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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

May 16, 2002

Honorable Bradley L. Mallory, Secretary  
Department of Transportation  
Keystone Building, 8<sup>th</sup> Floor  
400 North Street  
Harrisburg, PA 17120

Re: Regulation #18-372 (IRRC #2258)  
Department of Transportation  
School Buses

Dear Secretary Mallory:

Enclosed are the Commission's Comments which list objections and suggestions for consideration when you prepare the final version of this regulation. These Comments are not a formal approval or disapproval; however, they specify the regulatory criteria which have not been met.

The Comments will soon be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If you would like to discuss them, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce  
Executive Director  
evp  
Enclosure

cc: Honorable Richard A. Geist, Majority Chairman, House Transportation Committee  
Honorable Keith R. McCall, Democratic Chairman, House Transportation Committee  
Honorable Roger A. Madigan, Chairman, Senate Transportation Committee  
Honorable J. Barry Stout, Minority Chairman, Senate Transportation Committee

# **Comments of the Independent Regulatory Review Commission**

**on**

## **Department of Transportation Regulation No. 18-372**

### **School Buses**

**May 16, 2002**

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The Department of Transportation (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

#### **1. Section 71.3. Physical examination. - Clarity.**

Subsection (b) includes standards and procedures relating to physical qualifications for driving a school bus. Subsection (b)(2) states that a person is physically qualified when he or she "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." Subsections (b)(2), (b)(4)(i) and (ii), (b)(5)(i) and (b)(10)(i) identify conditions under which the Department may grant waivers. Subsection (b)(5)(i)(B) uses acronyms such as "METS" and "EKG." We have three concerns.

First, the Department should add a cross-reference in Subsection (b)(2) to its requirements for a driving examination. This comment also applies to the driving examination referred to in existing Subsection (b)(3)(ii)(C).

Second, it is not clear how a prospective driver would apply for a waiver. The Department should consider adding information describing the waiver process as well as how an applicant applies for a waiver or how the Department notifies an applicant or driver that they need a waiver.

Third, to enhance the readability of this regulation, the acronyms in Subsection (b)(5)(i)(B) should either be defined or replaced with the words that form the acronyms.

#### **2. Sections 171.47; 171.55. Color; Identification. - Public safety.**

Section 171.47 (relating to color) states: "The roof of the school bus may be painted white." Representative Jess M. Stairs suggested a provision requiring that the school bus identification

number be displayed prominently on the roof. He also suggested specific standards for the size of the letters and numbers in the identification number. This requirement would allow for quick identification of a bus involved in an accident, stolen, hijacked or lost. The Department should consider the addition of this provision to Sections 171.47 and 171.55 (relating to identification).

**3. Section 171.52. First aid. - Clarity.**

In the existing regulation, Subsection (c) reads: "*Body fluid clean-up kit.* Every school bus shall have a removable and moisture proof body fluid clean-up kit. It shall be securely placed or mounted in an easily accessible location and labeled as a body fluid clean-up kit." What are the content requirements for a "body fluid clean-up kit"? This question also applies to Subsection (c) in Sections 171.123 and 171.133.

**4. Section 171.74a. Crossing control arm. - Clarity.**

This section requires school buses to be equipped with a crossing control arm consistent with the provisions contained in Act 151 of December 21, 1998. The regulation should reference the criteria found in Section 4552(b.2) of the Vehicle Code (75 Pa.C.S.A. § 4552(b.2)) requiring the crossing control arm to be "automatically activated whenever the bus is stopped with the red visual signals in use."

**5. Section 171.123. First aid. - Clarity.**

The amendments to Subsections (b)(2) - (b)(5) and (b)(8), relating to the contents of the first aid kit, replace specific numbers of items including sterile gauze pads, adhesive bandages and compresses, with the term "one package" of each item. This could lead to confusion regarding the required contents of "one package." In the final-form regulation, the Department should specify the minimum number of items that are to be included in the package.