

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Public Safety – Ohio State Highway Patrol

Regulation/Package Title: School Bus Minimum Standards 2018

Rule Number(s): 4501-5-01 to 4501-04 OAC

Date: August 23, 2018

Rule Type:

☐ New

☒ Amended

☒ 5-Year Review

☐ Rescinded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.

Please include the key provisions of the regulation as well as any proposed amendments.

The rules set forth the construction and design standards that school buses must meet to be operated in Ohio. The rules also address the standards for school buses used to transport pupils with special needs and the evaluation requirement for new equipment or changes to

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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 ORC.

- 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?**

If yes, please briefly explain the source and substance of the federal requirement.

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)?**

The rules implement provision of Section 4511.76 of the Revised Code regarding the manufacturing, inspection and licensing of private and public school buses. The regulations ensure that schools buses are 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 has an advisory group to help advise and create standards based on the development of new technology and requirements. The success of these rules will be measured by the number of violations found during the inspections and the information shared with advisory group.

Development of the Regulation

- 7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

If applicable, please include the date and medium by which the stakeholders were initially contacted.

A meeting of the advisory group as well as other interested parties was held at the Ohio Department of Public Safety, 1970 West Broad Street, Columbus, OH 43223 on July 31, 2018. The following groups/individuals attended the stakeholder meeting:

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Tamara Spivey – Swanton Public Schools; Jeff Vrabel Sr. – Dayton Public Schools; Tony Rumer – Cardinal Bus Sales; Katie Stok, Chad Duncan – IC Bus; Steve Coil – Rush Bus Centers; Steve Puchta – Ohio Department of Education; Lt. Aaron Reimer – Ohio State Highway Patrol; Craig Myers – Myers Equipment-Thomas Built Buses; Joel Smith Ohio CAT/Thomas Built Buses; Rick Stanley- Thomas Built Buses; Pete Japikse – Ohio School Boards Association.

- 8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

Changes are made throughout Chapter 4501-5, OAC to update changes in technology and updates in manufacturer/dealer processes. Department staff went through the rules paragraph by paragraph during the stakeholder meeting and a consensus was reached on all proposed amendments.

- 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 Section 4511.76, ORC and cannot be mitigated by rule.

- 11. Did the Agency specifically consider a performance-based regulation? Please explain. Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.**

No. Construction and design standards are regulated by 4511.76, ORC.

- 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 rules (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.**

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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, inspection teams attend workshop sponsored by the Ohio School Bus Mechanics Association and the annual school bus inspection manual meetings. All inspection 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 20,103 school buses on the road per year spread across 614 school districts. Additionally there are 3 major manufacturers that serve Ohio and dozens of dealers

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

The costs associated with complying with these rules are the cost of manufacturing a school bus and maintaining the school bus in order to keep current with inspection standards.

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

The average cost for a conventional school bus in Ohio is \$78,000. This was based on the prices provided by the three major school bus manufacturers. (Blue Bird, International (IC) and Thomas Built)

The average cost for a conventional school bus used to transport special needs students in Ohio is \$81,000. 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 \$4,200.00. This cost is 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?

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The impact is 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 in relation to the provision of safe transportation for schoolchildren.

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 management oversight, the Ohio State Highway Patrol allows sufficient time to make the corrections/repairs without imposing a penalty. Buses are placed out of service if they do not meet inspection standards until such time as the violations can be remedied.

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.