

**MEMORANDUM**

**TO:** Joseph Kirk, Ohio Department of Public Safety

**FROM:** Christopher Smyke, Regulatory Policy Advocate

**DATE:** October 12, 2017

**RE:** **CSI Review – Transportation of Pupils (OAC 4501-1-01 to 4501-1-17)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of two amended and fifteen no-change rules submitted by the Ohio Department of Public Safety (DPS) for their statutorily-required five-year review. It was submitted to the CSI Office on July 25, 2017 and the comment period closed on August 16, 2017. No comments were received during this time.

Ohio Administrative Code (OAC) Chapter 4501-1 encompasses the administrative, operational, and licensing requirements for entities that engage in the business of transporting students to and from school functions in a school bus. These rules do not apply to entities that operate under permit of the U.S. Department of Transportation, the Public Utilities Commission of Ohio, or a franchise of a political subdivision. Proposed amendments include a minor language change in OAC 4501-1-01 and two form reference updates in Rule 4501-1-04. Otherwise, there are no proposed changes to the rules.

The BIA includes a list of stakeholders contacted during early stakeholder outreach, which included some private schools and county-level programs. DPS sent an email to the listed stakeholders soliciting input and held the comment period open for two weeks. No input was

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received during early stakeholder outreach and no comments were received during the CSI public comment period.

The BIA identifies the impacted business community as the 210 licensed private providers of pupil transportation services. Licensees must submit proof of insurance and evidence of a valid Commercial Driver's License, medical exam, training, and background check. In addition, providers must obtain a performance bond for each bus operated. The BIA quantified the financial cost of required background checks (\$35), medical exams (\$75), and pre-service training (\$35) for drivers, as well as the annual cost of insurance for each school bus (\$900). Failure to comply with the rules may result in administrative discipline, including the denial of an application, suspension, or revocation of a license.

DPS justifies these rules by citing the need to ensure the safety and well-being of students while they are under the care of licensed transportation providers. After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

### **Recommendation**

For the reasons explained above, the CSI office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio Department of Public Safety should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Emily Kaylor, Lt. Governor's Office