The Secretary of the Department of Transportation shall submit this Order and Annex A hereto the Office of General Counsel and the Office of Attorney General for approval as to legality and form, as required by law.
- (C) The Secretary shall certify this Order and Annex A and deposit the same with the Legislative Reference Bureau, as required by law.
- (D) This Order shall take effect upon publication in the *Pennsylvania Bulletin*.

Allen D. Biehler, P.E.  
Secretary of Transportation

ANNEX A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE IV. LICENSING

CHAPTER 71. SCHOOL BUS DRIVERS

§ 71.1. Scope and application.

This chapter applies to the course of instruction and physical examination for school bus drivers required by 75 Pa.C.S. §1509 (relating to qualifications for [class 4 license] school bus driver endorsement).

\* \* \* \* \*

§ 71.3. Physical examination.

\* \* \* \* \*

(b) *Requirements of physical examination.* A person is physically qualified to drive a school bus if the person:

\* \* \* \* \*

(2) Has no loss of a foot, a leg, a hand, or an arm; or has been granted a waiver by the Department after competency has been demonstrated through a driving examination ADMINISTERED IN ACCORDANCE WITH §§ 71.4(b)(2)(ii) AND (iii).



(3) Has no impairment of:

(i) A hand or finger likely to impair prehension or power grasping, or has been granted a waiver by the Department after competency has been demonstrated through a driving examination ADMINISTERED IN ACCORDANCE WITH §§ 71.4(b)(2)(ii) AND (iii).

\* \* \* \* \*

(4) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring use of insulin or other hypoglycemic medication.

(i) A waiver may be granted to an individual requiring the use of oral hypoglycemic medication provided:

(A) The individual's physician verifies in writing that there has been no incident of hypoglycemic reaction for the preceding 2 years.

(B) The driver shall submit to a diabetic examination every 6 months and submits the results of the examination on a form provided by the Department.

(ii) A waiver may be granted to a person requiring the use of insulin provided:

(A) The person's physician verifies in writing to the Department that there has been no incident of hypoglycemic or hyperglycemic reaction and the person has been free from insulin reaction (including loss of consciousness, attention, or awareness) or the requirement of assistance from another person, for the preceding 2 years.

(B) The person submits to a diabetic examination every 6 months, including a Hemoglobin A1C, and to a review of the prior 6-month history of blood glucose

monitoring. The physician conducting the diabetic examination shall be familiar with the person's past diabetic history for 24 months or have access to that history.

(C) The person, upon hire by a school district to drive a school bus, shall demonstrate his willingness to manage his diabetes by complying with the following requirements:

(I) Self-monitoring blood glucose 1 hour before driving, and at least every 4 hours while driving or while otherwise on duty, by using a portable blood glucose monitoring device with a computerized memory. If blood glucose is below 80 or above 350 the person may not drive until he takes appropriate measures and retests within this acceptable range;

(II) Monthly submitting the results of blood glucose self-monitoring for review by a physician, certified nurse practitioner, physician's assistant, registered nurse, or other health care provider selected by the school district. The results also shall be submitted to the physician conducting the 6-month diabetic examination required by subclause (B).

(III) Maintaining a manual blood glucose monitoring log and submitting it, together with the glucose monitoring device's computerized log, every 6 months to the physician conducting the person's 6-month diabetic examination; and

(IV) Having in his possession a source of rapidly absorbable glucose at all times while driving a school bus.

(iii) A reviewing physician finding that a person previously qualified for a waiver is not complying with the requirements listed in subparagraph (ii)(C) or is otherwise no longer qualified for the waiver shall report these findings to the Department and the waiver shall be rescinded.

(iv) If a person requiring the use of oral hypoglycemic medication or a person requiring the use of insulin does not qualify for a waiver, that person may request an independent review of his medical records. The review will be conducted by a member of the Medical Advisory Board or by another physician designated by the Department.

(v) Submissions to the Department by physicians or other health care providers, including physician verifications and the results of diabetic examinations, shall be made on forms provided by the Department.

(5) Has no established medical history or clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency[, ]or pacemaker insertion.

(i) Waivers may be granted to those individuals with a history of coronary artery disease, previous myocardial infarction, congenital heart defects, cardiomyopathy, pericarditis, myocarditis, chronic atrial flutter/fibrillation or valvular heart disease, and individuals who have undergone corrective surgery for congenital heart defects, coronary angioplasty, valve repair/replacement, coronary artery bypass graft surgery, or ablative surgery for paroxysmal supraventricular arrhythmias, if the individual annually meets these criteria:

(A) The individual is asymptomatic from the disorder or is receiving medication used to treat the disorder and is asymptomatic on medication.

(B) The individual completes 7 METS (METABOLIC EQUIVALENTS) on a treadmill stress EKG (ELECTROCARDIOGRAM) test preferably following the Bruce or Balke Protocols and achieves 85% of the predicted maximal heart rate without symptoms or EKG changes. If the resting EKG is abnormal, or the individual is on digoxin, then a stress thallium test should be performed.

(C) An echo, gated blood pool scan or left ventriculogram performed on the individual measures a left ventricular ejection fraction of 40% or greater.

(ii) In the case of a permanent pacemaker insertion, the individual must be 2 months post insertion, asymptomatic and demonstrate that he is undergoing regular pacemaker follow up.

(iii) In the case of chronic atrial flutter/fibrillation, the individual must be on anticoagulant therapy with aspirin or Coumadin and demonstrate adequate rate control when exercising on a treadmill as listed in subparagraph (i)(B).

(iv) No waivers may be granted to individuals:

(A) Diagnosed with symptomatic coronary artery disease (angina), cardiomyopathy, pericarditis, myocarditis, congenital or valvular heart disease.

(B) Within two months of a myocardial infarction, open heart surgery or pacemaker insertion.

(C) Implanted with an automatic cardioverter/defibrillators or antitachycardic device.

(D) With any history of ventricular tachycardia (excluding couplets and triplets), ventricular fibrillation or sudden cardiac death with successful resuscitation.

(E) With any history of paroxysmal supraventricular tachycardia.

(F) With any history of carotid sinus hypersensitivity, sick sinus syndrome, second degree heart block or third degree heart block unless a pacemaker has been inserted.

\* \* \* \* \*

(10) Has no established medical history or clinical diagnosis of seizure disorders or another condition likely to cause loss or impairment of consciousness or loss of ability to drive a school bus safely.

(i) A waiver may be granted to such persons provided:

(A) There has been no more than a single, nonrecurring episode of altered consciousness or loss of bodily control, occurring at least 2 years preceding application, which did not require treatment.

(B) A seizure disorder has been diagnosed, but the person has been episode-free for at least 5 years preceding application and has not required treatment for at least 5 years preceding application.

\* \* \* \* \*

(D) *APPLICATION FOR WAIVER*. APPLICATION FOR WAIVER UNDER THIS SECTION MAY BE OBTAINED FROM THE DEPARTMENT AT THE TIME OF APPLICATION FOR A SCHOOL BUS DRIVER ENDORSEMENT OR THEREAFTER.

**ARTICLE VII. VEHICLE CHARACTERISTICS**  
**CHAPTER 171. SCHOOL BUS AND SCHOOL VEHICLES**  
**Subchapter B. SCHOOL BUS CHASSIS STANDARDS**

**§ 171.21. Exhaust system.**

\* \* \* \* \*

(c) *Tailpipe extension.* The exhaust system of a school bus powered by a gasoline engine shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the school bus; ~~however, until June 15, 1998, the tailpipe may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.~~

(d) *Tailpipe extension for school buses using fuels other than gasoline.* The exhaust system for a school bus using fuels other than gasoline shall discharge to the atmosphere either at or within 15 inches forward of the rearmost part of the vehicle; or to the rear of all doors or windows designed to be opened, except windows designed to be opened solely as emergency exits. ~~Until June 15, 1998, the tailpipe may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.~~

\* \* \* \* \*

(i) *Exhaust system and discharge location.* Exhaust systems are not permitted to discharge to the atmosphere at a location immediately below the fuel tank or the fuel tank filler pipe.

Exhaust systems shall also extend and discharge completely to the outside edge of the vehicle body.

**Subchapter C. SCHOOL BUS BODY STANDARDS**

\* \* \* \* \*

**§ 171.47. Color.**

The requirements for the color of school bus bodies are as follows:

\* \* \* \* \*

(2) The roof of the school bus may be painted white.

(3) The body exterior trim may be painted black. The bumper and exterior mirrors shall be painted black.

[(3)] (4) If a school bus is equipped with reflective material, other than that required under §§ 171.50 and 171.59 (relating to doors and emergency exits; and lamps and signals), the reflective material shall be of automotive engineering grade or better. If additional reflective materials and markings are used, they [shall] may be applied as follows:

\* \* \* \* \*

**§ 171.50. Doors and emergency exits.**

(a) *Service doors.* The requirements for service doors are as follows:

\* \* \* \* \*

[(9)] Supplemental security locks installed on service doors shall be equipped with an ignition interlock system or an audiovisual alarm located in the driver's compartment.]



(b) *Emergency exits.* Each school bus shall comply with FMVSS No. 217. See Appendix A. The area of square centimeters of the unobstructed opening for emergency exits shall collectively amount to at least 432 times the number of designated seating positions in the bus. The area of an opening equipped with a wheel chair lift is counted toward meeting additional emergency area requirements only if the lift is designed to be folded or stored so that the area is available for use by persons not needing the lift.

(1) The requirements for emergency exit doors are as follows:

\* \* \* \* \*

(xii)Supplemental security locks installed on emergency doors shall be equipped with AN IGNITION INTERLOCK SYSTEM OR an audiovisual alarm located in the driver's compartment.

\* \* \* \* \*

**§ 171.52. First aid.**

(a) *First aid kit.* Every school bus shall have a removable moisture and [dustproof] dust proof first aid kit, mounted in an accessible place within the driver's compartment. The first aid kit shall be mounted as directed by the manufacturer. The first aid kit shall be labeled and visible to the driver or its location shall be marked.

(b) *Content.* The first aid kit shall contain, at a minimum, the following items:

(1) Two 1 inch x 2 ½ yards rolls of non-latex adhesive tape [rolls].

\* \* \* \* \*

(4) [Twelve] Eight 2 inch bandage compresses.

(5) [Twelve] Ten 3 inch bandage compresses.

\* \* \* \* \*

[(11) One pair latex gloves.

(12) One mouth barrier.]

\* \* \* \* \*

(d) Surgical gloves and mouth barriers. Either the first aid kit or the body fluid cleanup kit shall contain:

(1) One pair of non-latex surgical gloves.

(2) One mouth barrier.

\* \* \* \* \*

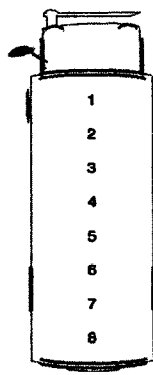
**§ 171.55. Identification.**

\* \* \* \* \*

(b) *Identification number.* Every school bus shall display an identification number consisting of no more than 4 black numbers, letters or a combination of numbers and letters. The numbers or letters shall be a minimum 5 inches in height and shall be displayed in a prominent location on the front, rear and on both sides of the bus. On a school bus with a rounded front, the identification number displayed on the front of the bus may be displayed on the BLACK front bumper in yellow numbers, letters, or a combination of numbers and letters, in lieu of black numbers, letters, or a combination of numbers and letters on the front of the YELLOW bus body.

(c) *Additional markings.* School buses shall have the name of the school district, private or parochial school, or school bus contractor clearly visible, lettered on each side of the school bus body[, below the window line] in the upper body belt band area as close as practical to the bottom ledge of the bottom window sash in letters of not less than 4 inches, and not more than [6] 8 inches in height. Lettering shall be in black or National School Bus Yellow, depending on the contrasting background color. See Appendix B. Other signs or lettering are not permitted, except the bus contractor may have his name or the name of the company in letters no larger than 3 inches in height, or the dealer identification insignia may be displayed in an area not to exceed 6 inches in height by 12 inches in width to the rear of the front entrance at the lowest possible point. Pennsylvania Public Utility Commission and Interstate Commerce Commission certification numbers, and any other required commercial vehicle markings may be displayed.

(D) ROOF-TOP IDENTIFICATION. SCHOOL BUSES MAY DISPLAY THE FIRST EIGHT DIGITS OF THE TITLE NUMBER ON THE ROOF IN NUMBERS OF NOT LESS THAN 12.75 INCHES AND NOT MORE THAN 15 INCHES IN HEIGHT. LETTERING SHALL BE IN BLACK REFLECTIVE MATERIAL AND PLACED IN A LONGITUDINAL COLUMN WITH THE FIRST DIGIT BEGINNING AT THE FRONT AND THE LAST DIGIT ENDING TOWARDS THE REAR OF THE SCHOOL BUS AS ILLUSTRATED BELOW:



Annex A

\* \* \* \* \*

**§ 171.59. Lamps and signals.**

\* \* \* \* \*

(b) *Flashing signal lamps and stop signal arm devices.* The requirements for flashing signal lamps and stop signal arm devices are as follows:

\* \* \* \* \*

(2) *Stop signal arm devices.* Stop signal arm devices on school buses shall comply with FMVSS No. 131—See Appendix A—and the following requirements:

\* \* \* \* \*

(x) The stop signal arm shall be automatically extended so that it complies with subparagraph (viii), at a minimum, whenever the red signal lamps required by FMVSS No. 108, S 5.1.4—See Appendix A—are activated; except that a device may be installed that prevents the automatic extension of a stop signal arm. The mechanism for activating the device shall be within the reach of the driver. While the device preventing automatic extension is activated, a continuous or intermittent signal audible to the driver shall sound. The audible signal may be equipped with a timing device but shall require [requiring] the signal to sound for at least 60 seconds. If a timing device is used, it shall automatically recycle each time the service entry door is opened while the engine is running and the manual override is engaged.

\* \* \* \* \*

**§ 171.74a. Crossing Control Arm.**

School buses shall be equipped with a crossing control arm WHICH SHALL BE AUTOMATICALLY ACTIVATED WHENEVER THE BUS IS STOPPED WITH THE RED VISUAL SIGNALS IN USE.

(1) The crossing control arm shall meet or exceed SAE Standard J1133.

(2) The crossing control arm shall be mounted on the right side of the front bumper and shall not open more than 90°.

(3) The crossing control arm shall extend approximately 72 inches from the front bumper when in the extended position OR OTHERWISE BE OF SUFFICIENT LENGTH THAT, WHEN EXTENDED, THE END WILL BE IN VIEW OF THE SEATED DRIVER.

(4) The crossing control arm shall extend simultaneously with the stop arm by means of the stop arm controls.

(5) The crossing control arm shall incorporate system connectors (electrical, vacuum, or air) at the gate and shall be easily removable to allow for towing of the school bus.

(6) All components of the crossing control arm and all connections shall be waterproofed.

(7) If the crossing control arm is not constructed of noncorrosive or nonferrous material, it shall be zinc-coated or aluminum-coated or treated by equivalent process.

(8) There shall be no sharp edges or projections on the crossing control arm that could cause hazard or injury to students.

**Subchapter D. SPECIALLY EQUIPPED SCHOOL BUS STANDARDS**

**§ 171.104. Special service entrance doors.**

The requirements for special service entrance doors are as follows:

(1) [A single door may be used if the width of the door opening does not exceed 40 inches.

(2) Two doors shall be used if a single door opening exceeds 40 inches.] Either a single door or double doors may be used for the special service entrance.

[(3)] (2) \* \* \*

[(4)] (3) \* \* \*

[(5)] (4) \* \* \*

[(6)] (5) \* \* \*

[(7)] (6) \* \* \*

[(8)] (7) \* \* \*

[(9)] (8) \* \* \*

[(10)] (9) \* \* \*

[(11)] (10) \* \* \*

[(12)] (11) \* \* \*

**Subchapter E. SCHOOL VEHICLE STANDARDS**

**§ 171.123. First aid.**

(a) *Required.* Every vehicle shall have a removable moisture and [dustproof] dust proof first aid kit mounted in an accessible place within the driver's compartment. The first aid kit shall be mounted as directed by the manufacturer. The first aid kit shall be labeled and securely placed or mounted in an easily accessible location.

(b) *Content.* The first aid kit shall contain, at a minimum, the following items:

- (1) [Two] One 1 inch x 2 ½ yards rolls of non-latex adhesive tape [rolls].
- (2) [Twenty-four] One package sterile gauze pads, 3 inches x 3 inches.
- (3) [One hundred] One package ¾ inch x 3 inches adhesive bandages.
- (4) [Twelve] One package 2 inch bandage compresses.
- (5) [Twelve] One package 3 inch bandage compresses.
- (6) [Two] One 2 inch x 6 yards sterile gauze roller [bandages] bandage.
- (7) [Two] One nonsterile triangular bandage approximately 40 inches x 36 inches x 54 inches with [2] two safety pins.
- (8) [Three] One package sterile gauze pads, 36 inches x 36 inches (U.S.P. 2423 count).
- (9) [Three] One sterile eye [pads] pad.

\* \* \* \* \*

[(11) One pair latex gloves.

(12) One mouth barrier.]

\* \* \* \* \*

(d) Surgical gloves and mouth barriers. Either the first aid kit or the body fluid cleanup kit shall contain:

(1) One pair of non-latex surgical gloves.

(2) One mouth barrier.

**Subchapter F. MASS TRANSIT PUPIL TRANSPORTATION BUS STANDARDS**

**§ 171.133. First aid.**

(a) *First aid kit.* Every mass transit pupil transportation bus shall have a removable moisture and [dustproof] dust proof first aid kit mounted in an accessible place within the driver's compartment. The first aid kit shall be mounted as directed by the manufacturer. The first aid kit shall be labeled and visible to the driver or its location shall be marked.

(b) *Content.* The first aid kit shall contain, at a minimum, the following items:

(1) Two 1 inch x 2 ½ yards rolls of non-latex adhesive tape [rolls].

\* \* \* \* \*

(4) [Twelve] Eight 2 inch bandage compresses.

(5) [Twelve] Ten 3 inch bandage compresses.

\* \* \* \* \*

[(11) 1 pair latex gloves.

(12) 1 mouth barrier.]

\* \* \* \* \*



(d) Surgical gloves and mouth barriers. Either the first aid kit or the body fluid cleanup kit

shall contain:

(1) One pair of non-latex surgical gloves.

(2) One mouth barrier.



September 10, 2003

Robert E. Nyce  
Executive Director  
14<sup>th</sup> Floor Harrisstown 2  
333 Market Street  
Harrisburg, PA 17101

**Re: Regulation #18-372: 67 Pa. Code, Chapters 71 and 171 —  
School Bus Drivers, School Buses and Vehicles — Final Regulation**

Dear Mr. Nyce:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form for Amendments to 67 Pa. Code, Chapters 71 and 171, School Bus Drivers, School Buses and Vehicles, which the Department of Transportation today delivered to the majority and minority chairs of the House and Senate Transportation Committees. in accordance with the provisions of the Commonwealth Documents Law, Act of July 31, 1968, P.L. 769, 45 P.S. § 1201 *et seq.*, and the Regulatory Review Act, 71 P.S § 745.1 *et seq.* This final rulemaking package was previously submitted at the end of July and withdrawn on August 1, 2003 to make changes to pages 12 and 13 of Annex A.

The Department of Transportation will provide you with any assistance you require to facilitate a thorough review of this regulation. Thank you for your attention.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. F. J. Martin", written over a horizontal line.

Stephen F. J. Martin  
Regulatory Counsel

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 18-372

SUBJECT: School Bus Drivers, and School Buses and School Vehicles  
67 Pa. Code Chapters 71 and 171

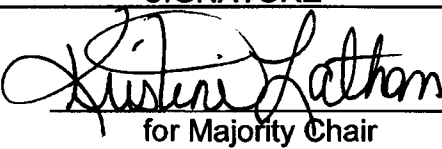

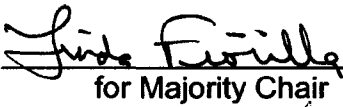

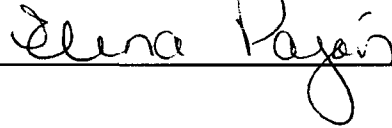
AGENCY: Department of Transportation

**TYPE OF REGULATION**

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor

RECEIVED  
 2003 SEP 10 PM 3:20  
 INDEPENDENT REGULATORY  
 REVIEW COMMISSION

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
9/10/03	 for Majority Chair	HOUSE COMMITTEE ON TRANSPORTATION
9/10/03	 for Minority Chair	
9/10/03	 for Majority Chair	SENATE COMMITTEE ON TRANSPORTATION
9/10/03	 for Minority Chair	
9/10/03		INDEPENDENT REGULATORY REVIEW COMMISSION
_____	_____	ATTORNEY GENERAL (N/A)
_____	_____	LEGISLATIVE REFERENCE BUREAU (N/A)

Date: September 10, 2003