

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio State Highway Patrol

Regulation/Package Title: School Bus Minimum Standards

Rule Number(s): 4501-5-01 thru 4501-5-04 Ohio Administrative Code

Date: October 31, 2013

Rule Type:

☐ New

☒ 5-Year Review

☐ Amended

☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. 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 construction and design standards that school buses must meet to be operated in Ohio. These rules also address the standards for school buses used to

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transport pupils with special needs and the evaluation requirements for new equipment or changes to existing equipment on school buses. There are several recommended changes in the rules due to changes in technology since the last five-year rule review was completed.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation. 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 manufacturing, inspecting and licensing of private and public school buses. The regulation ensures that the school bus is the safest mode of transportation for schoolchildren.
6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes? The Ohio State Highway Patrol inspects all school buses at a minimum of twice per year. The Ohio State Highway Patrol also chairs the Ohio School Bus Construction Standards Committee. The success of these rules will be measured by the number of violations found during the inspections and the information shared at the quarterly school bus construction standards meetings.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation. Ohio Department of Education, Dublin City Schools, Norton City Schools, Centerville City Schools, Greenon Local Schools, Lake County Board of DD, Cuyahoga County Board of DD, Myers Equipment, Hocking Logan Schools, Kenston Local Schools, Fremont City Schools, VAT, NHTSA, Thomas Buses, International Buses and Blue Bird Buses were e-mailed on August 22, 2013 and asked to respond by September 5, 2013. In addition, the Ohio School Bus Construction Standards Committee has representatives from the following entities: Ohio Department of Education, National Highway Traffic Safety Administration, School Bus Dealers, Ohio School Bus Mechanic's Association, Rural Schools, Urban Schools, Private Pupil Transportation and Schools with Developmental Disabilities.

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8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency? None.
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? None.
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 school bus construction and design standards is limited by 4511.76 and cannot be mitigated by rule.
11. Did the Agency specifically consider a performance-based regulation? Please explain.
No. Construction and design standards are regulated by 4511.76.
12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation? The applicable sections of the Revised Code (4511.76, 4511.01, 4511.771, 4511.761, 4511.762, 4511.763, 4511.764 and 4511.77) and Administrative Code (4501-5-01 thru 4501-5-04), (4501-1-15) and (Ohio Department of Education 3301-83) were reviewed to ensure that these regulations for school bus construction standards do not conflict with or duplicate regulations governing providers of school transportation.
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. All public and private school buses will be inspected at a minimum of twice each year, one announced (annual) inspection and one unannounced (spot) inspection. The Ohio State Highway Patrol has 23 motor vehicle inspection teams assigned across the state to inspect school buses. The teams attend in-service training on an annual basis. In addition to the in-service training, they attend workshops sponsored by the Ohio School Bus Mechanics Association and the annual school bus inspection manual meetings. All 23 teams utilize the same school bus construction standards and school bus inspection manual to perform their duties.

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; On average, Ohio has 22,902 school buses on the road per year.**
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); The costs associated with complying with these rules would be the cost of manufacturing a school bus and maintaining the school bus so it passes inspection.**
- c. Quantify the expected adverse impact from the regulation.**

The average cost for a conventional school bus in Ohio is \$74,761.00. This was based on the prices provided by the three major school bus manufacturers. (Blue Bird, International and Thomas)

The average cost for a conventional school bus used to transport special needs students in Ohio is \$79,308.00. This was based on the prices provided by the three major school bus manufacturers. (Blue Bird, International and Thomas)

The average cost for maintenance over a one year time period for a school bus is \$4,161.00. This was based on the costs provided by six school districts in Ohio. (Southwestern, Columbus, Dublin, Logan Hocking, Toledo and Wilmington)

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community? The regulatory intent was justified by the fact that the same requirements are mandated for all school buses, private and public, by the Administrative Code. The regulation provides a safe mode of transportation for schoolchildren.

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 school buses. 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 a warning and meeting to remedy repairs/violations discovered during inspection. For clerical errors and management oversight, the State Highway Patrol allows sufficient time to make the corrections/repairs without imposing a penalty.**
- 18. What resources are available to assist small businesses with compliance of the regulation? Reference material associated with the rules can be found at the State Highway Patrol's website (www.statepatrol.ohio.gov), Department of Public Safety's website (www.publicsafety.ohio.gov), Ohio Department of Education's website (www.education.ohio.gov) and Ohio School Bus Mechanic Association's website (www.osbma.org). Employees of the Ohio State Highway Patrol are also readily available as a resource to answer questions and address concerns.**