

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio State Highway Patrol

Regulation/Package Title: Transportation of Pupils

Rule Number(s): 4501-1-01 thru 4501-1-17 Ohio Administrative Code

Date: 10/12/2012

Rule Type:

☐ New

☒ Amended

☒ 5-Year Review

☐ Rescinded

Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

These rules set forth the operations and licensing requirements for any person (business), who is not operating under permit of the United States Department of Transportation, the Public Utilities Commission of Ohio, or a franchise of a political subdivision, to engage in the business of, or enter into contract with a board of education of any school district for transporting students to and from school functions on a school bus. There are no recommended changes to the rules with the exception of rules 4501-1-05 and 4501-1-08, which have been updated to reflect current Administrative Code references.

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2. Please list the Ohio statute authorizing the Agency to adopt this regulation. R.C. 4511.76
3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?
No.
4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement. N/A.
5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)? To implement provisions of section 4511.76 of the Revised Code regarding the licensing and operations of persons who provide pupil transportation in vehicles other than a public school bus in such a manner as to effectively increase the safety and protection of students who are in their care.
6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes? The Ohio State Highway Patrol inspects privately licensed school buses at a *minimum of twice per year and reviews all providers' records annually*. Any provider found to be deficient in an area related to pupil transportation is recommended for *administrative action up to and including the revocation of the provider's pupil transportation license*. The success of these rules will be measured by the number of violations found during these inspections and reviews and the number of complaints received by the public.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.
Fountain City Christian School, Gilmorr Academy, Harvest Preparatory School, Hershey Montessori School, Jefferson County Community Action Council, Kingsway Christian School, Knox County Head Start, Lehman Catholic High School, Massillon Baptist Temple and Maumee Valley Country Day School. All of the above stakeholders were surveyed for input on Administrative Code rule 4501-1.
8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency? None. The stakeholders were e-mailed on September 11th and given until September 21st to review the rule and provide input to the State Highway Patrol.
9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed? N/A.

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10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why *didn't the Agency consider regulatory alternatives*? The ability to develop alternative and flexible means to meet minimum requirements for licensing is limited by 4511.76 and cannot be mitigated by rule.
11. Did the Agency specifically consider a performance-based regulation? Please explain. No. Licensing requirements are regulated by 4511.76.
12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation? A review of applicable sections of the Revised Code and Administrative Code was conducted. Additionally, the Ohio Department of Education (ODE) was contacted for further insight, and no duplication between OSHP and ODE regulations was identified.
13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community. No changes are recommended. Will continue to enforce the regulation as we currently do.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:
 - a. Identify the scope of the impacted business community. There are currently 210 licensed private pupil transportation providers in Ohio.
 - b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance). A private pupil transportation provider is required to submit proof of insurance for the business, a performance bond for each bus operated, and evidence of a valid CDL, driver abstract, medical exam, training, and BCI&I background check for each school bus driver. Failure to comply with the requirements of the rules may result in denial of application, or for licensed providers, administrative action, up to and including revocation.
 - c. Quantify the expected adverse impact from the regulation.
The following costs are related to a private pupil transportation provider complying with the required rule:
 1. Background check for driver \$35
 2. Medical exam for driver \$75
 3. Pre-service training for driver \$35

4. Insurance for per school bus annually \$900

- 15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community? To ensure the safety and protection of students who are in the care of pupil transportation providers.**

Regulatory Flexibility

- 16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain. No. Section 4511.76 of the Revised Code applies to both public and private transportation. There are no exemptions for small businesses, to ensure the safety of pupil transportation.**
- 17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation? First-time offenders are subject to other forms of administrative action which include suspension, revocation or other appropriate action. For clerical errors and management oversight, the State Highway Patrol allows sufficient time to make the necessary corrections and/or submit the updated information without imposing a penalty.**
- 18. What resources are available to assist small businesses with compliance of the regulation? Reference material associated with the rule can be found at the State Highway Patrol's website (*statepatrol.ohio.gov*), Department of Public Safety's website (*publicsafety.ohio.gov*) and the Ohio Department of Education's website (*ode.ohio.gov*). Employees of the Ohio State Highway Patrol are also readily available as a resource to answer questions and address concerns.**