

Purchase & Use of 14 Passenger School Buses by FTA Funding Recipients

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Background

National attention is being placed on the purchase and operation of small buses as an alternative for transportation providers and community transit systems that have traditionally operated small commercial vehicles.

The National Highway Traffic Safety Administration (NHTSA) has developed Federal Motor Vehicle Safety Standards (FMVSS) which relate to vehicles "significantly" used to transport children "to and from" school or related events. These standards are designed to ensure that children are protected by the more stringent "school bus" construction requirements instead of by conventional commercial vehicle requirements. Among other requirements, the FMVSS require greater rollover and greater side-impact protection than the standards for commercial units or vans.

The regulations make it illegal for a regular car dealer or commercial vehicle dealer to sell a new "bus" (any vehicle which has a seating capacity of 11 persons or more) to an organization by which the vehicle will be used significantly to transport children.

Key Events Leading to the Development of the Multifunction School Activity Bus (MFSAB)

September 1998 - NHTSA issues *School Transportation Director*. Report notes that "school" has been defined to include pre-school and day care, as well as traditional K-12 public and private schools.

December 1999 - National Transportation Safety Board (NTSB) study resulted in three recommendations.

1. Require that all vehicles carrying more than 10 passengers and transporting children to and from school and school related activities meet federal school bus structural safety standards;
2. Revise State and local laws to eliminate any exclusions or exemptions pertaining to the use of age appropriate restraints in all seat belt-equipped vehicles carrying more than 10 passengers and transporting school children; and
3. Adopt and encourage the implementation of NHTSA's *Guidelines for the Safe Transportation of Preschool Age Children in School Buses* by all operators of school buses that transport preschool-age children to and from school or school-related events."

January 2001 - Federal Head Start Bureau published their final rule implementing far-reaching transportation regulations for local Head Start grantees. The primary rule is that Head Start transportation must be provided either in school buses or "allowable alternative vehicles" (AAVs) which are essentially school buses without the crash avoidance equipment, i.e., eight way flashers and stop arms. (Note that Head Start has no authority to create bus categories. Head Start programs were given until January 1, 2006 to comply. Recently the date was extended again, this time until July 1, 2006.

August 2003 NHTSA's final rule for the "multifunction school activity bus" (MFSAB) went into effect. In the rule's Executive Summary it states:

"We anticipate that this final rule will also facilitate efforts by the FTA to provide funding to Head Start programs and coordinated transportation providers to purchase MFSABs. Currently the FTA is prohibited from providing financial assistance to purchase regular yellow school buses that exclusively transport students and school personnel in competition with a private school bus operator. We anticipate that the new buses will be used for coordinated transportation purposes by state and local social service agencies, which, for example, may use the MFSABs to transport children from Head Start facilities to school in the morning, and to transport senior citizens later in the day."

General Specifications Used by COAST:

1. ADA: Federal Transit Administration and other standards require that COAST vehicles meet all of the requirements of the Americans with Disabilities Act (ADA) - There is only one current problem meeting ADA requirements. Current school buses do not allow for sufficient height at the lift entrance door. This means that these buses could not be purchased and operated by a public transit system that planned to use the bus for *fixed route* service. School bus manufacturers have been reluctant to install ADA required entrance area handrails, stanchions, and overhead handrails but these are not prohibited by federal school bus standards.

2. Configured to be Less Than 15 Passengers (non-CDL) - At various times in their life cycle these vehicles may be operated by volunteer, community-based drivers. For that reason I want the vehicles to be of seating capacity that does not require that every driver have a Commercial Drivers License (CDL). The federal CDL requirement is for vehicles that have been manufactured to seat 16 or more passengers including the driver. Currently, whether or not CDLs are required for MFSABs is an unresolved local and national issue.

3. Built to federal school bus or MFSAB standards - The laws and administrative codes of Washington State allow any type of operator to operate a school bus. These operators may operate 8-way flashers and stop arms regardless of the persons being transported. In addition a system's driver trainer qualifies to be trained by the Office of the Superintendent of Public Instruction (OSPI). An OSPI trainer may train and certify bus drivers. Also the Washington State Patrol's inspectors will provide free, yearly, appropriate bus safety inspections.

4. Eligible for Purchase Using FTA Funding - FTA requires that vehicles purchased with FTA funding meet many standards. The two most relevant standards are "Buy America" and "Altoona testing."

5. Equipped With Comfortable Seating Including Adequate Spacing - The vehicles in the COAST system are used to transport adults including those with limited flexibility, those that may be obese, and those who are very frail. Ideally the seating would be high backed, well padded and spaced to allow for ample space for the anticipated physical needs of the drivers. FMVSS allows for a maximum seat spacing which is almost identical to that specified by community transportation providers when purchasing commercial "paratransit" vehicles.

6. Shoulder and Lap Belts - Shoulder and lap belts provide necessary support for all riders and can be used with approved booster chairs and child car seats. The shoulder/lap safety belts are now being integrated into approved school bus seating. In addition the new seating has LATCH attachment points built into it to allow for metal-to-metal positive attachment of booster chairs and child car seats.

7. Recessed Track Seating Attachment - For COAST's operating parameters we wanted track seating to allow us to adjust to wider seat spacing than is allowed by FMVSS. NHTSA allows seats to be moved but they must be re-positioned when the bus is to be used to transport children to and/or from school. Track seating attachment is available from school bus manufacturers and accessory manufacturers but the operating standards related to mixed spacing and seat movement are informal and have not been published by NHTSA.

8. Paint Colors Other Than "School Bus" Yellow - This point has received much discussion. Some think that school bus yellow, coupled with crash avoidance equipment, flashers and stop arm, provides the highest level of safety. Some states prohibit this color if the bus is not being operated as a "school bus." The counter point is that the flashers and stop arm create the safety and an alternate color and/or logos and other distinctive color schemes would allow the general public to recognize "community transportation" vehicles being operated in integrated service. I have decided to pitch my camp with the latter philosophy.

Summary: The only remaining major barrier is reaching the required ADA lift door height of 64" in a vehicle over 22' in length or of 58" in a shorter vehicle. This is only a barrier if a public body is going to operate the vehicle in fixed-route service.